



Appeal Decision

Site visit made on 8 May 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/R0335/W/24/3351161

Hill Copse, Parkers Lane, Maidens Green, Bracknell Forest, Bracknell RG42 6LE

- 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 Kim Howard Limited against the decision of Bracknell Forest Borough Council.
 - The application Ref is 23/00024/FUL.
 - The development proposed is described as: Demolition of existing dwelling and change of use of the curtilage of the property as an extension to the long existing caravan site, High Pines, comprising a small addition of 10 residential caravans to the existing 65 that are existing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, the Council has adopted the new local plan, Bracknell Forest Local Plan ('BFLP'). A summary of replaced policies is set out in the Council's appeal submissions. I have proceeded with the appeal on this basis.
3. Also, since the application was determined, the revised version of the National Planning Policy Framework (as amended) was published in December 2024 ('the Framework'). Because the appeal site is within the Green Belt and the revised Framework includes some changes to the Governments Green Belt Policy, the main parties were given an opportunity to comment on the appeal in light of the Framework and I have taken account of any submissions.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt in terms of the Framework and development plan policy;
 - The implications of the proposal in respect of trees;
 - The effect of the proposal on highway safety; and,
 - The effect of the proposal on protected species.

Reasons

Green Belt

5. Policy LP 34 of the BFLP says that proposals for development in the Green Belt will be determined in accordance with relevant national Green Belt policy.

6. The application seeks planning permission to demolish the existing buildings at the appeal site and for the change of use of the land to enable the stationing of mobile homes, in effect as an extension to the adjacent caravan park. The plans show that the appeal site would accommodate 10 mobile homes. The proposal includes the surfacing and laying of an access road and hard standing for the mobile homes.
7. It is common ground between the main parties that the appeal site is Previously Developed Land ('PDL'). Accordingly, and based on the submissions made by the main parties, I am satisfied that the appeal site is also 'grey belt land' as defined in the Framework.
8. Paragraph 155 of the Framework says that 'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purpose (taken together) of the remaining Green Belt across the area of the plan.
 - b. There is a demonstrable unmet need for the type of development proposed
 - c. The development would be in a sustainable location, with particular reference to [paragraph 110 and 115 of this Framework].
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.
9. Whilst the proposal would extend development into the Green Belt, given the small scale of development proposed, this would not fundamentally undermine the purpose (taken together) of the remaining Green Belt across the area of the plan. As such, the proposal meets the aims of Paragraph 155 (a) of the Framework.
10. In respect of demonstrable need, footnote 56 of the Framework advises that in the case of provision of housing, need is indicated by a lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable. Since the application was determined, the Council can no longer demonstrate a five year supply of deliverable housing sites. As such, there is a demonstrable unmet need for the type of development proposed.
11. The proposed scheme is an extension of the High Pines Park, which is an established caravan park. On the information before me, there are some services nearby including a public house, garden centre and a local butchers at a nearby farm shop. Access to these from High Pines Park and the appeal site is via a single width, unlit, private road without a footpath for pedestrians. This is a relatively short and straight road which serves a number of dwellings along it. Because of this and its constrained nature, I observed that vehicles generally move along this at low speeds and this is shared with pedestrians. Therefore, I am satisfied that this is acceptable for pedestrians and cyclists to use as part of a route to access nearby facilities.
12. There is also a regular bus service (albeit operating for limited times) which runs via High Pines Park and is along the route of a supermarket. As such, the location of the appeal site does offer some sustainable travel choices to nearby shops and facilities. Therefore, and mindful that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I am satisfied that the appeal site is in a sustainable location.

13. On the information before me, paragraphs 156-157 of the Framework do not apply to the proposal.
14. Therefore, the proposal accords with the requirement of Paragraph 155 of the Framework and is not inappropriate development in the Green Belt. Accordingly, I find no conflict with Policy LP 34 of the BFLP

Trees

15. The appeal site is subject to a Tree Preservation Order ('TPO') 206, for a group designation imposed on the 1 June 1990, protecting a copse of trees. Based on this and the evidence before me and my observations, I acknowledge that the copse would have made an important landscape feature in the local area, which positively contributed to its sylvan character. Due to a series of events, planning notifications and applications, overtime a large number of the protected trees have been removed.
16. The submitted Arboricultural Report ('AR') includes an assessment of existing trees on the site and concludes that of the 12 individual trees and a group surveyed, 8 including some which are protected are to be removed to facilitate the development. These are mainly identified as being of low quality.
17. Subsequent to the AR a Tree Replacement Notice ('TRN') dated 4 July 2024 ('TRN 206'), which relates to the appeal site was served on the appellant. This seeks to consolidate all the replacement and missing trees at the appeal site, which are required as a consequence of various applications over the last 4 years. The TRN is intended to secure the replanting of a number of replacement trees, which when mature are intended to positively contribute to the area visually and enhance its environmental quality. In addition, the appeal site is subject to a new TPO dated 4 July ('TPO 1409') 2024. This TPO seeks to protect extant trees at the appeal site.
18. A further TRN was served on 26 September 2024. This relates to a strip of land which is adjacent to the western boundary of the appeal site but does not form part of this. Therefore, this is of limited relevance to the proposal.
19. Whilst the appellant has made a judicial review request to the High Court in respect of the TRN 206 and TPO 1409, there is nothing to suggest that this process has been concluded. A separate appeal against TPO 1409 was made to the Planning Inspectorate but was out of time. As such, at the time of determining this appeal and for the purposes of my Decision, TRN 206 and TPO 1409 are valid and material to my Decision. In any event, it is not the purpose of this appeal to consider the validity of these.
20. In summary, the appellant advises that of the 8 trees identified under TPO 1409, only 7 remain on site. Based on my observations, I do not dispute this. The appellant also advises that these trees would be protected as part of the proposal and that this could be dealt with by planning conditions. Nevertheless, on the level of information before me, I cannot be certain of this. In particular, given that some of these trees are shown to be removed in the AR.
21. As for TRN 406, the appellant disagrees with the number of replacement trees required by this Notice and is of the opinion that only 33 replacement trees are necessary. Furthermore, the appellant advises that 20 trees were replanted in

November 2021 in accordance with 4 TRNs issued between 2020 to May 2021 and that 36 additional trees were planted in November 2024. Therefore, the appellant asserts that more than 33 trees have been planted. The attachments provided with the appellant's submissions include a plan titled 'Site Plan with Proposed Trees' dated September 2024. Based on this the extent of existing and proposed planting is unclear. Furthermore, this indicates the removal of Protected Trees.

22. However, I observed that some new tree planting has been undertaken at the appeal site. Even so, this does not correspond with the requirements of TRN 406.
23. Moreover, the majority of the new planting is along the perimeter of the appeal site and appears to have been undertaken after the preparation of the AR. As such, there is insufficient evidence that this would not be adversely impacted upon by the proposed development directly as a consequence of its installation or indirectly by the future occupancy of the mobile homes.
24. Therefore, there is no certainty that the layout and spread of the proposed mobile homes would allow for the establishment and the maturity of the planted trees so that they would positively contribute, visually and environmentally to the site and area. Also, on the information before me, I cannot be certain that the proposal would not adversely affect the Protected Trees covered by TPO 206. Given the importance of landscaping at the appeal site, this is of significant importance.
25. I am aware that planning conditions can be used to protect trees and secure landscaping. However, based on the foregoing and the importance of trees to this site and area, I am not persuaded that this matter should be left to conditions as this could result in an unimplementable planning permission.
26. For the above reasons, the proposal is contrary to Policy LP 54 of the BFLP. This requires the sustainable retention and enhancement of trees and native hedgerows of value wherever possible and effectively integrating retained trees and hedgerows with new landscaping into site layouts. This Policy also requires that landscaping proposals will be required to incorporate an appropriate post-planting management and maintenance programme to ensure successful healthy establishment and ongoing development.
27. Policy LP 54 of the BFLP aligns with the Framework, which recognises the benefits and opportunities of incorporating trees in developments and ensuring that they are visually attractive through effective landscaping.

Highway safety

28. Part of the internal access road near the entrance to the appeal site and proposed plot 1 is indicated to be about 4.1m in width. This section also incorporates a bend. Because this part of the road would accommodate vehicles, either entering / exiting the site or approaching the bend, the ability for such vehicles to safely pass each other and any other road users such as pedestrians / cyclists safely, would be limited due to its width and geometry. This arrangement would increase the potential for conflict between different users of this internal access road. The situation would be exacerbated when any larger vehicles such as delivery vans use this part of the internal access road.

29. On site, I observed that there is potential to widen the proposed internal access road. I also note that the Council's Highways Officer acknowledged that adequate alterations to the access could be made. Based on this and the Council's suggested condition, I am satisfied that the access road could be designed to safely accommodate all road users associated with the proposal. As such, this accords with the overarching aims of Policy LP 25 of the BFLP, which says that development must prevent, minimise and mitigate negative impacts on the transport network and road safety.

Protected species

30. The appeal submissions include an updated Preliminary Ecological Appraisal and Roosting Assessment ('PEA').
31. The PEA advises that the site will be entered into the District Level Licence for Great Crested Newts and a draft certificate from NatureSpace has been provided. The Council advises that following a review of the associated impact plan and discussions with NatureSpace, it is understood there may need to be amendments to the impact plan to ensure all impacts of the development are covered by the licence. Subject to these changes, the development works would be covered by the district licence. As such, I am satisfied that subject to these requirements the proposal would not impact on Great Crested Newts.
32. In relation to bats, the PEA only assesses the bat roosting potential of three of the buildings on-site. These are the main dwelling (B1), and the two detached garages (B2 and B3). A further outbuilding (B4) is identified in the survey. I also observed that there is a mobile home on the site, which does not appear to have been surveyed.
33. The PEA says that there is no risk to bats or other species and that a further survey should be commissioned prior to demolition, once planning has been granted. The PEA also says that "B1 is assessed to have low roosting value. One bat emergence survey is required during the active bat season".
34. Moreover, the PEA says that only building B1 is to be demolished. However, based on the proposed plans it is likely that all the existing buildings on-site would need to be demolished. Building B2 and B3 have been assessed as having moderate and low roosting potential respectively. Therefore, these buildings should be subject to further emergence surveys. B4 has not had any assessment of bat roosting potential. All buildings to be demolished need to be assessed for bat roosting potential and would be subject to further surveys as required.
35. Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System' advises that it is essential that the presence or otherwise of protected species that may be affected by a proposed development is established before planning permission is granted. The reason for this is to ensure that all relevant material considerations are addressed in making the decision. Despite the appellant's willingness to accept the Council's suggested condition in relation to protected species (bats), the Circular refers to the use of planning conditions in "exceptional circumstances" when surveys can be carried out after the grant of planning permission. No such exceptional circumstances have been demonstrated.

36. In light of the foregoing, it has not been clearly shown that the proposal would not harm protected species (bats) or their habitats.
37. As such, the proposal conflicts with BFLP Policy LP 53, which aims to safeguard against impacts of development on biodiversity, which includes protected and priority species. This Policy also requires that development proposals will be expected to provide suitable ecological survey information prior to the determination of an application. This Policy aligns with the aims of the Framework with regard to the protection and recovery of priority species.

Other considerations

38. As already stated, the Council is currently unable to demonstrate a 5-year supply of housing land, which on the information before me stands at about 4.49 years. Therefore, paragraph 11d) ii) of the Framework applies.
39. Whilst I do not dispute that there is an unmet need for affordable housing, including mobile homes in Bracknell Forest, in the absence of any mechanism, such as a legal agreement, there is no certainty that the proposal would deliver affordable housing, as defined in the Framework or otherwise in relation to house prices in the area. Also, there is no mechanism to ensure that the proposed housing would be for the over 55 years of age sector, which the appellant advises are under provided for.
40. Nevertheless, and whilst also noting that the extent of the shortfall is moderate, the proposal would deliver 10 new homes. These would provide limited but important help to ameliorate the current unmet need for housing in the area by utilising PDL in a sustainable location.
41. The construction of this development and the infrastructure associated with it, would generate economic activity. The new residents would also support existing shops, services and facilities in the area. As such, there would be some economic benefits arising from the proposal. I also note that there is some local support for the proposal.
42. Cumulatively, and in accordance with the Framework, the above and in particular the provision of new housing would deliver some social, economic and environmental benefits in support of the proposal. Given the overall scale of the proposed scheme (10 mobile homes) I attach moderate weight to these.

Planning balance and conclusion

43. I have found that the proposal is not inappropriate development in the Green Belt and would not result in any adverse impact on highway safety.
44. However, I cannot be certain that the proposal would not harm protected species (bats). Also, the proposed development or planting would not be consistent with the aims of TRN 206 and TPO 1409. Furthermore, there is insufficient evidence that the existing or any proposed planting would be compatible with the proposed development. Cumulatively, the harm associated with these matters and conflict with the development plan, which also align with the aims of the Framework, in my view attract substantial weight.
45. On the other hand, the proposal would provide housing which is consistent with the Framework. This, and the benefits associated with it are afforded moderate weight.

46. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal, would significantly and demonstrably outweigh the benefits arising from this. Consequently, the presumption in favour of sustainable development does not apply and this indicates that planning permission should be refused, and the appeal should be dismissed.

M Aqbal

INSPECTOR