



Appeal Decision

Site visit made on 6 February 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/R0335/W/23/3328265

Chilston Mews, North Street, Winkfield, Bracknell Forest, Windsor SL4 4TH

- 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 and Mrs Geoffrey and Susan Smith against the decision of Bracknell Forest Council.
 - The application Ref is 22/00892/FUL.
 - The development proposed is the removal of existing walls at vehicular access, erection of new gated access and erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. I sought the views of the main parties on the implications of the revised Framework for their respective cases, and, in determining the appeal, I have taken these into account. I have proceeded to determine the appeal having regard to the revised Framework.
3. Since the submission of the appeal, the Bracknell Forest Local Plan 2020-2037 (Local Plan) and the Winkfield Neighbourhood Plan (WNP) have been adopted by the Council. The Council has confirmed that Policy CS9 of the Core Strategy Development Plan Document 2008 together with Saved Policy GB1 of the Bracknell Forest Borough Local Plan 2002 have now been superseded. The appellant has been given an opportunity to comment on the relevant policies, against which I have assessed the scheme.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - if the proposal is inappropriate development, whether the resulting harm and any other harm, is clearly outweighed by other considerations, to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

5. Section 13 of the Framework establishes the national policy objective to protect the Green Belt and to prevent urban sprawl by keeping land permanently open. The Framework sets out that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate development. Such development is by definition harmful and should not be approved except in very special circumstances.
6. Paragraph 154 of the Framework specifies the exceptions where development in the Green Belt would not be inappropriate, one of which relates to limited infilling in villages. However, the term 'village' is not defined within national policy. Indeed, case law indicates that the location of the appeal site relative to a settlement boundary is not conclusive to determining whether the site is within a village or not. It is therefore for the decision maker, as matter of judgement, to decide whether the site forms part of a village based on the site's physical characteristics, on the ground.
7. Policy LP 34 of the Local Plan sets out that proposals within the Green Belt will be determined in accordance with national policy. However, it goes on to state that limited infilling will only be permitted in Green Belt village areas as defined on the Policies Maps. Whilst the Framework is not so prescriptive, there is nothing within national policy which would preclude an authority from defining village boundaries in the development plan. The reasoned justification to Policy LP 34 explains that the defining of the Green Belt village boundaries reflects the need to protect the openness of the Green Belt. Having regard to the policy rationale, I find Policy LP 34 is broadly consistent with the provisions of the Framework.
8. The appeal site lies outside of, but adjacent to the Green Belt village boundary of North Street, Cranbourne. It is an obvious undeveloped gap, that appears visually and physically outside of, and between two distinct and separate parts of the village. Consequently, whilst the geographical proximity to the village boundary would mean that future occupiers of the proposed development would have similar level of access to the existing facilities and amenities in the village as neighbouring residents, for the above reasons, the appeal site does not read as part of the village.
9. The Framework does not define the term 'limited' or 'infilling'. However, the supporting text to Policy LP 34 indicates that for the purpose of applying the said policy, limited infilling means 'the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage'. It goes on to say that the infill plot should be comparable in size and shape to those developed plots which adjoin the site and must have an existing frontage to a suitable road. The proposal should be appropriate to the scale of the locality and not have an adverse impact on the character and openness of the Green Belt, or the local environment.
10. The introduction of the proposed development would close the existing gap between the adjoining development, in a continuous built-up frontage and would have a suitable road frontage. However, in the context of the tighter knit, more dense development to the north and northeast, the gap could not be reasonably described as small. Further, whilst the resultant plot sizes would be in keeping with the lower density development on the opposite side of the road, the policy

refers to those plots which adjoin the site. In this case, the infill plots would not be comparable in size and shape to those adjoining the site. Accordingly, the appeal proposal would not amount to limited infilling for the purposes of the Framework or Policy LP 34 of the Local Plan.

11. For these reasons, I conclude that the proposed development would be inappropriate development in the Green Belt. It would therefore conflict with Policy LP 34 of the Local Plan, the aims of which are set out above. It would also be inconsistent with the provisions of the Framework.

The openness of the Green Belt

12. Openness is identified in the Framework as one of the Green Belt's essential characteristics and it can be perceived both spatially and visually. In spatial terms, the introduction of two dwellings and associated hardstanding onto land which is presently open and free of any built form would undoubtedly erode the open, undeveloped nature of the appeal site. This would lead to an inevitable and demonstrable loss of openness. Furthermore, the development would be visible to users of the highway and neighbouring residents and would alter the rural, unspoilt appearance of the site. Based on the evidence, I am in no doubt that the considerable change from an open field into a residential setting would harm the openness of the Green Belt in this regard. Although the loss would be relatively localised, harm to the Green Belt would occur, nonetheless.
13. Considering the spatial and visual effects, I find that the proposal would cause moderate harm to the openness of the Green Belt. This would add to the harm arising from the development by virtue of its inappropriateness.

Other considerations

14. The proposed development would provide two self-build plots. The proposal would contribute to the shortfall of self-build plots within the area, which is generally supported by WNP policies. However, unlike the scheme at Holyport¹, there is no robust mechanism before me to secure the delivery of this type of housing. In the absence of this, the proposal is essentially for general market housing. I therefore attribute limited weight to the self-build aspect.
15. One of the plots would be occupied by a family member who currently works at the nearby Berkshire Polo Club. The proximity and accessibility of the Polo Club to the appeal site would mean that the ponies could be kept on the land to the rear of the appeal site and the facility accessed without the need to travel by road. Whilst the sustainability merits are acknowledged, there is limited detail before me to demonstrate that this would provide a significant benefit. This therefore carries limited weight.
16. The orientation and siting of the proposed dwellings would respect the linear character of the area whilst the overall form and appearance of the proposal would not be discordant. Sufficient spacing would be provided to ensure that the living conditions of neighbouring occupants and those of the future occupiers would be acceptable. Further, it is noted that the appeal site is in an area at low risk of flooding and that suitable drainage measures could be secured by condition. These factors however are neutral and neither weigh in favour nor against the proposal.

¹ APP/T0355/W/23/3314990

17. Energy efficient and biodiversity enhancement measures could be secured by condition. Future occupiers of the development would have good access to services and amenities, including public transport and would potentially support local services and facilities. However, given the small scale of the proposal, the benefits would be limited.
18. The appeal development would amount to inappropriate development in the Green Belt. This would provide a clear reason for refusing the development and thus the presumption in favour of sustainable as set out in paragraph 11d of the Framework would not apply.

Other Matters

19. I note that the appellant has proactively engaged with the Council to progress the scheme and sought to overcome issues raised at the pre-application stage. However, for the reasons set out above, I have identified harm to the Green Belt and conflict with both national and local policy. The lack of consultee objection in this regard does not make the development acceptable.
20. The appeal site lies within the Zone of Influence C (5km to 7km) for the Thames Basins Heath Special Protection Area. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider the effect of the proposal on the designated site.
21. Notwithstanding the extensive planning history at the nearby Royal Berkshire Polo Club, these schemes would be materially different to the appeal proposal and likely considered under different provisions of the Framework. Further, whilst noting that planning permission was given by the Council for the erection of two dwellings at Crouch Lane², this was determined in accordance with the former development plan. Thus, I cannot be certain that the policy context is comparable. Moreover, based on the submitted drawings, it is noted that the site context is not the same and thus does not strictly compare to the appeal scheme. They therefore do not weigh in favour of the proposal.

Green Belt Balance and Conclusion

22. For the reasons outlined, the appeal proposal would constitute inappropriate development in the Green Belt, which carries substantial weight. As well as harm by reason of inappropriateness, the proposal would cause a harmful loss of openness. I attribute moderate weight to the harm caused in this respect.
23. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Thus, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
24. Having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

H Wilkinson

INSPECTOR

² 20/00252/OUT