



Appeal Decision

Site visit made on 27 February 2024

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/T0355/W/23/3327809

Land to East of Hollies, Moneyrow Green, Holyport, Maidenhead, SL6 2ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Kelly against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/00872/FULL, dated 6 April 2023, was refused by notice dated 20 June 2023.
 - The development proposed is the construction of a stable block to house 6 horses and a feed store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Government has published a revised National Planning Policy Framework (the Framework) in December 2023. As such, I have had regard to the latest iteration of the Framework in reaching my decision.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on highway safety;
 - The effect of the proposal on ecology and protected species;
 - Whether the proposal would secure biodiversity net gain; and
 - If the proposal is inappropriate development, whether or not there are any other considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances necessary to allow the development.

Reasons

Inappropriate development

4. The appeal site is a field laid to grass located to the east of a property known as 'the Hollies' and to the rear of a further property known as 'Huston Cottage'. The site is bordered by mature hedging interspersed with trees to the south and east, with a post and rail fence to the north adjacent to the public footpath that runs alongside the site.
5. The appeal proposal would result in a new stable building on the site. Paragraph 154 of the Framework indicates that new buildings are inappropriate in the Green Belt. However, paragraph 154(b) of the Framework allows for an exception where appropriate facilities in connection with the existing use of land for outdoor recreation as long as the facilities preserve the openness of the Green Belt and its purposes.
6. The proposed stable block would be a single storey building with a an 'L' shaped footprint. Although the stable would be positioned to the west of the site, it would project beyond any adjacent residential properties and would extend built development further into the Green Belt.
7. There is disagreement between the parties as to the use of the land. However, even if I were to agree with the appellant that the site had unrestricted recreational use, the extent of new building proposed would result in the encroachment of built development into the countryside, contrary to one of the key purposes of the Green Belt. The extent of the building would also fail to keep land in the Green Belt permanently open. Therefore, the proposal would fail to accord with paragraph 154(b) of the Framework.
8. I therefore conclude that the proposal would represent inappropriate development for the purposes of the Framework and Policy QP5 of the Royal Borough of Windsor and Maidenhead Local Plan (the BLP). Inappropriate development is harmful by definition, and in accordance with paragraph 152 of the Framework, should not be approved except in very special circumstances.

Openness

9. Paragraph 142 of the Framework indicates that it is a fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
10. The proposed stable block would be sited beyond the rear building line of the properties in Moneyrow Green. Although the proposal would be single storey, it would nonetheless have a significant footprint extending a new building of around 132 square metres further into the Green Belt to the rear of the nearby residential properties. Whilst the proposal would include additional tree and hedge planting, the proposal would be particularly visible to users of the adjacent public footpath.
11. In light of the above, the proposal would result in encroachment into the Green Belt. As a result, the proposal would cause substantial harm to the openness of the Green Belt.

Highway safety

12. The proposal would be accessed via a single width track off Moneyrow Green. The track is of sufficient width for a single vehicle and widens as it reaches the northern boundary of the site. There would be sufficient space available at the wider point of the track for vehicles to turn and allow egress in forward gear. Furthermore, the plans included in the appellant's statement indicates there would be an adequate swept path for a horsebox sized vehicle.
13. The proposal would result in 6 stable blocks and whilst this may result in some intensification of use of the access from additional trips by visitors or owners of any horses kept, this would not amount to an unacceptable level of movements. Although pedestrians may utilise the adjacent track to the north as part of the wider network of local footpaths, this section of the access track is relatively short and the wider part of the track would provide opportunities for pedestrian refuge in order to avoid any conflict with vehicles visiting the site. Whilst concerns were raised that the access point onto Moneyrow Green would, over time, degrade and result in debris on the highway, as the extent of additional movements would be modest, I do not find the lack of unbound surface at the track entrance would be harmful.
14. Moneyrow Green was not, at the time of my visit, heavily trafficked and there is no evidence of excess traffic speeds in the vicinity. There would be an acceptable level of visibility in both directions from any vehicles exiting the access and as a result, I do find there would be conflict with vehicles or pedestrians.
15. In light of the above, the proposal would not result in harm to highway safety. Consequently, it would accord with Policy INF2 of the LP which requires development to, amongst other things, provide safe modes of transport.

Ecology and protected species

16. The appeal proposal would be located near to an existing ditch along the southern boundary of the site and the submitted Preliminary Ecological Appraisal (PEA) indicates there is a pond on the site suitable for Great Crested Newts (GCN) which are a protected species. The PEA indicates the pond on site has below average score in relation to its suitability for GCN albeit the presence of other nearby ponds indicates a potential connectivity of suitable habitats. The PEA recommended a further environmental DNA (eDNA) assessment of 3 ponds outside the site to establish the presence or absence of GCNs, however, there is no evidence before me that such surveys have been undertaken.
17. The Council has established a district licence scheme which would provide suitable licencing if GCN were encountered which it indicates could negate the need for the abovementioned eDNA surveys to be undertaken. However, whilst I note the appellant has indicated a willingness to enter into the district licence scheme, there is no clear evidence before me that this has been secured or that there is any other mechanism provided as part of the appeal to secure a licence. In light of this, and in the absence of the abovementioned assessment, I cannot be certain that the proposal would not result in an adverse effect on ecology and protected species.
18. The proposal would therefore fail to accord with Policy NR2 of the LP which requires development proposals to demonstrate, amongst other things, how

they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as hedgerows, trees, river corridors and other water bodies and the presence of protected species.

Biodiversity

19. The proposed development would have a total footprint of around 132 sqm and would therefore result in the loss of a corresponding amount of grassland on the site. Although the submitted plans indicate that tree planting and some native hedge planting would take place, there is no evidence of the species proposed.
20. At the time of this decision, the Government's requirement to secure 10% biodiversity net gain is not yet in force for non-major development. Nonetheless, Policy NR2 of the BLP requires proposals to, amongst other things, improve biodiversity and demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. However, no calculations utilising a biodiversity metric have been submitted with the appeal nor any quantification of the extent of biodiversity net gain that might arise. As a result, the proposal would fail to accord with Policy NR2 of the BLP.
21. In light of the above, I am unable to conclude whether the proposal secure biodiversity net gain. Notwithstanding this, the proposal would fail to accord with Policy NR2 of the BLP for the reason set out above.

Other considerations

22. Paragraph 153 of the Framework indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
23. The proposal would give rise to some economic benefits as a result of construction jobs and in the accompanying supply chain. There would also be some benefit to the appellant's equine-related business. However, as the proposal is for 6 stables, these benefits would be modest and are therefore afforded limited weight.
24. The appellant has indicated that various fallback positions exist by virtue of the lawful use of the land. There is disagreement between the parties as to the range of activities that could lawfully take place on the site. The appellant has provided a statutory declaration to indicate that if the appeal proposal is not permitted they will sell the land or use it for other lawful purposes within its defined use class. However, there are no specific fallback proposals before me. The fallback promoted by the appellant relates to the use of the land rather than the construction of new buildings and would therefore have a lesser effect on the openness of the Green Belt than the proposed development. As such, I afford this limited weight.
25. The appeal proposal would result in inappropriate development in the Green Belt. It would also be harmful to the openness of the Green Belt and I am unable to be certain that there would be no harm to ecology and whether the proposal would result in biodiversity net gain. The proposal would accord with policies relating to highway safety, however, this would be expected of development in the Borough. Furthermore, whilst there would be some economic benefits arising from the proposal, the other considerations are not

sufficient to clearly outweigh the harm identified above. Consequently, the very special circumstances necessary to approve the development do not exist.

26. The proposal would also fail to accord with the Development Plan when read as a whole and fail to accord with the provisions of the Framework. Therefore, there are no other justifications for allowing the appeal.

Conclusion

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

Philip Mileham

INSPECTOR