



Appeal Decision

Site visit made on 13 June 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/D3640/W/22/3304575

Land East of New Place, London Road, Sunninghill, Ascot, SL5 9SD

- 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 Dakota Arnold against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1133/FFU, dated 8 November 2021, was refused by notice dated 8 February 2022.
 - The development proposed is erection of a detached dwelling with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that following the additional Ecological Walkover Survey undertaken by Surrey Wildlife Trust¹ the second reason for refusal has been addressed, subject to a suitable Landscape and Ecological Management Plan condition, should permission be allowed.
3. In regard to the third reason for refusal and the impact of the proposal on the Thames Basin Heath Special Protection Area (SPA), the Council have confirmed that the appellants have paid a contribution of £1,228.63 toward Strategic Access Monitoring and Maintenance (SAMM) in accordance with Policy CP14B of the Surrey Heath Borough Council Core Strategy and Development Management Policies Document 2011 – 2028 (SHCS) adopted February 2012, and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD). I have addressed this in the other considerations section below.

Main Issues

4. The main issues are:
 - 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 and the effect on openness; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

¹ Letter from Surrey Wildlife Trust dated 19th June 2022 (Ref: 5813-1)

Reasons

Whether inappropriate development

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. These exceptions include criterion e) limited infilling in villages and criterion g) limited infilling or the partial or complete redevelopment of previously developed land (PDL) providing it would not have a greater impact on the openness of the Green Belt than the existing development. I shall deal with these in turn.
7. The appellant contends that the proposal would infill an area of land as an extension to the Sunningdale village envelope. Relevant case law² dictates that the village boundary defined on a proposals map should not be determinative where the boundary does not accord with the Inspector's assessment of the extent of the village on the ground. The appellant highlights that the Sunningdale settlement does not fall under the administrative boundary of Surrey Heath Borough Council, and is located within Royal Borough of Windsor and Maidenhead (RBWM). The appellant further highlights that Sunningdale is identified as a larger village³ in the RBWM Local Plan 2013 – 2033 adopted February 2022.
8. I have not been provided with any evidence that the appeal site is located within the Sunningdale village boundary, as it appears from the RBWM Local Plan that larger villages do not have a defined boundary line. However, from my site observations the appeal site consists of a relatively open and undeveloped area, other than a gated entrance and accessway. To the east the appeal site adjoins Elm Park, a small residential close consisting of five detached dwellings. To the north, beyond an established and well vegetated boundary is Knole Wood, a private flatted development, with New Place, a large dwelling that has been subdivided adjoining the site to the west. The site fronts London Road (A30) opposite several dispersed large detached dwellinghouses with the Sunningdale Golf Course located further south behind these units.
9. The residential units extend away from the Sunningdale primary shopping area, forming a defined and relatively tight-knit suburban grain providing a village type feel. Sunningdale itself provides a range of facilities and services within the immediate area and is within walking distance from the appeal site. In my view, this would represent a village setting, and whilst on its periphery, the appeal site could be considered as part of this setting. As such, it is prudent to assess the remaining considerations of whether the proposal would amount to 'infilling' and if so, if it would be 'limited'.
10. Limited infilling is not defined in the Framework. However, I am directed to the Glossary of the SHCS, which defines infill development as: '*Development of a vacant site in a substantially developed frontage or area.*' These are logical parameters to have regard to in terms of defining infilling.

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

³ Paragraph 6.18.3 and footnote 5 of the RBWM Local Plan 2013 – 2033 page 60

11. From my site observations there is a consistent pattern of relatively tight-knit ribbon development on the northern side of London Road, as one approaches the appeal site from Sunningdale village in the east. The properties in Elm Park form the end of the closely connected rows of dwellings along London Road. As a result whilst Sunningdale village itself has a rather sprawling building pattern, it is characterised by a more regular rhythm of dwellings along each of the roads, particularly on London Road. However, the character further west from Elm Park (including the appeal site) provides more open character with a looser development pattern. I observed that plots were larger and more sporadic with irregular gaps between buildings, rather than the more tightly arranged pattern as present along the preceding section of London Road and the wider residential areas to the north and east of Devenish Road.
12. The more sporadic and freer development pattern and larger plots are evident to both sides of the road to the west of the appeal site. Given the change in character and pattern of development after Elm Park, in contrast with the clear ribbon development preceding it, I consider that the dwelling proposed would not represent a substantially developed frontage. Moreover, extending development beyond the clearly defined pattern of ribbon development would, to my mind, represent encroachment into the countryside and merging neighbouring towns, contrary to the fundamental purposes of including land in the Green Belt, purposes against which the general land parcel performs well⁴.
13. For completeness, the term 'limited' suggests a restriction in size, amount or extent. To my mind this requires consideration of, for example, the nature and size of the development itself, the location of the appeal site and its relationship to other existing development adjoining and adjacent to it. In order to fill the gap, the proposed dwelling and plot size would be noticeably larger and set further apart than those in Elm Park and along the adjoining section of London Road. The proposal would therefore not be reflective of the more tightly arranged ribbon development in this part of Sunningdale village. This leads me to conclude that the appeal site is not a relatively small gap between dwellings and thus not 'limited'.
14. For these reasons, I conclude that the appeal proposal does not constitute 'limited infilling in villages'. It would therefore not meet the exception listed at paragraph 149. e) of the Framework. The proposal would not be 'limited infilling' for the reasons set out above, as such I will need to assess whether the proposal would involve the partial or complete redevelopment of PDL.
15. I now refer to paragraph 149. g) of the Framework in respect to PDL. The Framework defines PDL, as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.
16. From my site observations, there is a prominent walled access and set of gates installed at the site and a tarmacked access road running through the site toward New Place to the west of the site. From the evidence before me, this has been granted planning permission⁵. As such, the appeal site, in my view, would be considered PDL. The second limb of paragraph 149. g) requires any redevelopment of such land to not have a greater impact on openness than the existing development.

⁴ Surrey Heath Green Belt Review 2017

⁵ Surrey Heath Borough Council Planning Ref: 99/0756

17. As stated, the extent of the existing development consists of relatively modest structures including walls, gates and an accessway. The proposal for a dwellinghouse would provide a significant increase in the amount of development at the site, which would have an impact on the spatial and visual aspect of openness.
18. The proposal would introduce a substantial quantum of residential development on to a site which other than the aforementioned structures is generally open and free from any significant permanent development. Therefore, the introduction of built form as proposed, would have a significant adverse impact on the openness of the Green Belt in spatial terms.
19. It is acknowledged that the design has sought to minimise the visual impact of the proposal on openness through partially sinking the development and utilising and enhancing existing vegetation and landscaping. The innovative and modern design treatment, incorporating green sedum roofs would also limit public views along London Road given the existing gated treatment and well-established green screening along the roadside boundary. Therefore, I conclude in visual terms, that the proposal would have no significant effect on the visual aspect of openness of the Green Belt. Whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt.
20. Bringing these strands together, I find that the proposal does not meet the exceptions in Framework paragraph 149. e) or the exception in paragraph 149. g). The proposal is therefore inappropriate development in the Green Belt. It would also result in encroachment into the countryside and would represent urban sprawl, contrary to the purposes of including land in the Green Belt as set out at paragraph 138 of the Framework.

Other considerations

21. The proposal would deliver a new home and is an intended self-build dwelling. As such the proposal would contribute to the Government's objective of significantly boosting the supply of homes. Furthermore, it would add to the choice and mix of housing in the local area, in line with footnote 28 of the Framework which provides that, amongst other things, local authorities must give enough suitable development permissions to meet the identified demand for self-build and custom house building. I also note the policy support that central government gives to self-build housing, such as through the Self-build and Custom Housebuilding Regulations 2016.
22. Whilst this matter weighs in favour of the proposal, the information before me to support the fact that it would be a genuine self-build proposal is limited, and there is no mechanism, such as a legal agreement, that would ensure that it is delivered as a genuine self-build development. I therefore give this matter limited weight.
23. The appeal site falls within the Zone of Influence of the Thames Basin Heath SPA. This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). The Habitats Regulations impose a duty on me, as the competent authority, to consider whether the proposal would be likely to have

a significant effect on the integrity of the SPA, either alone or in combination with other plans and projects.

24. The Council has advised that the proposed development may adversely impact the SPA due to the net increase in residential units on the site. To avoid any adverse impact, the Council's adopted Thames Basin Heaths Special Protection Area Avoidance Strategy SPD provides a tariff-based approach to mitigate the impact of recreational disturbance on the SPA. The Council have confirmed that the SAMM contribution has been received. However, the proposal also requires the provision of Suitable Alternative Natural Greenspace (SANG). This is collected through Community Infrastructure Levy (CIL) providing that there is sufficient SANG available. The Council have confirmed that there is sufficient SANG available and this would be collected through CIL should I allow the appeal. In any event, as I am dismissing the appeal due to being inappropriate development in the Green Belt and harming its openness, I do not need to consider this matter further, as no significant likely effects on the SPA would arise from my decision.
25. The scheme would deliver biodiversity enhancements in excess of either local or national policy requirements, amounting to a Biodiversity Net Gain of 29.09% for non-linear habitats and 100% gain for linear habitats. The management of these enhancements would need to be secured through a planning obligation. The proposal could also deliver other ecological enhancements including habitat for reptiles and invertebrates, bat boxes, bird nesting boxes and new wildflower bed and hedgerow planting. This would be a modest environmental benefit of the scheme.
26. The proposal would also result in some small social and economic benefits, including the support future occupiers would give to local businesses and services. The proposal also benefits from a contemporary design, which includes a number of eco-friendly enhancements. The sufficiently sized unit would also be in a relatively accessible location. To these benefits I apportion limited weight given the scale and nature of the proposed development.

Green Belt balance and conclusion

27. 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 reduction in the spatial aspect of Green Belt openness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
28. The other considerations are not of sufficient weight to amount to the very special circumstances necessary to justify the proposal. There are no material considerations that indicate that the appeal should be determined other than in accordance with the Green Belt provisions of the Framework.
29. For the reasons above, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR