
Appeal Decision

Site visit made on 5 August 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/T0355/W/25/3361175

Yard and buildings adjacent to Orchard Cottage, Green Lane, Fifield 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 St John Homes (Thames Valley) Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00215.
 - The development proposed is demolition/removal of existing buildings, structures and hardstanding and the erection of four two-storey dwellings (comprising two detached dwellings and a pair of semi-detached cottages) together with access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An update to the Planning Practice Guidance (PPG) on the Green Belt was published on 27 February 2025. The main parties were given the opportunity to comment, and the comments received have been taken into account in the determination of the appeal.
3. The appellant submitted a revised Energy Statement that illustrates how the stated emission figure was reached and a Water Efficiency Calculator that states the total water consumption for the proposed houses. These do not involve a substantial difference or fundamental change, and the Council has been given the opportunity to comment on them. Whilst these documents have not been subject to public consultation, I am satisfied that it would not cause procedural unfairness to anyone involved in the appeal. As such, I have considered these documents in making my decision.
4. The appeal is accompanied by a signed Unilateral Undertaking (UU), made pursuant to Section 106 of the Town and Country Planning Act 1990. The Council was given the opportunity to comment on this matter. I have assessed the UU against Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the National Planning Policy Framework (the Framework) and taken it into account in my determination.

Main Issues

5. The main issues are:

- whether the appeal site is grey belt and whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the proposed development on the openness of the Green Belt;
- the effect of the proposed development on the character and appearance of the area;
- whether the proposal complies with the adopted policies relating to climate change; and
- whether other considerations clearly outweigh the harm to the Green Belt and any other harm as to amount to very special circumstances.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site contains a number of agricultural buildings to its eastern side and the remainder of the site predominantly consists of hardstanding. To the immediate north is Orchard Cottage, a detached 2-storey house. There is a significant amount of hedging to the site's boundaries which offers it a degree of containment within the wider open rural location. The proposed development includes the replacement of the existing buildings with four 2-storey houses to the central and eastern parts of the site and the creation of an attenuation pond to the western part of the site. The existing access off Green Lane would be utilised.
7. The site is located within the Metropolitan Green Belt. The Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and the permanence. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
8. Policy QP5 of the Borough Local Plan 2013-2033 (BLP) reflects national Green Belt policy and states that the Green Belt shall be protected against inappropriate development and planning permission will not be granted for inappropriate development unless very special circumstances are demonstrated. As such, there is consistency with the Framework.
9. Several exceptions are identified at Paragraph 154 of the Framework where development would not be regarded as inappropriate, and there is no dispute between the parties that none of these apply.
10. The appellant contends that the proposal would not represent inappropriate development in the Green Belt in terms of Paragraph 155 of the Framework.
11. Paragraph 155 of the Framework is subject to four criteria. The first of these (a) states that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
12. Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not

strongly contribute to purposes (a), (b) or (d) stated in Paragraph 143. Purposes (a) is to check the unrestricted sprawl of large built-up areas; (b) is to prevent neighbouring towns merging into one another; and (d) is to preserve the setting and special character of historic towns. The definition also states that grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

13. The Council contests this in terms of purposes (a) and (b). My attention has been drawn to the Council's Edge of Settlement Green Belt Purpose Assessment, and in particular Parcel M36 that is to the immediate north of, but does not include, the appeal site. It identifies that the parcel makes a very strong contribution to preventing the unrestricted sprawl of a built-up area, including the separation of the built-up area of Maidenhead and the Green Belt Settlement of Fifield, as well as a strong connection to the wider countryside and Green Belt. It also adds that the parcel makes a moderate contribution to preventing settlements from merging and forms the gap of approximately 0.5 to 0.8km between Maidenhead and Fifield.
14. However, and having regard to the PPG, due to the appeal site containing a number of buildings in this rural location, it does not strongly contribute to the purposes of (a) to check the unrestricted sprawl of large built-up areas, or (b) to prevent neighbouring towns merging into one another. In addition, the site is not close to any historic towns and purpose (d) is not relevant. Furthermore, the application of the policies in footnote 7 of the Framework, relating to areas or assets of particular importance (other than Green Belt) that provide a strong reason for refusing or restricting development do not apply in this case. As such the appeal site would constitute grey belt land.
15. In terms of Paragraph 155 of the Framework, due to the limited scale of the appeal site in its location, the existence of buildings on the site and the nature of the proposed buildings, the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan. Thereby the proposal accords with criteria (a).
16. As the Council states that they do not have a 5-year supply of deliverable housing sites, there is a demonstrable unmet need for the type of development proposed and the proposal accords with criteria (b).
17. Criteria (c) relates to the development being in a sustainable location, with particular regard to paragraphs 110 and 115 of the Framework. The bus stop on Fifield Road provides a regular service to High Wycombe, Maidenhead and Windsor and is accessed from the appeal site via Green Lane and Coningsby Lane.
18. Green Lane is a Bridleway with access to Orchard Cottage and Green Lane Farm. The Council's Rights of Way officer remarks that it is a well-used off-road route for walkers, cyclists and horse-riders, though reference is made to issues with vehicular use of the lane as a short cut from Forest Green Road. I observed from my site visit that Green Lane has no street lighting and is narrow in places. Whilst Coningsby Lane carries more traffic, it also has no footpath or streetlighting and is narrow for considerable parts of its length.
19. Some local services are located in Holyport and accessed from the appeal site via Green Lane and Forest Green, the latter of which has a 40mph speed limit and I

saw that it was carrying a noticeably greater volume of traffic compared to Coningsby Lane and Fifield Road. It also has no footpath or street lighting.

20. These road conditions would not be an attractive option for cyclists and walkers and those with mobility issues, particularly during adverse weather and during the hours of darkness. Therefore, the necessary day-to-day services and facilities that would be required by future occupants of the proposed houses would not be readily accessible. Due to a lack of genuinely sustainable travel choices, the occupants of the proposed houses would be heavily reliant on private motor vehicles to access services and facilities on a regular basis.
21. Whilst Paragraph 110 of the Framework acknowledges opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and ensure that safe and suitable access to the site can be achieved for all users, as required by Paragraph 115. Consequently, the proposed houses would not be in a sustainable location and would not accord with criteria (c).
22. The appellant contends that the Council did not raise this matter in the determination of the application, as the considerations set out in Paragraphs 110 and 115 of the Framework are not new. However, I must consider the proposal before me on its individual merits within the context of the revised Framework and PPG.
23. As the proposal is not for a major development, criteria (d) is not relevant.
24. I have considered the appeal decisions submitted by the appellant, but all 3 cases differ from those in the case before me. One case¹ related to the provision of the same number of houses as that before me but within a site that formed part of a garden. Moreover, the Inspector identified that the site is largely surrounded by other forms of development, with a village church situated immediately to the north and residential areas within a settlement boundary to the east and beyond the adjacent dwelling to the west. The settlement contained shops and services, including a primary school. The other two cases² were for fewer dwellings than the appeal proposal. In my case I have applied the provisions of paragraph 155 of the Framework.
25. In conclusion, as the proposed development would not accord with criteria (c), it would not fall under the exception within Paragraph 155 of the Framework. The proposal would therefore be inappropriate development within the Green Belt in terms of the Framework and BLP Policy QP5.

Openness

26. Openness is an essential characteristic of the Green Belt. In considering the concept of openness, the courts have found that it broadly has visual and spatial dimensions.
27. There is no dispute between the parties that the proposed development would result in a significant reduction in built volume, footprint and hardstanding, as well as an increase in green space within the appeal site. Therefore, the quantum of development would have a positive impact on spatial openness.

¹ Appeal Ref: APP/M3645/W/24/3339699

² Appeal Ref: APP/R3650/W/24/3352222 & APP/M3645/W/24/3347328

28. Plots 2, 3 and 4, and the gaps between them, would represent a reduction in built form and greater visual permeability compared to the existing arrangement of buildings. However, Plot 1 would be positioned closer to Green Lane than the existing buildings, where there are currently none, and the proposed houses would be noticeably taller than the existing buildings. Moreover, whilst the removal of hardstanding would reduce the extent of encroachment in the countryside in one way, in another way Plot 1, which would be located on what is currently hardstanding, would represent a greater and more visible form of encroachment on that particular part of the site. Consequently, the proposal would be more visible, particularly from Green Lane, and would result in moderate harm to the visual openness of the Green Belt.
29. The nature of a proposed activity and its duration can also impact upon openness and there is limited evidence before me regarding how the site is used. During my site visit, I observed that the buildings appeared to be used for some storage and the hardstanding was predominantly empty. Moreover, and whilst I recognise that my site visit is a snapshot in time, I witnessed no activities associated with the agricultural use of the site. Taking the above into account the introduction of 4 family sized dwellings on the site would be likely to increase comings and goings compared to that of the existing use of the site, which would reduce openness.
30. The reduction in hardstanding and the provision of landscaping on the site would represent both spatial and visual benefits to the openness of the Green Belt. However, this aspect along with the reduction in the volume and footprint of the existing buildings, would not counterbalance the increase in height of the proposed houses as well as the positioning of Plot 1 on part of the site where there is currently no structure. Moreover, Plot 1 would be the closest house to Green Lane and would be more visible above the existing hedging than the existing hardstanding. There would also be the addition of domestic paraphernalia of the 4 households on the appeal site.
31. Taking all these factors into consideration, the proposal would have a greater impact on openness than the existing development.

Character and appearance

32. The surrounding area is characterised by an open and flat rural landscape. Fields, as well as existing development, are predominantly enclosed by hedgerows and sporadic trees. The existing buildings on the appeal site have a functional agricultural appearance that would be expected in such a rural location and are also similar to other buildings in the locality. Due to the height of the Leyland Cypress hedges to the eastern and southern boundaries, the existing buildings appear nestled into this vegetation when viewed from Green Lane. Furthermore, the hedge to Green Lane provides a significant screen to the area of hardstanding and, generally, the size of this area is only fully appreciated from the access.
33. I note that the houses are designed to reflect the local vernacular, and I observed a variety of different house styles in the wider locality. Whilst adjacent to Orchard Cottage, the proposal would introduce a cluster of houses that are taller than the existing buildings, giving an overly urban and domestic appearance to the site that would be at odds with the existing rural character of the site and surroundings.
34. For the above reasons, the proposed development would have an unacceptable effect on the character and appearance of the area. It would be contrary to BLP

Policy QP3, which requires, amongst other things, new development to respect and enhance the local, natural or historic character of the environment. The proposal would also conflict with the Framework, which seeks to ensure that development is sympathetic to local character.

Climate change

35. BLP Policy SP2 requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. It refers to, amongst other things, the Council's Sustainable Design and Construction Supplementary Planning Document, or successor documents for further guidance. This has been superseded by the Council's Sustainability Supplementary Planning Documents (SSPD) and is a material consideration.
36. Whilst BLP Policy SP2 does not set any specific targets or standards, the SSPD seeks to secure a contribution to the Council's carbon offset fund where developments have demonstrated that net zero cannot be achieved. The SSPD identifies an initial set price of carbon offsets at £252 per tonne over a 30-year lifetime of the development.
37. The appellant's energy statement calculates that a greater than 77% improvement over Building Regulations can be seen through the use of energy efficiency measures, air source heat pumps and solar photovoltaic panels. It also confirms that the proposal would not be net zero, the signed UU before me contains a figure reflecting those given in the SSPD.
38. The Energy Statement and Water Efficiency Calculator for New Dwellings, both dated February 2025, illustrate how the emission figure of 0.91 tonnes/year was reached, and that a consumption target of 105 litres of water or less per head per day would be achieved.
39. I am mindful of the advice given in the PPG, which states that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence-based documents, as these would not be subject to examination³. Nevertheless, the SSPD was subject to a period of consultation and the wording of Policy SP2 is specific about referring to certain documents for guidance.
40. Consequently, I conclude that the UU meets the three tests set out in paragraph 58 of the Framework and in Regulation 122(2) of the Community Infrastructure Levy Regulation 2010.
41. In conclusion, the proposed development complies with BLP Policies SP2 and EP1 relating to climate change. These include demonstrating how proposals have been designed to maximise resistance and resilience to climate change, and that they do not have an unacceptable effect on environmental quality.

Other considerations

42. Details are before me of a Class Q Prior Approval⁴ for the conversion of the agricultural buildings on the appeal site to five houses, and there is nothing before me to indicate that there is not a real prospect that the development would occur if

³ Paragraph: 004 Reference ID: 23b-004-20190901

⁴ Planning Permission Ref: 23/01466

this appeal were dismissed. I recognise that the Class Q Prior Approval would not deliver the significant Biodiversity Net Gain, the energy efficiency and carbon off-set financial contribution, the removal of large areas of hardstanding and the extensive landscaping of the site, and the installation of the surface water drainage system discharging at greenfield rates, that form part of the appeal proposal. Moreover, the appeal proposal is for 4 houses, lower than the 5 houses under the Class Q Prior Approval, which would likely result in fewer vehicular movements to and from the appeal site.

43. The Class Q Prior Approval would utilise the existing buildings whilst the appeal proposal would reduce the total volume and footprint on the site with a number of individual buildings containing gaps between them. Nevertheless, the proposed houses would be noticeably taller than the existing buildings and introduce a house closer to Green Lane where there is currently no structure. Moreover, the curtilage of the proposal before me is significantly larger than that of the Class Q Prior Approval.
44. The Class Q Prior Approval would require some external alterations to the existing buildings to enable the residential conversion but the extent of these would not be such a sharp contrast to the existing rural character of the site and surrounding area as the appeal proposals.
45. Therefore, considering the above including the appeal proposal's greater height, closer proximity to Green Lane, larger curtilage and urban appearance, the effects on openness as well as the character and appearance of the area of the proposed development would be more harmful than those of the Class Q Prior Approval. Consequently, I afford limited weight to this fallback.
46. The proposal would deliver 4 houses of a variety of sizes with inclusive access, to the housing supply. It would result in a significant Biodiversity Net Gain (BNG) and also reduce the amount of built volume and footprint, as well as hardstanding from the site, much of which would be given to landscaping and an attenuation basin and would not fall within a domestic curtilage. There would also be associated social and economic benefits during the period of construction and once the houses are occupied. However, the limited scale of the development means that I afford these benefits moderate weight.
47. It is asserted that the appeal site is not at risk of flooding, and the proposal would not harm any designated heritage assets, as well as have no adverse impact on highway safety nor the living conditions of nearby residents. A good living environment would also be provided for future occupiers. A lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.

Green Belt Balance

48. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt, including harm to its openness. I have found that there would be harm to the Green Belt by reason of the proposed development's inappropriateness and its effect on openness. There would also be harm to the character and appearance of the area. I have found that the degree of harm would be significant.
49. The Framework states that the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the development must be

clearly outweighed by other considerations for planning permission to be granted. The other considerations consisting of the fallback position, delivery of housing and BNG, reduction of built volume, footprint and hardstanding, provision of landscaping as well as an attenuation basin outside of a domestic curtilage, and the social and economic benefits are not sufficient to comprise the very special circumstances necessary to justify this development.

50. The Council has stated that it has a deliverable housing land supply of 4.47 years, whilst the appellant references 4.69 years. In either scenario, the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Therefore, Paragraph 11 d) of the Framework is applicable. However, Paragraph 11 d) i) provides an exception where there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a strong reason for refusing the proposal. Footnote 7 establishes that this includes the Green Belt. I have found that there would be harm to the Green Belt and that the application of policies in the Framework provide a strong reason for refusing the proposal. As such, the appeal proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

51. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

P Barton

INSPECTOR