



Appeal Decision

Site visit made on 16 December 2024

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th January 2025

Appeal Ref: APP/T0355/W/24/3348398

Land at the junction of Warners Hill and Dean Lane, Cookham, Berkshire SL6 9AJ

- 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 P Dilley against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02588.
 - The development proposed is new building to house 3 stables, tack room, hay storage, WC construction of a post and timber fence to the west and associated hard standing and parking following the demolition of existing shelters.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Comments were sought from the main parties as to the relevance of the revised Framework to the appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt including its effect on openness, having regard to the Framework and the development plan;
 - whether the proposed development would preserve or enhance the character or appearance of Cookham Dean Conservation Area; and
 - 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 and Openness

4. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to establish that development in the Green Belt is inappropriate unless one of the specified exceptions applies. This includes the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, as long

as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It also includes other forms of development, such as material changes of use and engineering operations, on the proviso that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

5. Policy QP5 of the Borough Local Plan (2013-2033) (February 2022) (the BLP) broadly reflects paragraph 154 of the Framework in resisting development in the Green Belt except in certain circumstances.
6. The appeal site relates to a parcel of land used for the grazing of horses. There are two existing open-faced corrugated metal horse shelters close to the eastern boundary of the site near Warners Hill. One is located in the southern part of the site while the other is situated further north. The site slopes steeply northwards towards Dean Lane and is bound by fields to the south and west. Access to the site is from Warners Hill with a second access from Dean Lane. The other side of Warners Hill contains residential dwellings.
7. The proposal seeks to erect a new building to house three stables, a tack room, hay store, toilet, and a post and timber fence with associated hardstanding and parking following the demolition of the existing shelters. The new building is proposed to be erected where the existing southern shelter is currently located, close to Warners Hill.
8. While the parties agree, as do I, that the proposal would constitute facilities for outdoor sport or recreation in connection with the existing use of the land, its effect on the openness of the Green Belt is disputed. Openness has both a spatial and visual aspect and intrusion on either can individually or collectively impact on the openness of the Green Belt.
9. The appellant indicates the proposal would represent a 33% increase in the volume of the two existing shelters. Notwithstanding this, the floor area of the new building would be 88% larger the combined floor area of the two existing shelters. At approximately 21 metres, it would be significantly wider than the combined width of the two existing shelters. It would also be substantially higher at 4 metres to the ridge of the roof, and greater in depth than the existing shelters. The proposal would therefore result in a large block of development in place of the smaller existing open-faced shelters. It's L-shape form protruding into the open field would also reduce openness from a visual perspective.
10. Furthermore, the proposal includes a large hard surfaced area to be constructed on open land in front of the proposed building. Four vehicle parking spaces are proposed beyond the hard surfaced area, extending further into the undeveloped field. Three of the spaces would be large enough to accommodate horse boxes. While the proposed surface would be permeable allowing for grass to grow through, its use as a yard and for the turning of vehicles would have a spatial impact on the openness of the Green Belt.
11. The presence of development and hedges on Warners Hill would not sufficiently mitigate for the proposal's adverse impact on Green Belt openness due to the scale of the proposed building and its incursion into the open field. Neither would the site's sloping topography or the external material proposed overcome the spatial and visual effect of the proposal on the openness of the Green Belt for the same reasons.

12. Overall, the proposed quantum, scale and siting of the building, combined with the extent of hard surfacing and parking spaces, would have an adverse impact on both the spatial and visual openness of the Green Belt.
13. Furthermore, as the development would be on previously undeveloped land, the proposal would also breach a key purpose of Green Belt policy by encroaching into the countryside.
14. For the reasons given, the proposal would have a harmful effect on the spatial and visual openness of the Green Belt and would conflict with a purpose of including land within it. Consequently, the proposal would be inappropriate development in the Green Belt.

Character or Appearance of the Conservation Area

Significance

15. The appeal site is within Cookham Dean Conservation Area (the CA) wherein I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
16. The CA was originally designated in 1969 and is a large rural conservation area containing a number of small, dispersed communities separated by tracts of agricultural land and woodland. The significance of the CA is derived from its historical, architectural, environmental and landscape value and features a variety of traditional cottages and farmhouses, undulating topography, open fields, mature woodland and network of country lanes, tracks and footpaths. The Cookham Dean Conservation Area Statement (November 1998) subdivides the CA into five character areas. The appeal site is within Area B – Cookham Dean Bottom which contains denser residential development in the west of the sub area where Cookham Dean Bottom, Popes Lane, Dean Lane and Kings Lane converge. The appeal site, however, is in the east part of the sub area where residential development is less dense and comprises two-storey detached houses set within large gardens, facing Warners Hill.
17. The appellant's Heritage Statement of Case (dated June 2024) (the HS) recognises that the appeal site's openness along with its proximity to adjoining field parcels contributes positively to the rural appearance and village character. I agree with this assessment and in my view the appeal site consequently contributes to the significance of the CA.

Assessment

18. Due to the scale, massing and siting of the proposed building, the proposal would reduce the open feel of the appeal site. As a result, it would diminish the contribution that the appeal site makes to the character and appearance of the CA.
19. The proposed building would be sited close to Warners Hill opposite a small cluster of two storey residential dwellings facing that road. The HS acknowledges that while the proposed building would be partly screened by the vegetative boundary on Warners Hill, some visibility of it would be afforded where the vegetation is less dense. This was confirmed during my site visit where, from Warners Hill, I could clearly see part of the existing shelter and the field within which it is located. Part of the rear elevation of the proposed building would

therefore be exposed to view from Warners Hill. The scale, massing and siting of the proposed building would result in the introduction of a prominent and incongruent feature on Warners Hill. This would adversely affect the character and appearance of the area, albeit localised.

20. The HS also acknowledges that the appeal site is visible in south facing views from the public footpath accessed from Dean Lane. Despite the siting of the proposed building along the eastern boundary of the appeal site against the backdrop of the existing trees and hedges on Warners Hill, it would nevertheless be visually prominent due to its scale, massing and incursion into the open field.
21. While the design of the proposed building reflects its purpose, its size and massing are uncharacteristic of other equestrian facilities in the adjoining fields which are smaller in scale and more utilitarian in form.

Summary

22. Consequently, the proposal would neither preserve nor enhance the character or appearance of the CA. Accordingly, it would conflict with Policies QP3 and HE1 of the BLP insofar as they require development to respect and enhance local character and conserve and enhance the historic environment. Policy QP5 sets specified criteria relating to proposals for equestrian development which include that it should be unobtrusively located and designed so that it would not have a significant adverse effect on the character of the area. For the same reason stated in the assessment above, the proposed scheme would adversely affect the character of the area.

Very Special Circumstances

23. Paragraph 153 of the Framework advises that inappropriate development is by definition harmful and should not be approved except in 'very special circumstances' which will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Harms

24. The proposal would constitute inappropriate development in the Green Belt due to its harmful effect on the openness of the Green Belt. It therefore conflicts with the Framework and Policy QP5 and is harmful by definition. The proposal would also conflict with a key purpose of including land within the Green Belt by encroachment into the countryside. This gives rise to additional harm in conflict with the Framework's aims in respect of the Green Belt. Paragraph 153 of the Framework advises substantial weight should be given to the harm to the Green Belt, including harm to its openness, that I have identified.
25. In addition, the proposal would not preserve or enhance the character or appearance of the CA. The harm to the CA that I have identified would be less than substantial in the terms of the Framework. However, I place great weight on this harm in accordance with Framework.

Other Considerations

26. While the proposed use is connected to the existing use of the land, and the Framework encourages local planning authorities to plan positively to enhance the

beneficial use of the Green Belt, such as providing opportunities for outdoor sport and recreation, these factors do not over-rule the requirement to assess the proposal against the purposes of the Green Belt and harm to its openness. In that regard, the proposal would fail to preserve the openness of the Green Belt as required by Policy QP5 and the Framework. As such, these factors carry limited weight in favour of the proposal.

27. The alleged lack of alternative sites outside of the Green Belt is not sufficiently substantiated by the evidence submitted. While the appellant has pointed to the grant of planning permissions¹ for residential development at stables at Woodlands Farm and Harding's Farm, there is no evidence before me that those permissions have been implemented and the stables are no longer available for use. Furthermore, there is no information before me relating to the search for alternative sites such as the search parameters and the results of the site search. Therefore, I cannot be certain that a robust and thorough search for alternative sites has been undertaken. Consequently, the evidence presented regarding the lack of alternatives sites provides very limited support for accepting the proposal.
28. The removal of two existing corrugated metal horse shelters, given their small-scale, would offer only limited benefit with regard to the character and appearance of the area and would not outweigh the harm that I have identified to the CA.

Green Belt Balance

29. For the reasons set out above, the other considerations, in this case do not clearly outweigh the harm to the Green Belt, and other harms that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Heritage Balance

30. The proposal would lead to less than substantial harm to the significance of the CA. Paragraph 215 of the Framework establishes that this harm should be weighed against the public benefits of the proposal.
31. The removal of the two existing corrugated metal shelters would offer limited public benefit to the character and appearance of the CA given their small scale.
32. Paragraph 212 of the Framework gives great weight to the conservation of a designated heritage asset, and the very limited public benefits I have found would not outweigh the harm identified to the CA.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR

¹ 17/0394 and 20/01448/FULL.