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# Appeal Decision

Site visit made on 30 April 2024

**by E Catcheside BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 May 2024**

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**Appeal Ref: APP/T0355/W/23/3331644**

**Banham Farm, Forest Green Road, Fifield, Maidenhead, Windsor and Maidenhead SL6 2NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Ranner against the decision of The Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref is 23/01237.
  - The development proposed is Outline application with all matters reserved except access for a single self-build and custom housebuilding residential dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Since the Council has had the opportunity to make comment on the Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA) submitted with the appeal, neither main party would be prejudiced by me taking it into account in my consideration of the appeal.

## Main Issues

3. The main issues are: a) whether the proposal would be inappropriate development in the Green Belt; its effect on b) the openness of the Green Belt and c) protected species; and d) whether any 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 proposal.

## Reasons

### *Whether Inappropriate Development*

4. The National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy QP5 of the Borough Local Plan 2013-2033 (LP) is consistent with the Framework in that it states that national Green Belt policy will be applied to development in rural areas, which are defined as land within the Green Belt.
5. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate, other than in a few exceptions,

including limited infilling in villages. Neither 'village' nor 'limited infilling' are defined in the Framework.

6. It is common ground that the site lies outside of the designated settlement boundary of Fifield village. However, Policy QP5 of the LP allows for limited infilling outside of identified settlement boundaries where it can be demonstrated that the site falls within the village envelope as assessed on the ground. In assessing the village envelope, Policy QP5 requires that consideration is given to the concentration, scale, massing, extent and density of built form on either side of the village boundary and the physical proximity of the proposed site to the village.
7. Fifield village is located close to the appeal site and comprises a tight-knit group of properties clustered together around Fifield Road. In contrast, development to the south of the village is looser in grain, featuring groups of buildings separated by large, undeveloped gaps. A linear row of properties is also present on the northern side of Forest Green Road at its junction with Fifield Road. However, these buildings are physically detached from Fifield village by intervening fields.
8. The Banham Farm complex, which includes the appeal site, is located further west from the Fifield Road junction, on the south side of Forest Green Road. It lies opposite open fields and is not connected by footpath to the buildings to the north-east. Moreover, along with the adjacent White Gables, the Banham Farm complex is surrounded by open countryside. Consequently, it is experienced on the ground as a discrete rural land parcel that does not form part of a wider village envelope. Therefore, it is not located within a village for the purposes of the Framework.
9. The appeal site lies between White Gables and Banham Farmhouse, albeit that Banham Farmhouse is setback from Forest Green Road. However, even if I were to conclude that the proposed development would be limited infilling, it is not in a village. It therefore follows that the proposed development is not limited infilling in a village and, consequently, the exception listed in paragraph 154(e) of the Framework does not apply.
10. The appeal scheme would therefore be inappropriate development in the Green Belt, having regard to the Framework and Policy QP5 of the LP which, amongst other things, seek to resist inappropriate development in the Green Belt.

### *Openness*

11. Openness has both visual and spatial dimensions and is a key characteristic of the Green Belt. The appeal proposal is for outline permission, with all matters reserved other than access. Therefore, along with the details of any proposed landscaping, the scale, layout and appearance of the proposed dwelling is unknown at this stage. Nevertheless, even if the proposed dwelling was a modestly sized bungalow with a discrete appearance, it would occupy part of the farm site that is currently devoid of buildings. Therefore, it would inevitably reduce the spatial aspect of the Green Belt's openness.
12. The appeal site is largely screened from Forest Green Road by areas of high hedging which are well-established and could feasibly be retained as part of the proposed development. Views of the site from surrounding farmland are also

limited due to the presence of intervening buildings within Banham Farm as well as White Gables.

13. However, even at single-storey, views of the proposed dwelling would be available through the site access and, moreover, the roof of the dwelling would be visible above the existing hedge. Therefore, the proposed development would be prominent in views from Forest Green Road and would detract from the open character of this part of the countryside and, by association, the Green Belt, reducing the visual aspect of its openness.
14. Overall, there would be some harm to openness in both spatial and visual terms. The level of harm would depend on details such as the height and scale of the proposed building, which are not matters that are before me for consideration. However, in any potential iteration of the development there would be at least a moderate loss of openness at a localised level.

#### *Protected Species*

15. The PEA concludes that there is no evidence of protected or priority species on the appeal site. However, it does identify that the site has the potential to support commuting bats. It thus proposes mitigation including precautionary working methods, low impact lighting, and the installation of bat boxes. I am satisfied that, if the appeal were to be allowed, these matters could be secured through condition.
16. The Council has not raised any concerns with regard to the conclusions of the PEA or its recommendations for mitigation. Therefore, there is no substantive evidence before me to indicate that the PEA is not a reliable document. Consequently, I am satisfied that it provides a robust assessment of the effects of the development on protected and priority species.
17. Since the proposed development would not cause harm to priority and protected species, there would be no conflict with Policy NR2 of the LP, or the Framework, insofar as they seek to ensure that protected species and habitats will be safeguarded from harm or loss.

#### *Other Considerations*

18. The Council is currently falling short of its obligations under the Self-Build and Custom Housebuilding Act 2015. It therefore acknowledges that the demand for self-build housing will need to be met in part through windfall sites, including sites within the Green Belt. In that regard, I have considered recent appeal decisions<sup>1</sup> whereby the delivery of self-build and custom housebuilding plots were allowed in the Green Belt, despite the proposals amounting to inappropriate development.
19. The appeal proposal would deliver an additional self-build dwelling and would therefore reduce the existing shortfall of self-build plots in the Borough. This is undoubtedly a benefit of the appeal scheme, which carries weight in support of the proposal. However, unlike the aforementioned appeal schemes, which would each deliver four plots for self-build and custom housebuilding, the proposed development would provide only a single plot. Therefore, its contribution to the supply of self-build plots would be modest. Consequently, I attach moderate weight to this benefit.

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<sup>1</sup> Appeal Decision Refs: APP/T0355/W/22/3309281 and APP/T0355/W/23/3314990, dated 17 April 2023.

20. The Council is currently only able to demonstrate 4.83 years of housing supply against the Framework's requirements. The delivery of an additional dwelling would thus contribute toward the under supply. However, the housing shortfall is modest and the contribution that would be made by a single additional dwelling would be small. Therefore, this benefit carries moderate weight in support of the proposal.
21. Although the scale of the proposed dwelling is a reserved matter, the development would be designed to provide suitable accommodation to meet the personal needs of the ageing owners of the appeal site. It would also enable the appellant's extended family to reside close to one another within the Banham Farm complex. Whilst I acknowledge these circumstances and wishes, there is no substantive evidence before me to indicate there are exceptional personal needs that could only be met by the proposed development and not by other, potentially less harmful, means. Consequently, I attach limited weight to these matters.

### **Other Matter**

22. The appeal site lies within 2 kilometres of the Windsor Forest and Great Park Special Area of Conservation, which is a European site as defined by The Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal for other reasons, it is not necessary for me to undertake an appropriate assessment.

### **Conclusions**

23. The proposed development would cause harm to the Green Belt by way of its inappropriateness and loss of openness. This harm carries substantial weight in accordance with the Framework. Whilst there would clearly be some benefits arising from the proposal, the cumulative weight of these other considerations in this case is moderate and, therefore, does not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
24. I have not found harm would arise in respect of priority and protected species. Therefore, there would be no conflict with Policy NR2 of the LP. This would be a neutral factor in the overall planning balance. However, the conflict with Policy QP5 is sufficient to bring the proposal into conflict with the development plan when read as a whole.
25. Whilst the Council does not currently have the required supply of deliverable housing sites, the harm I have identified to the Green Belt provides a clear reason for refusing the development proposed under the provisions of paragraph 11(d)(i) and Footnote 7 of the Framework. Consequently, the provisions of paragraph 11(d)(ii) of the Framework do not apply.
26. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude the appeal should be dismissed.

*E Catchside*

INSPECTOR