
Appeal Decision

Site visit made on 31 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/T0355/W/23/3324024

Land adjacent to Seymour House, Ascot Road, Holyport, Maidenhead SL6 3LA

- 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 Ibrahim Mohamed against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/03302, dated 9 December 2022, was refused by notice dated 17 February 2023.
 - The development proposed is a detached new dwelling with access gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above site address is taken from Part D of the appeal form and the Council's decision notice. This is in the interests of clarity.
3. Since the appeal was lodged the Government published the revised National Planning Policy Framework (2023) (the Framework) in December 2023. The parties have had the opportunity to comment upon the implications of this for their cases.
4. The Council's second reason for refusal related to a lack of information about ecology and biodiversity net gain. A Preliminary Ecological Appraisal¹ has been submitted, which sets out that the site generally has negligible potential for the presence of protected species, apart from amphibians, for which there is a low potential given the waterlogged soil features on site. In addition, the submitted net biodiversity calculator demonstrates that there will be a net biodiversity gain on site. The Council are satisfied this demonstrates that the proposal would not result in ecological harm and would result in a biodiversity net gain. As such, the Council is not pursuing this reason for refusal.

Main Issues

5. The main issues are as follows:
 - whether the proposal would constitute inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and

¹ By Betts Ecology & Estates, 4/23

- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

6. The appeal site is located adjacent to Ascot Road (A330) and comprises a roughly triangular parcel of vacant land. The site sits next to Seymour House and 3 other properties accessed off the same short shared tarmac drive. There is no evidence before me to suggest that the site is not located within the Green Belt.
7. Policy QP5 of the Borough Local Plan (2022) (LP) protects the Green Belt from inappropriate development and states that planning permission will not be granted, unless very special circumstances are demonstrated. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions, of which one, e), is limited infilling in villages.
8. The appeal site is not located within a settlement boundary as defined within the Policy Maps in the Borough Local Plan. Nonetheless, LP Policy QP5 (4b) allows for *'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.'*
9. There is no definition of 'infilling' in the Framework. However, paragraph 6.18.9 of the LP sets out that *'limited infilling is considered to be the development of a small gap in an otherwise continuous frontage, or the small scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development.'*
10. The property would be accessed via the shared access, and at this access point, due to the shape of the site, the site would be small in scale. In addition, the scale of the dwelling would be commensurate to the neighbouring property. However, as set out above, the appeal site sits adjacent to Ascot Road. In addition, immediately at its rear is land free of built form, other than what appears to be single storey outbuildings. The appeal site therefore only has a dwelling on one side. Given this separation from neighbouring buildings it does not therefore sit in between two dwellings or buildings as would commonly be understood by the term 'continuous frontage'.
11. As I have found that the site would not represent infilling, for the purposes of paragraph 154 e) of the Framework, it is not necessary to consider whether the proposal would sit within a village envelope as assessed on the ground. As such, the appeal decisions referenced by the appellant² relating to considerations of village envelopes, are of little relevance.
12. The development would not fall into any of the other exceptions identified in paragraph 154. It therefore constitutes inappropriate development in the Green Belt.

² Appeal references APP/T2350/W/16/3164118, APP/Q4625/W/17/3188046

Openness

13. Paragraph 142 of the Framework advises 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.
14. The assessment of openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt. The appeal site presently comprises a grassed area next to Seymour House. Inevitably, the erection of a dwelling with associated hardstanding and domestic paraphernalia into this space would reduce openness spatially to a moderate degree.
15. The proposal would be largely screened from Ascot Road by the tall mature hedgerows lining the road. The appellant advises these are to be retained and I have no reason to doubt this. There would be some limited glimpses of the top of the two storey proposed dwelling for pedestrians or drivers, and the dwelling would be visible from Seymour House and other neighbouring properties. There would be therefore a visual impact upon openness in addition to the spatial impact that would result, and openness would be reduced. Significant harm to openness would therefore occur.
16. The appellant references two previous appeal decisions on this site³, however a these relate to enforcement notices relating to minor engineering works on site, and the storage of a container, the conclusions of the Inspector with regards to visual impact upon openness is not directly comparable to the proposed substantial 2 storey dwelling in front of me.

Other Considerations

17. LP Policy SP2, regarding climate change, requires that adaptation measures need to be built into all new developments to ensure the sustainable development of housing.
18. The appellant has submitted an Energy Statement⁴ (ES) referencing the Council's Interim Sustainability Position Statement (ISPS) (2021) on this matter. This statement sets out that new dwellings should achieve a net-zero carbon rating. The energy statement identifies scope for minimising carbon emissions and for energy efficiencies to be achieved on-site. It sets out that a minimum reduction of 35% is to be adopted on site, and an in-lieu payment made for any further reduction needed to reach net-zero, in accordance with the requirements of the ISPS, will be provided.
19. The appellant has indicated willingness to provide a planning obligation to make a financial contribution toward what they consider to be appropriate mitigation, however, no such formal legal agreement or mechanism has been submitted.
20. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
21. The proposal would result in an additional unit of accommodation which would contribute to the Government's broader objective of significantly boosting the

³ APP/T0355/C/21/3286353 and APP/T0355/C/21/3286354

⁴ By Vision Energy, 2/6/23

supply of homes, in a location with good access to services and facilities, as supported by Framework. I also acknowledge that the development would make efficient use of the site as supported by the Framework.

22. The proposal would result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, I give this matter limited weight in favour of the scheme.
23. Given the inappropriate nature of the location, and harm to openness, the development would not represent sustainable development.

Conclusion

24. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. The other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to LP Policy QP5, the development plan as a whole and the guidance contained in the Framework relating to Green Belts.
25. For the reasons given above I conclude that the appeal is dismissed.

B Phillips

INSPECTOR