

## Appeal Decision

Site visit made on 28 May 2025 by M Long BA (Hons) MSc MRTPI

### Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

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#### Appeal Ref: APP/T0355/D/24/3358104

#### Budds Oak, Langworthy Lane, Holyport, Maidenhead SL6 2HN

- 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 & Mrs Grad against the decision of Royal Borough of Windsor and Maidenhead.
  - The application Ref is 24/02162.
  - The development proposed is replacement garage with gym and home office above.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The appeal site is within the Green Belt and therefore the main issues are:
  - whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt; 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 necessary to justify the proposal.

### Reasons for the Recommendation

#### *Whether or not inappropriate development in the Green Belt*

4. Paragraph 154 of the Framework outlines that development in the Green Belt should be regarded as inappropriate, save for a number of exceptions. One of these is exception 'd) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.
5. The Council's officer report indicates the existing garage building has an approximate volume of 215 cubic metres and a floorspace of 56.4 square metres, whereas the proposed garage would have an approximate volume of 335 cubic metres and a floorspace of around 124.21 square metres. This would equate to respective increases of around 55.8% and 120.2%, which would be significant

enlargements. Also, the proposed ridge height would rise from 5.2 metres to 6.3 metres. These figures have not been disputed by the appellants. While the new building would have the same use as the one it replaces, it would be materially larger and so would not meet the exception at Paragraph 154 d).

6. Paragraph 154 c) provides an exception for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposed garage would have a functional connection to the main house, as well as a close physical and visual relationship to it. As such, the proposal would appear as a normal domestic adjunct and could be considered as an extension.
7. The original dwelling has been previously extended. However, there is no detailed evidence before me relating to the size of the original building or to its extensions. As such, there is insufficient information to demonstrate that the proposal would not result in cumulative enlargements that would be disproportionate over and above the size of the original building. In these circumstances, the exception at Paragraph 154 c) cannot be applied with sufficient certainty.
8. Paragraph 154 e) provides an exception for limited infilling in villages. The site is contiguous with the main built-up footprint of Holyport. Langworthy Lane joins onto Holyport Road and Moneyrow Green, which provide key routes through the central area of housing and are near to some limited public amenities that are typical of a village, such as a village green, memorial hall and public houses. Given its proximity to other houses and services in the area, I am satisfied that the appeal site forms part of a village for the purposes of applying Green Belt policy.
9. The Framework does not define what is meant by limited infilling. However, the Royal Borough of Windsor & Maidenhead – Borough Local Plan (2022) (BLP) defines it as relating to the development of a small gap in an otherwise continuous frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. This is a common interpretation of the term and without any alternative definition I find it pertinent to my assessment.
10. The appeal dwelling and surrounding houses do not have a consistent alignment and are set within substantial plots. The appeal dwelling and its garage are set well back from the highway and the path at 'Primrose Lane' segregates the site from the neighbouring dwelling and associated curtilage to its east. Also, the proposed development would be set forward of the host dwelling and would extend beyond the footprint of existing built form on the site. Given these factors, the proposal would not infill a small gap within built development, nor would it infill a recognisable gap within a continuous frontage. Consequently, the development does not meet the requirements of the exception at Paragraph 154 e).
11. Within the Glossary of the Framework, the definition of 'previously developed land' excludes land in built-up areas such as residential gardens. I have already found that the site is contiguous with the built-up area of Holyport and so the proposal would not meet the requirements of the exception at Paragraph 154 g).
12. The appellants suggest the site may be Grey Belt land. However, even in such circumstances the proposal would need to meet all the criteria at Paragraph 155 of the Framework. This would not be the case in this instance given, for example, there is no demonstrable unmet need for the type of development proposed.

13. I conclude that the proposal would constitute inappropriate development in the Green Belt. It would, therefore, be contrary to Policy QP5 of the BLP which protects Green Belt land against inappropriate development as defined in the Framework.

#### *Openness*

14. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
15. The greater mass and footprint of the proposal when compared with the building it would replace would evidently reduce openness from a spatial perspective. In visual terms, the gable ends, front gable and front dormers, together with the high-level windows, would emphasise the presence of accommodation within the loft, thus making the building appear more substantial. Nevertheless, the proposed garage would be seen within the context of the large main dwelling. Moreover, it would only be glimpsed in public views from the road. These factors would limit the visual effects on openness.
16. Taking both spatial and visual effects into account, the proposal would have a modest effect on the openness of the Green Belt. Even so, it would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework.

#### *Other considerations*

17. I am aware that there is an extant planning permission at the appeal site which includes a replacement outbuilding. The plans relating to this outbuilding have not been provided, although the evidence suggests that the outbuilding in that instance would be smaller than the proposal and would not include a habitable roof space served by dormers. Therefore, from the information before me, it does not equate to a comparable fallback.
18. The appellants contend that sizeable outbuildings which may have larger built forms than the proposed garage could be constructed under Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, I have not been provided with any further details relating to a potential scheme, its dimensions or location within the plot. I also have no formal confirmation before me that this could be achieved, for instance a lawful development certificate.
19. Moreover, development is not permitted by Class E if any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. Therefore, an outbuilding constructed using these permitted development rights would not be comparable to the appeal proposal and could have different effects, including in terms of openness. Even if it is the case that other buildings could be erected at the site under Class E, there is no suggestion that the appellants would be willing to relinquish permitted development rights. Therefore, in that scenario such buildings could potentially be erected in addition to the appeal scheme. This further diminishes the weight I apply to this matter.
20. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The site is located in the

Holyport Conservation Area (the CA) which partly derives significance from its historic buildings, including a variety of building styles and materials reflecting the development of domestic architecture, as well as its village green. The Council has not raised substantive concerns regarding the CA.

21. Having seen the context of the site and the design of the proposal, I am also satisfied that the proposed development would preserve the character and appearance of the CA. However, while somewhat plain, the current garage has a traditional form and discreet presence within the street scene which is visually in keeping with the locality. With this in mind, even though the proposal would be constructed in materials to match the existing dwelling, the design is not such that it would result in any tangible enhancement to the character or appearance of the CA. Therefore, the design of the proposal is a neutral factor.

### **Green Belt Balance and Recommendation**

22. The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. I have also found that the proposal would result in some modest harm to openness.
23. Paragraph 153 of the Framework specifies that substantial weight is given to any harm to the Green Belt, including harm to its openness, and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.
24. I acknowledge that other considerations do not have to be rare or uncommon to be special. However, taken in their totality, the other considerations presented in this appeal carry modest weight and so do not clearly outweigh the harm identified. As such, the very special circumstances that would be needed to justify the proposal do not exist.
25. The proposal would be contrary to the development plan and the Framework. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*M Long*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

26. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*M Russell*

INSPECTOR