



Appeal Decision

Site visit made on 7 November 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/T0355/W/24/3346756

Big Hill, Cayton Park North, Wargrave RG10 8QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Cayton Park Stud against the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00248/OUT
 - The development proposed is the erection of Estate Maintenance Machinery Store and Workshop.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of Estate Maintenance Machinery Store and Workshop at Big Hill, Cayton Park North, Wargrave RG10 8QN in accordance with the terms of the application, Ref 24/00248/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Cayton Park Stud against the Royal Borough of Windsor and Maidenhead. This application will be the subject of a separate decision.

Preliminary Matters

3. The appeal relates to an application for outline planning permission with appearance, landscaping and layout identified as reserved matters. As such, where the proposed site plans show any information relating to appearance, landscaping or layout, I have treated this as illustrative for the purposes of making my decision.

Main Issues

4. The main issues are: (i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect upon the openness of the Green Belt; (ii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate Development and Openness

5. Policy QP5 of the Borough Local Plan, 2013 – 2033 (LP) sets out the approach to development in the Green Belt. I am satisfied that this policy is in broad conformity with the Framework. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
6. In particular, paragraph 154(b) states that the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments is not inappropriate, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Cayton Park is a horse racing stud, and the proposed machinery store and workshop (the store) would be used to support the function of the wider site as a location associated with outdoor sport and recreation. As such it would meet the requirements of paragraph 154(b), subject to an assessment of the effect on openness and general Green Belt purposes. I note that the Council does not disagree with this position.
7. In terms of footprint, the store would be of a reasonable size although it would be limited in height. I note that a previous application for an identical building within a different part of Cayton Park was approved by the Council in 2021 (the 2021 approval)¹. As part of their consideration of that scheme, the Council identified that the building would have an effect on openness, but that this would not be harmful due to its position close by to other existing buildings.
8. With regards to the scheme before me, the appeal site is located in the corner of a field. I acknowledge that the store would be isolated from other buildings, however, it would be well shielded from the south and west by a belt of existing mature trees. There is no substantive evidence before me that would lead me to conclude that these trees are unlikely to remain in situ for many years to come. Furthermore, views from the north and east would be limited by the topography of the land. Indeed, I noted on my site visit that the building would at best be glimpsed from the internal road that runs through Cayton Park. In any event, any views that did exist would not be public and there is also significant potential for additional planting which would further reduce the visibility of the store. This would therefore limit the harm to visual openness to a large degree. It is inevitable that the provision of a new building would result in some harm to spatial openness. However, the overall scale and mass of the building would not be significant.
9. Overall, I find that the cumulative harm to the openness of the Green Belt would be very limited. Nevertheless, the Framework requires me to afford substantial weight to this very limited harm. In general, the Framework sets out that one of the purposes of Green Belt is to assist in safeguarding the countryside from encroachment. While I have acknowledged the very limited harm to openness, I do not consider that the development would be perceived

¹ Council ref: 20/02370/FULL

as 'encroachment', largely because a building of this type is not unusual in very rural areas, including fairly isolated locations.

Other Considerations

10. From the evidence that has been provided, it seems clear to me that there is a defined need for the proposed store. Indeed, the extent of the business was obvious to me during my site visit, and it is therefore inevitable that such facilities would be required. I note that paragraph 8.6 of the officer report sets out that the Council is also satisfied that this is the case. It is also apparent from the appellant's final comments that the location of the 2021 approval is not appropriate as there is a need for the store to be situated away from the existing buildings and stables around the courtyard area. This would ensure that the horses on site would not be adversely affected by any noise emanating from the workshop element of the proposed building. In my view, it is appropriate to afford very significant weight to these considerations.
11. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt, and very special circumstances will not exist unless the harm is clearly outweighed by other considerations.
12. When considered in combination, the weight that I have afforded to the benefits of the proposal clearly outweigh the substantial weight that I must apply to the identified harm to Green Belt. As such, very special circumstances exist, and for this reason, the proposal conforms with LP Policy QP5 and paragraphs 153 and 154 of the Framework.

Other Matters

13. The 2021 approval expired in March 2024. From what I saw when I visited the site, I am satisfied that the permission has not been implemented. As such, there is no prospect that the appellant could build out both the appeal scheme and the 2021 approval.

Conditions

14. I have included conditions to identify the relevant timescales and plans in the interests of certainty. Further conditions have been imposed in order to preserve biodiversity and protected species. Additional conditions concern trees and landscaping in the interests of character and appearance.

Conclusion

15. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) An application for the approval of the reserved matters (appearance, layout and landscaping) shall be made to the Local Planning Authority within three years of the date of this permission.
- 2) The Development shall commence within two years from the date of approval of the last of the reserved matters.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; Tree Identification and Root Protection Areas.
- 4) No development above slab level shall commence until a Biodiversity Net Gain Plan, which details how the habitats on the site will be created, established, enhanced, managed, and monitored in perpetuity, has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan shall thereafter be implemented.
- 5) Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include, but not limited to, bird and bat boxes on the surrounding trees and creation of hibernacula, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved and a brief letter report confirming that the enhancements have been installed, including a simple plan showing their location and photographs of the enhancements in situ, is to be submitted to and approved in writing by the Local Planning Authority.
- 6) Prior to the installation of any external lighting associated with the proposed development, a report detailing any new external lighting scheme and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report (if external lighting is proposed) shall include the following figures and appendices: A layout plan with beam orientation, a schedule of equipment, measures to avoid glare, an isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bat and bird boxes. The approved lighting plan shall thereafter be implemented as agreed.
- 7) No tree shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work.
- 8) Prior to the commencement of any construction works above slab level, a soft landscaping plan shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved

details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.