



Appeal Decision

Site visit made on 13 November 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2024

Appeal Ref: APP/R0335/W/24/3341658

Land adjacent to Planners Farm, Bracknell Road, Warfield RG42 6LR

- 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 Short against the decision of Bracknell Forest Borough Council.
 - The application Ref is 22/00663/FUL.
 - The development proposed is the erection of 1no two-storey four-bedroom dwelling with associated access, parking and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Bracknell Forest Local Plan (LP) was adopted on 19 March 2024, after the determination of this application. It forms part of the statutory development plan for the borough. It replaces the Bracknell Forest Borough Local Plan (BFBLP) 2002, the Core Strategy Development Plan Document (CSDPD) 2008 and some policies in the Site Allocations Local Plan (SALP) 2013.
3. The Council has set out that both Policy CS9 of the CSDPD and Saved Policy GB1 of the BFBLP referred to in the first reason for refusal are now superseded. These policies are replaced by Policy LP 34 of the BFLP which refers to development in the Green Belt.
4. Furthermore, Policies EN1 and EN20 of the BFBLP and Policy CS7 of the CSDPD referred to in the second reason for refusal are now superseded and replaced by LP Policies 50 and 54.
5. The appellant has commented on the wording of these LP policies, and as such, I give the LP policies full weight in the determination of this appeal.

Main Issues

6. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;

- The effect of the proposal on the character and appearance of the area, with particular regard to trees; and
- If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

7. LP Policy 34 sets out that proposals for development in the Green Belt should be determined in accordance with relevant national Green Belt policy.
8. The Framework states that the construction of new buildings within the Green Belt is to be regarded as inappropriate development subject to the exceptions which are set out in paragraph 154. Paragraph 154 e) concerns limited infilling in villages.
9. LP Policy 34 also allows for limited infilling within the defined Green Belt Village areas.
10. Whilst the Framework does not define infilling, paragraph 9.97 of the supporting text to LP Policy 34 defines limited infilling as 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 also states 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.
11. The appeal site comprises of an open parcel of land sat between the end dwelling of a row of linear ribbon form of development on the eastern side of Bracknell Road, and an access road leading to Planners Farm to the rear. On the other side of the access road lies a substantial detached house sat within a substantial plot, known as Planners Farm House. This property is accessed from this access road, and sits back from the main road, behind any established building line and only visible in glimpses from the highway.
12. Whilst the plot of the proposed dwelling would be comparable to the dwelling to the north, the gap between the built form of Planners Farm House and the neighbour to the north, including the access road running to the rear, is significant. Given the set back of Planners Farm House from Bracknell Road, the continuous roadside hedgerow and its access from the access road, it does not appear as part of the Bracknell Road facing 'frontage'. The appeal site does not therefore represent a small gap in an otherwise continuous built-up frontage.
13. As such, I do not consider the proposal would constitute infill. It would therefore not meet the exception of paragraph 154 e).
14. The appellant refers to an appeal decision¹ specifically in reference to what could 'reasonably be described as an infill site', however the inspector in this case concluded that the site did not represent a small gap, and therefore did not comprise of limited infilling. As such, this decision does not represent a precedent in favour of the proposal.

¹ Appal reference APP/R0335/W/19/3227667

15. 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 and court decision referenced by the appellant relating to considerations of village envelopes and siting in this respect, are not determinative.
16. The proposal would represent inappropriate development in the Green Belt, as described by LP Policy 34 and the Framework.

Openness

17. 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 a dwelling 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, whilst the development would be viewed in the context of the nearby dwellings, given that the development would be visible to users of the highway and neighbouring residents, there would be therefore a visual impact upon openness. This is in addition to the spatial impact that would result, and openness would be reduced.
18. Considering the spatial and visual effects, I find that the proposal would cause moderate harm to the openness of the Green Belt.

Character and appearance

19. Two trees on or near the boundary of the site are protected by Tree Preservation Order 1380. These are identified as T1 Oak and T2 Cedar in the submitted arboricultural documents². These trees, in addition to others nearby, contribute positively to the verdant roadside and rural character of the surroundings.
20. Additional trees are nearby, identified as T3 (on the LPA plan), on the other side of the access road, and T4, to the east.
21. A section of (category C) scrub growth at the rear of the site will be removed, and even if T2 is classed as an A1 category tree, the property would be located outside the root protection areas of any tree.
22. Given the separation distances, the dwelling would not appear cramped nor unsympathetic in terms of its relationship with these trees. Whilst some shading would occur, the orientation of the site and the location of the trees means that this would result in limited shading of the northern frontage of the appeal site from T1, with future works to this tree limited to possible lateral pruning as the tree matures, and limited shading of the proposed front garden area from T2.
23. T4 would have a limited influence on the appeal site given the distance from the dwelling and its garden area. Whilst T3, sited on the other side of the access road would shade a large part of the rear garden, the submitted arboricultural evidence sets out that this tree, a horse chestnut, is considered

² By GHA Trees, January 2022, additional document August 2023, February 2024, & Tree Constraints Plan, February 2024

- to have a life expectancy of less than 10 years due to the detected presence of Ganoderma. There is no substantive evidence before me to dispute this.
24. Based on the evidence before me and what I observed on site, I am satisfied that there would not be an increasing future pressure for works to be undertaken to the nearby trees for reasons of safety or nuisance, or where the living environment becomes unduly gloomy.
25. There is no substantive evidence before me that an underground service layout that has no detrimental impact on the trees would not be possible, and the appellant has provided an example of a possible acceptable route for services via the existing access road. Were I minded to allow the appeal, a condition could secure suitable tree protection measures during any construction process.
26. I therefore have no substantiated evidence before me to demonstrate that the retained trees (other than T3) would be unlikely to survive on site for many years.
27. The proposal would not harm the identified trees and would not have a detrimental impact on the character and appearance of the area in this respect. There is therefore no conflict with LP Policies 50 and 54, which require development to protect trees and retain existing assets on a site that have a visual and ecological value in the local environment or are of a quality that is worthy of retention.

Other Considerations

28. The proposal would result in an additional unit of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes. The proposal would also result in short-term economic benefits arising from the construction process. Economic and social benefits to this rural community are also likely to arise from the occupation of the unit. However, again, given the quantum of development in this case, I give these matters limited weight in favour of the scheme.
29. The Planning Practice Guidance (PPG) states that pre-application advice can be taken into account and given weight in the planning application process. It has not been decisive in this case, but it is nevertheless a factor weighing in favour of the proposal.
30. The appellant points to the built form being viewed in context of existing built development, and that it would be in keeping with the type of homes nearby. The lack of harm identified in this respect is not a matter in favour of the proposal.

Green Belt balance and conclusion

31. Paragraph 152 of the Framework says inappropriate development is harmful by definition and paragraph 153 identifies that substantial weight should be given to any harm to the Green Belt.
32. The Framework makes it clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted. In this case, I find that although there are matters which provide

limited weight in favour of the appeal, the weight of these other considerations does not clearly outweigh the totality of the harm, which includes harm to openness, arising to the Green Belt.

33. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case. The proposed development would not accord with LP Policy 34, or the Framework in relation to Green Belt. There are no other considerations which outweigh these findings. For the reasons given above, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR