



Appeal Decision

Site visit made on 6 December 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Appeal Ref: APP/R0335/W/23/3335978

Mount Apollo, Mounts Hill, Winkfield, SL4 4RH

- 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 Apollo Estates Limited against the decision of Bracknell Forest Borough Council.
 - The application Ref is 23/00247/FUL.
 - The development proposed is redevelopment of builders yard to provide 4no. dwellings together with change of use of paddock land to residential curtilage. Provision of car ports, bin store and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the original planning application was determined the Bracknell Forest Local Plan (the Local Plan) was adopted in March 2024, while the Winkfield Neighbourhood Plan has also been made (December 2023) (the Neighbourhood Plan). These form part of the statutory development plan for the Borough. The Local Plan replaces the Bracknell Forest Borough Local Plan (BFBLP) 2002, the Core Strategy Development Plan Document 2008 (the Core Strategy) and some policies of the Site Allocations Local Plan (SALP) 2013.
3. The Council has confirmed that both Core Strategy Policy CS9 and Saved Policy GB1 of the BFBLP referred to in its first reason for refusal have been superseded. These policies have been replaced by Local Plan Policy LP 34, while Policy W1 of the Neighbourhood Plan is also of relevance. The policies referred to in the Council's second reason for refusal have also been superseded and replaced by Local Plan Policy LP 28.
4. My decision has therefore been taken in accordance with the latest development plan documents, while the appellant has had an appropriate opportunity to respond to the changes in policy circumstances.
5. Additionally, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Main parties have been given the opportunity to comment on the changes to national policy and their implications for the appeal scheme. Where received comments have been taken into account.
6. As part of the appeal, the appellant has submitted a Biodiversity Enhancement Management Plan and an Arboricultural Method Statement. The Council has confirmed that based on this submitted evidence it wishes to withdraw its third and

fourth reasons for refusal, which related to the effects of the proposal on biodiversity and trees respectively.

Main Issues

7. In light of the above, the main issues are:
- i. whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework, including the effect upon the openness of the Green Belt;
 - ii. the effect of the proposal on the character and appearance of the area; and
 - iii. Whether the 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 effect on openness

8. The appeal site is located within the Green Belt. Local Plan Policy 34 and Policy W1 of the Neighbourhood Plan set out that proposals for development in the Green Belt should be determined in accordance with national Green Belt Policy.
9. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to some exceptions, as set out in paragraph 154.
10. Of pertinence to the appeal scheme is the exception at paragraph 154(g) of the Framework, which allows for: *“limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt”*.
11. A significant proportion of the appeal site is previously developed land, being lawfully in use as a builder’s yard. The builder’s yard contains large expanses of hardstanding and is enclosed by boundary fencing. At the time of my site visit the builder’s yard contained some sporadically placed shipping containers, portacabins, as well as open storage and machinery. A small number of vehicles (including vans/lorries) were either parked up or made trips to the site during my visit. Nevertheless, the site remained rather open and largely free of sizeable, permanent, structures. My observations on site largely tally with the appellant’s photographic evidence used to demonstrate the nature of the building yard, as well as the description detailed in the original planning officer’s report.
12. The proposal would entail the development of four, large, detached dwellings on the site, together with car ports and a sizeable bin store. The proposed dwellings would have a greater degree of permanence than vehicles, machinery and other

paraphernalia stored at the site in connection with its current operations. From the evidence before me, I find that the appeal dwellings would introduce a considerable level of built form onto the site compared to its current arrangements.

13. The main public vantage points that the site is experienced from are along the rather busy highway that lies adjacent to the site's frontage. Public views of the site are though rather limited as it is largely screened by mature vegetation alongside the highway, which the appellant indicates is to be retained. Although this may limit the visual impacts of the development on the openness of the Green Belt, vegetation should not be relied upon to screen the effects of the proposal as its long-term retention cannot be guaranteed.
14. In any case, the effect on openness has spatial and visual aspects and from the available evidence the proposal is likely to result in a substantially greater overall scale, mass and volume of built development on the site. I therefore consider that the proposed works would cause substantial harm to the openness of the Green Belt. Accordingly, it does not benefit from the exception outlined at Paragraph 154(g) of the Framework.
15. Additionally, the proposal would entail the change of use of an existing paddock at the rear of the site into domestic garden space. This area of the site would not fall within the definition of previously developed land. It would also provide most of the private garden space to serve each of the proposed dwellings. No built development is proposed on this part of the site, while a condition could be used to restrict the use of permitted development rights to prevent the erection of outbuildings or other structures within the proposed garden spaces. Nevertheless, such a condition could not prevent wider domestic paraphernalia from being kept within the gardens or their use for residential activities. The effect on openness is not confined to permanent physical works but also relates to the purpose or use of the land. Increased use of this land as residential garden space is therefore also likely to lead to harm to the openness of the Green Belt, while it would not benefit from any of the exceptions to inappropriate development outline in the Framework.
16. The recently revised Framework has also introduced further exceptions to inappropriate development at Paragraph 155. This includes the development of homes on 'grey belt land', subject to additional criteria¹. Notwithstanding that the appeal proposal has not been demonstrated to meet all of the relevant criteria, delivery of the proposed development is also reliant on the use of land that would not fall within the definition of grey belt.
17. I therefore find that the proposal would be inappropriate development in the Green Belt, contrary to the provisions of the Local Plan Policy 34, Policy W1 of the Neighbourhood Plan and the Framework.

Character and Appearance

18. The appeal site is located alongside a main road, on the outskirts of Cranbourne. The area surrounding the site is largely characterised by areas of open fields and woodland that are dissected by the main road. A limited number of dwellings can be found in close vicinity of the site. The architectural style and appearance of dwellings vary, but they are typically arranged in a dispersed and loose knit

¹ Criteria a – d of Paragraph 155.

manner and set within substantial plots. Together these factors combine to provide a locally distinctive, spacious, and rural character.

19. The proposed development would have a highly formal appearance due to the consistent scale, design and siting of the proposed dwellings. Although set in reasonably sized plots, they would remain closely positioned together along a regular building line and would not follow the rather spacious and organic layout the nearby built form. Furthermore, the neo-Georgian architectural features, along with the arrangement of associated domestic paraphernalia, including the positioning of car ports, would further result in a highly formalised layout with a rather urban character and appearance. This would be in complete contrast to the spacious, loose knit arrangements of the nearby built form. The proposed development would therefore fail to reflect its surroundings.
20. Although vegetation may limit views of the proposal, harm would still arise from the proposed development being at odds with its surrounding context. While again, vegetation should not be relied upon to hide otherwise unacceptable development given its future retention cannot be guaranteed.
21. Accordingly, I consider that the proposal would cause harm to the character and appearance of the area. It would therefore conflict with Local Plan Policy LP 28 that, amongst other matters, promotes development that is of a high-standard of design that responds to the character and appearance of the local area.

Other Considerations

22. The proposal would provide socio-economic benefits associated with the delivery and subsequent occupation of the proposed dwellings. The benefits however would be rather limited given the proposal involves the delivery of four dwellings. Likewise, the potential biodiversity benefits, although positive, would be limited.
23. The proposal may result in the site having a more well-kept and tidy appearance than the current builder's yard. Nonetheless, I do not consider the site's current use is inherently out of character with its location and surroundings, whereas the layout and design of the proposed development would be. Views of the existing site conditions within the builder's yard are also highly limited, in part, due to its enclosure behind boundary security fencing. As such, I do not consider that the proposal would result in any meaningful visual improvements.
24. The appellant has suggested that the Council is unable to demonstrate a five-year housing land supply, with reference to the Council's Housing Land Supply calculations as of 1st April 2023 (published July 2023) and two appeal decisions² from October 2023. Since those figures were published and appeals determined, the Council has subsequently adopted its Local Plan. The Council therefore sets out that it can now suitably demonstrate a five-year housing land supply. Despite the Local Plan being adopted when the previous Framework provisions were in place, no robust evidence has been presented to dispute the Council's stated housing land supply position.

² Appeal References: APP/R0335/W/23/3321229 and APP/R0335/W/22/3304460

Other Matters

25. A neighbouring landholder has alleged that activities on the appellant's site have encroached onto his land. This is a legal matter between the relevant parties and is not pertinent to my above findings.

Planning Balance and Conclusion

26. The proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. I find that the matters that the appellant has put forward, do not clearly outweigh the harm to the Green Belt either individually or cumulatively. Accordingly, the very special circumstances that are needed to justify inappropriate development in the Green Belt have not been demonstrated.
27. Even if the Council could not demonstrate a 5-year housing land supply, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the proposed development in accordance with paragraph 11 d)(i). As such, the presumption in favour of sustainable development would not apply.
28. For the reasons outlined above, the proposal conflicts with the development plan when taken as a whole and other material considerations, including the provisions of the Framework, do not indicate that the appeal should be determined otherwise. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR