



Appeal Decision

Site visit made on 27 May 2025

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/R0335/W/25/3360765

Jack O’Newbury, Terrace Road North, Binfield, Bracknell, RG42 5PH

- 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 Neil Boddington (Boddingtons Planning) against the decision of Bracknell Forest Council.
 - The application Ref is 24/00305/FUL.
 - The development proposed is reorganisation of parking arrangements to include additional land to the side of the public house and hard and soft landscaping to the front of the building from that approved by application ref 22/00607/FUL 5th April 2023.
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Decision

1. The appeal is allowed and planning permission is granted for reorganisation of parking arrangements to include additional land to the side of the public house and hard and soft landscaping to the front of the building from that approved by application ref 22/00607/FUL 5th April 2023 at Jack O’Newbury, Terrace Road North, Binfield, Bracknell, RG42 5PH in accordance with the terms of the application, Ref: 24/00305/FUL, subject to the conditions set out at the end of the decision letter.

Preliminary Matters

2. There has been a land ownership dispute relating to the boundary with the neighbouring residential property, Brambles. However, the information before me confirms that the neighbour has been formally served notice under Certificate B at both the application and the appeal stage. I am therefore satisfied that I can proceed to determine the appeal, and that any land ownership dispute will require to be resolved under separate legislation.
3. I understand that this proposal follows on from an earlier permission granted by the Council under its reference 22/00607/FUL for extensions and alterations to the pub building, together with extended parking areas, which in turn followed on from planning permission 19/00607/FUL. Under both of those permissions part of the parking remained in front of the building and some to the side. I consider this further below.
4. At the time of my site visit, the public house was under refurbishment and works were being undertaken to lay out a car park on the western side of the public house. However, no specific information has been provided and I shall consider the appeal on the basis of the submitted plans, as I am required to do.

Main Issues

5. The main issues in this appeal are:

- The effect of the proposed car park on the character and appearance of the local area;
- Whether the access would be safe and suitable for all users, including servicing, refuse and recycling collection, and
- Whether the proposal can secure the mandatory biodiversity net gain objective of achieving at least a 10% gain in biodiversity value.

Reasons

Character and appearance

6. The appeal site comprises a public house which is currently closed and undergoing restoration and works to the building and to its grounds, on the west side of Terrace Road North on the northern edge of Binfield. The site lies outside of the defined settlement of Binfield and therefore, in policy terms, is in the countryside. The building sits back from the road frontage and the land slopes up from the road towards the public house and then starts to flatten out further to the north and west.
7. There is a Grade II listed building to the immediate east of the appeal site which is also under refurbishment at the time of my site visit. Within and adjoining the appeal site, primarily to the west and south west of the public house, there are a number of trees protected by Tree Preservation Orders (TPOs 1301 and 436).
8. The proposals seek to alter the parking arrangements and external arrangements for the pub. The main car park, comprising some 46 spaces would be on the higher land to the west of the public house with 4 disabled spaces at the front of the building. There would be outdoor seating areas to the front, side and rear of the public house.
9. The proposed main car park would extend further to the west and to the north compared with earlier permissions granted by the Council, under its Refs: 19/00190/FUL and 22/00607/FUL. The area now proposed for car parking to the west of the pub building would be larger than that permitted and therefore result in a greater incursion into the open countryside. Policy LP 35 of the Bracknell Forest Local Plan March 2024 (Local Plan) seeks to protect the countryside by limiting development within it. The policy refers to the forms of development which would be acceptable outside of defined settlements and refers to employment, residential and sport, recreation and nature conservation development. It is not clear to me whether the public house falls within any of these categories of development, although under Section 3, the policy states that in relation to employment development regard will be had to whether it meets a local business or community need. In that regard, given that the public house is a form of employment use, a local business use and serving a community use it is not unreasonable to regard the public house as falling under the employment category of use under Policy LP35 of the Local Plan. I have no further information regarding whether or not the proposal would assist in making the location more sustainable.
10. Part 2 of that policy indicates that all such development shall meet a number of criteria including the impact on the character and appearance of the local area. The

site falls within the C1 Binfield and Warfield Clay Farmland as set out under Policy LP36 of the Local Plan which seeks to ensure that development proposals recognise and enhance the character and quality of the landscape character area within which they are situated and protect and enhance the setting of individual settlements and their distinctive characters. I have limited information before me on this landscape character area. However, the proposed car park would extend the development associated with the public house further into the countryside and to the extent that the open fields would be replaced with a car park, there would be some harm to the character and appearance of the local area and conflict with Policies LP 35 and LP 36 of the Local Plan. However, I consider that there are a number of other considerations to take into account and to weigh in the overall balance in terms of the effect of the proposals on the character and appearance of the local area.

11. The Council confirms that the public house is quantifiable as a valued community asset under Policy LP44 of the Local Plan. Although there is limited information, the Appellant has set out the reasons for seeking to alter the parking arrangements from the schemes previously granted permission. Policy LP44, under Section 1, seeks to permit development where existing facilities are retained and maintained, the quality and capacity of existing facilities and services is improved, and new facilities and services are provided. From the information before me, the objectives behind the development proposals before me would fully accord with this policy as well as paragraphs 88 and 89 of the National Planning Policy Framework (Framework) to support a prosperous rural economy. Weight is added in support of the proposal in this regard.
12. The siting of the car park to the west of the building and to the rear of residential development to the south and away from the public highway, would reduce the extent of views towards the car park from outside of the site. I have not been advised of any footpaths in the locality which traverse the immediate local area from which public views could be gained of the car park.
13. Furthermore, there would be landscaped margins around the car park which would assist in integrating the car park into the countryside beyond. The removal of much of the parking from in front of the building would, in my view, also be a material improvement in visual terms, compared with what has previously been in existence and permitted. It would allow for a much more open and greener frontage to the public house, which would be more appropriate to its location within the countryside. Although it would extend the development further to the west, the nature of the use, being a landscaped open car park, would have a limited impact on the local landscape character and would not materially reduce the sense of separation or 'gap' between the settlements of Binfield and Wokingham. This again adds weight in support of the proposals.
14. The proposed reduction of permitted car parking to the front and greening of the frontage would also enhance the setting of the neighbouring listed barn by removing the extent of car parking as historically seen close to the barn and permitted to continue. Whilst the listed barn would remain next to the public house use, it would in my view have a more sympathetic setting, to enable it to be enjoyed by those visiting the pub and in the local area. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting. Whilst the proposal would not directly affect the listed building, I consider that its setting

would be enhanced through the removal of most of the car parking to the front of the public house. This would also accord with the design criteria set out under Policy LP50 of the Local Plan as well as Policy LP29 of the Local Plan relating to Conservation and enhancement of the historic environment and the principles set out in the Framework and in particular Section 16 for conserving and enhancing the historic environment. Significant weight should be afforded to this benefit.

15. I have found that there would be some limited conflict with Policies LP35 and LP36 of the Local Plan in so far as the proposed development would extend the car parking into open countryside. However, Policy LP35 allows for some development within the countryside, and it is my view that the development would fall within one of the permitted categories of development. Moreover, and for the reasons set out above, that harm is limited in terms of the impact on the landscape character of the local area and materially outweighed by the benefits of the scheme, including in terms of supporting a local community asset, visual improvements to the frontage of the public house by reducing the extent of parking and through the enhancement of the setting of the adjoining listed building. In the particular circumstances of this case, I do not therefore find that the limited harm from the incursion of development into the countryside and conflict with Policy LP35 and LP36 of the Local Plan would justify withholding planning permission.

Access and Servicing

16. The public house appears to have utilised a separate entrance and exit point onto Terrace Road North for some period of time and was also shown under the earlier permitted schemes and the Appellant advises that these arrangements have not changed. The description of development does not refer specifically to any amendments to the access arrangements. Whilst each proposal should demonstrate that it complies with all requirements, rather than relying on previous permissions granted, in the particular circumstances of this case, I consider that details of the visibility splays for the access and egress points could be addressed by condition.
17. In overall terms, I consider that the relocation and therefore separation of most of the car parking from the front of the public house to the new car park to the side would create a safer environment for those visiting the public house. I note, in particular, that some of the parking spaces would have been very close to the entrance and exit points and would be improved upon by removing such uses from close to these points. The Council and in particular the Highways Officer has raised a number of detailed points regarding the manoeuvring for the disabled spaces, but I am satisfied that these are points of detail that could be appropriately addressed by condition, rather than justifying refusal of permission. Indeed, the Highway Officer has indicated the amendments required to satisfy his concerns in respect of the disabled spaces and manoeuvring.
18. I have taken into account that the proposal did not provide swept paths for deliveries or refuse collection. I do not consider it unusual that service deliveries would be managed by the public house operator, albeit accepting that there may be times when there may need to be deliveries and collections outside of the agreed hours. In this regard, I am satisfied that these are points of detail that could be appropriately addressed by condition to require a management plan for deliveries and servicing, including refuse collection, rather than justifying refusal of permission.

19. In conclusion and subject to the imposition of appropriate conditions to address points of detail on the visibility splays, parking layout and to address servicing and refuse collection arrangements, I am satisfied that the proposals would be safe and suitable in highway terms for all users. There would be no conflict with Policies LP25 and LP62 of the Local Plan and the Framework and in particular paragraphs 115, 116 and 117, all of which seek for safe and suitable access for all users within the development site and on the local highway network.

Biodiversity Net Gain

20. The Biodiversity Net Gain (BNG) Report and Statutory Biodiversity Metric calculation tool submitted with the application indicated a potential net gain in biodiversity across the site as a result of the proposed design, with a total on-site net change of 39.09% in habitat units and 32.7% in hedgerow units. The site plan was consequently amended although I am not persuaded, from the limited information before me, that the Council's overlay is completely accurate.
21. Any permission granted will require the submission and approval of a Biodiversity Gain Plan (BGP) and I consider that the corrected metric could be resolved at that time. Were, for any reason, it not possible to meet the requirements on site then off-site gains can be discussed and secured and there are procedures in place to enable this to take place. However, given the small differences in the revised site plan area and taking into account the considerable uplift demonstrated in BNG through the calculation tool submitted at the application stage, it would appear likely that the requirements could be met on site. I am therefore satisfied that the Council's concern that the metric has not been updated to reflect the slightly amended red line site area, would not be a reason to withhold planning permission on this issue.
22. The standard condition seeks for the BGP plan to be submitted and approved prior to commencement of development but as the development appears to have been commenced, that would not be a condition that could be complied with. The Council in its proposed conditions has required related matters, in terms of the landscape and ecological maintenance plan (LEMP) to be submitted and approved prior to practical completion of the development. Given my findings above I agree that would be an appropriate and acceptable way forward, although I have used the alternative wording of a Habitat Management and Monitoring Plan.
23. I am therefore satisfied that subject to the imposition of appropriate conditions, there would be no reason to withhold planning permission in terms of the provision of BNG. There would be no conflict with Policy LP53 of the Local Plan and the Framework and in particular paragraphs 187, 192, and 193 and the statutory provisions of Schedule 7A of the Town and Country Planning Act.

Other Considerations

24. I am satisfied that the information before me has properly addressed the protection of existing trees, including those protected by Tree Preservation Orders. This was not a reason for refusal raised by the Council.
25. I have taken into account the concerns raised by local residents regarding construction disturbance but consider that the permanent use of the car park can be controlled by a noise management plan. Given the distance between the adjoining properties and the intervening proposed car park with landscaping, I am

satisfied that there would not be an unacceptable impact on the living conditions of the neighbours, with particular regard to noise and disturbance. The Council also did not raise such issues as a reason for refusal.

26. The proposed landscaping scheme includes various biodiversity features which would also be addressed by condition.
27. The Council's reasons for refusal did not make reference to the 2016 Binfield Neighbourhood Plan 2015-2026 but I have had regard to the extracts included with the Council's main Statement of Case, but I am satisfied that no new issues are raised.

Conditions

28. Conditions are required to address the highway related issues identified in my assessment above to ensure that the scheme provides safe and convenient access and manoeuvring for all users entering and leaving and within the site. Further information on the landscaping proposals, including boundary treatments and biodiversity features, are required to protect the character and appearance of the local area and to protect the amenities of neighbours. To protect the amenities of neighbours a noise management plan is also required relating to the operation of the public house as well as a more detailed lighting plan. A detailed lighting plan is also required to protect the character and appearance of the local area.
29. For the reasons set out in the decision letter, conditions are required to ensure that the BGP and related Habitat Management and Monitoring Plan are delivered. The approved plans shall be listed for in the interests of good planning and for the avoidance of doubt.
30. Given that they have not been seen or are materially differ from those proposed by the Council, and in the interests of natural justice, the proposed conditions relating to BNG, lighting and noise management have been provided to the Appellant and Council for comment. Both have confirmed that they have no comments to make.

Conclusion

31. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22/011/Rev B Site Block Plan; 443/101A Landscape Proposals General Arrangement and Wildlife Habitats; Light Locations Plan; complete boundary plan.
- 3) The development hereby permitted shall not be first brought into use until a Delivery and Servicing Management Plan, including refuse and recycling collection, which includes swept paths for delivery and servicing vehicles and appropriate exit and signage and markings has been submitted to and approved in writing by the Local Planning Authority and brought into operation in accordance with the approved Plan. The approved Plan shall thereafter be retained and maintained.
- 4) The development hereby permitted shall not be first brought into use until a plan showing visibility splays in both horizontal and vertical planes compliant with the measured speeds on Terrace Road North for both the access and egress points into the site has been submitted to and approved in writing by the Local Planning Authority and brought into operation in accordance with the approved Plan. The approved visibility splays shall thereafter be retained and maintained.
- 5) Notwithstanding the approved layout plan, the development hereby permitted shall not be first brought into use until further details of the siting of the disabled spaces, including swept paths have been submitted to and approved in writing by the Local Planning Authority and brought into operation. The approved layout shall thereafter be retained and maintained.
- 6) Notwithstanding the approved light locations plan, the development hereby permitted shall not be first brought into use until further details of the location of lighting around the site and car park, including illuminance levels, design and hours of operation have been submitted to and approved in writing by the Local Planning Authority and brought into operation in accordance with the approved details. The approved lighting shall thereafter be retained and maintained.
- 7) The development hereby permitted shall not be first brought into use until a noise management scheme to protect the living conditions of neighbours has been submitted to and approved in writing by the Local Planning Authority and brought into operation in accordance with the approved scheme. The approved control of noise management scheme shall thereafter be retained and maintained.
- 8) Notwithstanding the approved landscaping plans, the development hereby permitted shall not be brought into use until the following have been submitted to and approved in writing by the Local Planning Authority:
 - 1) details of both hard and soft landscaping works,
 - 2) hard landscaping materials, and

4) a comprehensive five year post planting maintenance schedule

The details in respect of 1), above shall include:

a) Comprehensive planting plans showing details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed, numbers/densities locations,

b) Details of semi mature tree planting,

c) Boundary treatments and other means of enclosure.

The landscaping scheme shall be completed before the development hereby permitted is first brought into use, or such alternative timescales as may be agreed with the Local Planning Authority.

Any trees or plants which die, are removed, uprooted, are significantly damaged, become diseased or deformed within a period of 5 years from the completion of the development are to be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

- 9) The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.
- 10) The development hereby permitted shall be undertaken in strict accordance with the protective fencing and other protection measures specified on the Tree Protection Plan 443/103 and the Supplementary Tree Condition Survey, Arboricultural Implications Assessment and Tree Protection Recommendations dated March 2024 by Goodger Design Associates.
- 11) A Biodiversity Gain Plan (the BGP) and a Habitat Management and Monitoring Plan (the HMMP) shall be submitted to, and approved in writing by, the local planning authority prior to the practical completion of the development hereby permitted and prior to being first brought into use.

The BGP shall include details in accordance with paragraph: 035 Reference ID: 74-035-20240214 of the Planning Practice Guidance.

The HMMP shall include:

a) a non-technical summary;

b) the roles and responsibilities of the people or organisation(s) delivering the HMMP

c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved BGP

d) the management measures to maintain habitat in accordance with the approved BGP for a period of 30 years from the completion of development; and

e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Notice in writing shall be given to the Council when the HMMP works have started. The created and/or enhanced habitat specified in the approved

HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.