



Appeal Decision

Site visit made on 1 July 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/T0355/W/24/3352208

Land to the east of the pumping station, London Road, Ascot SL5 7SB

- 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 Ms Jess Aldridge against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/01524.
 - The development proposed is for 1no. new dwelling with associated parking, landscaping, new boundary treatment and the reinstatement of a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the header above has been taken from the planning appeal form as it is clearer in its description of the proposed development. I note that the Council also used this description in their decision notice.

Main Issues

3. The main issues are:
 - Whether there would be any loss or deterioration of an ancient woodland;
 - Whether the proposal would provide a suitable standard of living conditions for future occupiers;
 - Whether the proposal would be inappropriate development 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 character and appearance of the surrounding area; and,
 - Whether the proposal would comply with the Council's climate change strategy.

Reasons

Ancient Woodland

4. The appeal site immediately adjoins an ancient woodland, and as part of the proposal, a 15m buffer area has been proposed to separate it from the residential use. This buffer area comprises a mixture of wildflower planting and trees and is separated from the residential use by a 2m high hedgerow. I understand that this

layout was guided in part by the Council's ecologist's comments associated with a previous application (ref: 23/03110/FUL).

5. The Council are content that, subject to a suitable mechanism, the buffer area would be suitable to prevent any deterioration or loss of the ancient woodland. I am not content that a condition could form such a mechanism to secure the status of the buffer area and ensure its maintenance in perpetuity.
6. The appellant submits that a legal agreement could instead be used but no completed agreement has been provided. I cannot, therefore, be certain that the buffer area would suitably protect the ancient woodland from any deterioration or loss as a result of the proposed development. While it has been suggested that a legal agreement could be submitted as part of the appeal process these can take a significant amount of time, especially where multiple complex issues need to be agreed. Given this and that the Framework seeks for decisions to be made quickly and without delay, it would not be appropriate to seek a legal agreement at this point.
7. As the proposal would not suitably secure the maintenance and protection of the ancient woodland it conflicts with Policies QP3 and NR3 of the Borough Local Plan 2013-2033 (the BLP) and Policy NP/EN2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (the NP) which collectively require the protection of trees generally and the maintenance and protection of ancient woodlands specifically. It also conflicts with Paragraph 193(c) of the Framework which states that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodlands, should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Living Conditions

8. The proposed dwelling is arranged so as to provide a study, and two bedrooms along the rear of the property. The Study and Bedroom 2, as annotated on the plans, provide both rear and side facing windows. Bedroom 1 is only provided with windows along the rear elevation. This elevation would be in close proximity to the proposed 2m high hedgerow that forms part of the above-mentioned buffer area.
9. As Bedroom 2 would only have windows facing the proposed hedgerow the outlook from this room would be significantly affected. Once the hedgerow had grown to its full height the room would be a dark and enclosed space where future occupiers would have no meaningful outlook and would be reliant upon artificial lighting. I am mindful that, as a bedroom, it may mostly be used overnight when outlook is less important. Nevertheless, I cannot be certain of this, nor whether it would necessarily be used as a bedroom by future occupiers. This room would therefore provide a poor standard of accommodation to the detriment of living conditions for future occupiers.
10. As the Study and Bedroom 2 are served by both rear and side facing windows, a suitably open outlook from these rooms would be achieved.
11. Notwithstanding the living conditions for the Study and Bedroom 2, the proposal would not provide a suitably standard of living conditions for future occupiers as a result of the poor quality of Bedroom 1 as set out above. The proposal therefore conflicts with BLP Policy QP3 which requires development to be of a high quality. The proposal also conflicts with the guidance set out within the Royal Borough of

Windsor & Maidenhead Borough Wide Design Guide (the BWDG) on outlook set out under Paragraphs 8.5 to 8.7.

Whether Inappropriate

12. Paragraph 153 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 also states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. Subject to a number of exceptions, as listed in Paragraph 154, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include the complete redevelopment of previously developed land (including a change of use to residential) which would not cause substantial harm to the openness of the Green Belt.
14. At the time of my visit there was a shipping container on site and a sizeable portion of the site was taken up by a concrete pad. As the shipping container is not a permanent structure, it does not support the site being previously developed land. The glossary of the Framework is clear that previously developed land can also include large areas of fixed surface infrastructure, such as hardstanding, that has been lawfully developed.
15. In this instance there is no dispute between the parties as to the lawfulness of the concrete pad. I am also content that, given the scale of the pad in relation to the site as a whole, it can be considered large for the purposes of this assessment. I therefore find that, in this case, the appeal site is previously developed land.
16. As such, I shall now assess the effect of the proposal on the openness of the Green Belt. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt.
17. The appeal site sits spaciouly between a pumping station and a residential dwelling. As noted above the site is, with the exception of the concrete pad and container, free of built development. As the concrete pad is low in height and set back from public vantages, it does not significantly affect the contribution the site makes to either the spatial or visual aspects of openness.
18. In contrast, the proposal would introduce a single-storey dwelling served by a substantial area of hardstanding. These would be visually and spatially more prominent features to the detriment of the site's openness. It would be further eroded by the parking of private motor vehicles and the proliferation of residential paraphernalia about the site. As a whole the proposal would adversely affect the openness of the site and its contribution to the openness of the Green Belt.
19. However, I recognise the scale of the proposal in relation to the Green Belt as whole, and as such I find that the harm to its openness would be limited. The Framework is clear under Paragraph 154(g) that development must not cause

substantial harm to the openness of the Green Belt. As the harm I have identified is, in this case, only limited, the proposal would meet the exception set out under Paragraph 154(g) and would not be inappropriate development in the Green Belt.

20. The proposal, by way of not being inappropriate development within the Green Belt, complies with BLP Policy QP5 which seeks to protect the Green Belt from inappropriate development in line with the Framework. The proposal also complies with Section 13 of the Framework as set out above.

Character and Appearance

21. The surrounding area and street scene are characterised primarily by the strong and dominant presence of mature trees and natural greenery interspersed by more limited, and varied, development. To one side of the appeal site is a pumping station while to the other is a semi-detached dwelling. Both are set back from the road and the appeal site and are screened by mature planting and boundary treatments. Tall boundary fences and hedgerows are typical of this side of the immediate street scene.
22. The proposed dwelling would be of a rather low and modern design that is not comparable to the immediately adjacent developments. However, given the varied character of the surrounding built environment, this individuality would not be discordant or harmful to the street scene. The dwelling would also be set back from the road in a manner similar to its neighbours and a sizeable area of open space would be retained around the property in the form of the driveway, garden and buffer area. As such, it would replicate the spaciousness of the neighbouring dwellings.
23. Moreover, the dwelling would be set back from the road on lower land and a hedgerow is proposed along the frontage. This, together with the low height of the building, would soften its appearance and, in views from the road it would appear as a retiring feature amongst the trees and hedgerows.
24. In all, the proposal would not harm the semi-rural character of the surrounding area and complies with BLP Policy QP3 and NP Policies NP/DG2 and NP/DG3. These collectively require high quality design that respects the character of the area, including with respect of massing and bulk, materials and the grain of development. The proposal also complies with the guidance set out within the BWDG on built form as set out under Chapter 7. It further complies with Section 12 of the Framework, including Paragraph 135 which requires proposals be visually attractive and sympathetic to the local character and built environment.

Climate Change Strategy

25. Policy SP2 of the BLP sets out that developments have to demonstrate how they incorporate measures to adapt to and mitigate climate change. It goes on to set out a number of measures that should be included and documents that provide guidance. Since the determination of the planning application the Council's Interim Position Sustainability Position Statement has been superseded by the Sustainability Supplementary Planning Document (the SSPD).
26. The SSPD sets out detailed guidance for developments with an aim to contributing towards carbon reduction. The SSPD goes beyond the requirements of Building Regulations but does not set out a well-reasoned and robustly costed rationale

that demonstrates development would remain viable, and that any impact on housing supply and affordability would be in accordance with the Framework. As such the SSPD goes beyond the requirements of the Local Energy Efficiency Standards Update Written Ministerial Statement.

27. The appellant has provided an Energy statement that demonstrates the proposal would exceed the requirements of Building Regulations Part L and would be served by an air source heat pump. While they have not demonstrated that the proposal meets the requirements of the SSPD, a material consideration, in this instance, for the reasons set out above, the proposal's conflict with this guidance is not unacceptable.
28. The proposal would meet the requirements of the Council's climate change strategy and complies with BLP Policy SP2 as set out above.

Other Matters

29. The Council have referred to the appeal site being within the buffer zone of the Thames Basin Heaths Special Protection Area. The appellant has referred to this European designated site along with the Windsor Forest and Great Park Special Area of Conservation and Site of Special Scientific Interest. The addition of a residential unit within such close proximity of these sites, in combination with other plans and projects, would be likely to have a significant effect on the internationally important interest features of these areas. Mitigation measures are therefore required to make the development acceptable and avoid an adverse effect on the integrity of these designated sites. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further as it could not lead me to a different decision.

Conclusion

30. There is not dispute that the Council is unable to demonstrate a five year housing land supply. However, the Framework provides a clear reason for refusing the development, the harm to an irreplaceable habitat, and therefore the proposal does not benefit from the presumption in favour of sustainable development.
31. There are no material considerations that indicate the decision should be made other than in accordance with the development plan and Framework. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR