



Appeal Decision

Site visit made on 16 August 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/T0355/W/23/3321489

Glebe House Darvills Lane, Shurlock Row, Reading RG10 0PF

- 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 and Mrs Sambhi against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/03027, dated 11 November 2022, was refused by notice dated 8 February 2023.
 - The development proposed is a detached outbuilding with machinery/vehicle store following demolition of existing stables.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any other relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether the 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 development.

Reasons

Is the development inappropriate?

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. 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. Relevant exceptions include paragraph 149(d), which concerns the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. Policy QP5 of the Borough Local Plan 2013-2033 (BLP) sets out that certain forms of development are not considered inappropriate with the Green Belt as defined in the Framework.

6. The proposal would involve the replacement of an existing stable block within the domestic curtilage of the existing residential dwelling comprising four loose boxes with a five bay building comprising two stables, a central feed store, a hay store, a mini tractor shed and lean to log store.
7. The proposal would involve the replacement of a building with a new building in the same use and the Council has indicated in its planning report that this would result in an increase in floor area of 45.4% and an increase in volume of 84.9%. The appellants accept that these figures clearly point to a quantitative increase but considers that the replacement of a modest outbuilding with another modest outbuilding is immaterial and the proposal would not have a noticeable impact upon the openness of the Green Belt, especially in the context of the extensive equestrian facilities nearby.
8. However, the exception provided by paragraph 149(d) of the Framework primarily requires an objective assessment by reference to the size of the existing building in comparison to the size of the proposed building. The proposed replacement building would be higher and would have a greater footprint than the existing building which in my judgement would result in a fairly substantial increase in both floor space and volume.
9. Consequently, I conclude that the proposed new building would be materially larger than the building it would replace. It would not therefore meet with the requirements of paragraph 149(d) of the Framework.
10. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which would be, by definition, harmful. It would therefore conflict with Policy QP5 of the BLP, and the relevant policies of the Framework as set out above.

Openness

11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, the overall increase in floor space and volume would be substantial. The footprint of the building would also be increased and by occupying space that was previously undeveloped, the proposed development would harmfully reduce the openness of the site.
12. Furthermore, the increased height would also remove an element of the spatial openness around the site. Visually, being to the side of the existing house, which is set back from the road, the proposed building would have limited presence in public views. Nonetheless, overall, the proposal would harm openness to which I give substantial weight.

Other Considerations

13. The appellants highlight that the proposed development would be for private equestrian use and so could be partly justified with reference to paragraph 149 (b) of the Framework which provides a further exception for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
14. However, the proposal is for private equestrian use which would therefore be ancillary to the main residential use of the appeal site. It follows that the

proposal would not be for the provision of appropriate facilities in connection to the existing use of the land for outdoor sport or outdoor recreation and there is no proposal before me to change the use of the land.

15. As a result, I do not consider the proposal would fall to be considered under this exception. Moreover, even if I was persuaded that the exception did apply, given my findings that proposal would not preserve openness, it would still fail this exception and would amount to inappropriate development within the Green Belt.
16. The appellants have highlighted the extent of the development nearby at Glebe Farm and I saw parts of this site at my visit. It appears that new equestrian facilities at Glebe Farm have been approved under the Framework exception in relation to paragraph 149(b). However, I am not satisfied that this should weigh in favour of the proposal as the existing use of that land appears to be materially different to the existing use of the appeal site. The presence and planning history of this adjoining site provided limited weight in favour of the appeal proposal.
17. The appellants set out the allowance for permitted development rights for incidental buildings within the curtilage of a dwelling. The case is made that a similar, albeit lower building could be achieved compared with the appeal proposal and they reserve the right to pursue this as a fall-back option. However, no detailed proposals have been provided in support of this possible fallback. As a result, I am unable to find that there is a greater than theoretical possibility that the appellant would use their permitted development rights in this way.
18. Even if ultimately, they did pursue this approach, permitted development rights would not allow for a building as tall as the appeal scheme. Therefore, on this basis, it appears that a building with a similar footprint built under permitted development rights would have less impact on openness than the appeal scheme with its higher ridge and bulkier roof form. Consequently, I give this potential fallback option limited weight in the determination of the appeal.
19. Drawing all these matters together, I conclude that the other considerations and arguments in favour of approval are reasonably modest in extent and I afford them limited weight in favour of approval.

Green Belt Balance

20. I have found that the other considerations and arguments in favour of approval should merit limited weight. In accordance with the Framework the harm to the Green Belt by way of inappropriateness and openness should be afforded substantial weight.
21. Accordingly, I conclude that the harm to the Green Belt would not be clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

22. In summary, the proposal would conflict with the development plan and the Framework and there are no material considerations to suggest the decision should be made other than in accordance with the development plan.

Therefore, for the reasons given and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Rawle

INSPECTOR