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## Appeal Decision

Site visit made on 6 March 2025

**by C Butcher BSc MA MRTPI**

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

**Decision date: 20<sup>th</sup> March 2025**

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**Appeal Ref: APP/T0355/W/24/3354637**

**Coningsby Farm, Coningsby Lane, Fifield, Maidenhead SL6 2PF.**

- 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 E Davies against the decision of the Royal Borough of Windsor and Maidenhead Council.
  - The application Ref is 24/00140
  - The development proposed is a private way and hardstanding.
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### Decision

1. The appeal is allowed and planning permission is granted for a private way and hardstanding at Coningsby Farm, Coningsby Lane, Fifield, Maidenhead SL6 2PF in accordance with the terms of the application, Ref 24/00140, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with drawings: Site Plan; Topo Plan (Accessway).
  - 2) Within 3 months from the date of this permission, details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved and retained thereafter.

### Preliminary Matters

2. I observed on my site visit that the development has been completed in accordance with the approved plans. I have therefore determined the appeal on the basis that retrospective permission is sought for the development which has already been implemented.

### Main Issues

3. The main issues are: (i) whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effect on the openness of the Green Belt; and (ii) the effect of the development on character and appearance.

### Reasons

*Whether the Development is Inappropriate*

4. Policy QP5 of the Borough Local Plan 2013 - 2033 (the LP) sets out the approach to development in the Green Belt. I am satisfied that the wording of the policy is in broad conformity with the Framework.

5. The Framework establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One such exception, set out within paragraph 154(h)(ii), is the implementation of engineering operations, provided that such works preserve openness and do not conflict with the purposes of including land within the Green Belt.
6. In this instance, the development has involved the construction of a gravelled private way (hereafter referred to as the track) to provide access to an agricultural barn from both the farmhouse and Coningsby Lane, as well as the provision of hardstanding around the barn. I am satisfied that the works can be considered to be engineering operations in Green Belt terms. Given that the track and hardstanding are not features which project above ground level, I do not find that the works themselves have resulted in any harm to openness. The track does of course help facilitate the movement of vehicles across the land. However, being a farm, such movements could have already taken place, particularly due to the presence of the barn. In essence, the track and hardstanding just make these movements easier and no additional harm to openness has been caused.
7. In terms of the purposes of including land within the Green Belt, the Council has suggested that the development has resulted in encroachment into the countryside. However, gravelled tracks such as this are very common in rural areas and are a fundamental part of farming operations. As such, the scheme cannot be considered to represent encroachment, and I am entirely satisfied that there is also no conflict with any of the other Green Belt purposes.
8. With this in mind, I conclude that the development conforms with paragraph 154(h)(ii) of the Framework and is therefore not inappropriate development in the Green Belt. Accordingly, there is also no conflict with LP Policy QP5.

#### *Character and Appearance*

9. The gravelled track and hardstanding are noticeable features. However, as set out above, such features are quite common in rural areas and therefore do not appear as being incongruous or out of place. Moreover, the gravel material softens the visual impact of the track. The development therefore conforms with the rural character of the area and has not had an urbanising effect.
10. The Council has noted that part of a hedgerow has been removed to provide the access point onto Coningsby Lane. However, even if this is the case, any reduction would have been minimal and not sufficient to constitute harm.
11. I therefore conclude that the development has preserved the character and appearance of the area and therefore conforms with the requirements of LP Policy QP3 which requires new development to be well designed.

#### **Conditions**

12. I have imposed a condition to identify the relevant plans in the interests of certainty. LP Policy NR2 requires development schemes to protect and enhance biodiversity on site. I have therefore found it necessary to impose a condition that requires biodiversity enhancements in accordance with this policy. However, I have not imposed a condition regarding Biodiversity Net Gain (BNG) on the basis that the formal BNG requirements, introduced by the Environment Act 2021, do not apply to this application.

**Conclusion**

13. For the reasons given, the appeal is allowed.

*C Butcher*

INSPECTOR