
Appeal Decision

Site visit made on 25 November 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Appeal Ref: APP/T0355/W/25/3362889

Land to the Rear of 80 Adjacent Wraysbury Reservoir, Coppermill Road, Wraysbury, Staines TW19 5NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr I Ali (Chiltern Green Homes Ltd) against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/02155.
 - The development proposed is described as: 'Outline planning application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved, for the erection of a mix of 26 dwellings with private access drives, parking, bins and cycle provision'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the appeal form and the Council's decision notice differs from that on the planning application form. I have used the description of development as stated by the appellant on the appeal form because it describes the appeal scheme in a more comprehensive manner.
3. The appeal application seeks outline planning permission including approval of access, appearance, layout and scale. Landscaping is a reserved matter. None of the plans before me are indicated as being indicative or illustrative and, therefore, I have considered all plans for approval at this stage.

Main Issues

4. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area;
 - whether the amount of affordable housing has been optimised;
 - whether an appropriate mix of dwelling sizes would be delivered;
 - the effect on protected species, specifically in respect of bats and hedgehogs;
 - biodiversity net gain (BNG);
 - the effect on trees;
 - climate change adaptation;

- whether satisfactory provisions would be made for pedestrians;
- whether satisfactory community engagement has been undertaken; and
- whether 'very special circumstances' exist to justify development in the Green Belt.

Reasons

Character and Appearance

5. The local area displays an overall coherence but has a mix of different styles of dwellings, mostly using traditional materials and a shared architectural language. Nevertheless, the span of the site and its overall size is such that it could accommodate its own character and style, including contemporary, innovative designs as well as the use of modern building materials.
6. Whilst the principal elevations of some dwellings would have a simple elegance, the mixture and positioning of materials on others, for example on the front elevations of plots 8 and 10, would result in a cluttered and incoherent appearance. The unsatisfactory appearance would be compounded by the dominance of vehicle parking / hardstanding in front of the proposed dwellings.
7. The broadly square floorplates of the larger dwellings would, when combined with the flat or monopitch roofs, result in a bulky appearance. This would be exacerbated on some plots by side elevations constructed from a single material that would be unrelieved by fenestration or other detailing. There is also a lack of clarity on the drawings in respect of the materials that would be used in some cases, for example in relation to the side elevations of plot 16.
8. Whilst landscaping is a reserved matter, a number of dwellings are illustrated with plants on their rooflines or in wall-mounted planters at first floor level. However, it is unclear how these would be accessed for maintenance and, in the case of planters on side elevations, whether they would receive sufficient sunlight for the plants to thrive, particularly on north-facing elevations.
9. Overall, I find that the appeal scheme lacks coherence, is not sufficiently refined, and does not represent good design. Therefore, it would result in a harmful effect on the character and appearance of the area. As such, the appeal scheme conflicts with Policy QP3 of The Royal Borough of Windsor & Maidenhead Borough Local Plan (2022) (BLP), the guidance in The Royal Borough of Windsor & Maidenhead Borough Wide Design Guide (2020), and Policies NP/HOU1 and NP/HOU2.1 of the Horton and Wraysbury Neighbourhood Plan (2020) (HWNPN) which say that new development should represent good design, carefully consider the choice of materials, and integrate well in terms of roof form, scale and bulk.

Affordable Housing

10. In justifying the absence of any affordable housing, the appellant has referred to its choice to provide green roofs which it says comes at significant cost and adds to the long-term maintenance of each dwelling. However, it has said that the benefits would outweigh the costs, noting that the roofs would offset the development of significant areas of grass, shrubs and the biodiversity of the site and the erosion of drainage capacity resulting from the new houses, driveways and pathways.

11. There is no development plan policy requiring green roofs and the Council's Affordable Housing Delivery Supplementary Planning Document (SPD) (2024) (AHDSPD) states that schemes should not include elements that have an adverse impact on viability where there is not a good planning reason for including them. It also says that applicants should seek to optimise the viability of their development, including by testing different design options to ensure that on-site affordable housing provision and viability is optimised. However, I have not been presented with any evidence to demonstrate that options were tested or that designs which do not incorporate green roofs would necessarily be of a lower quality as the appellant has suggested or that a different design approach would preclude other aims of the appellant such as the inclusion of solar panels, the maximisation of floor to ceiling heights, larger windows, or the use of diverse materials.
12. In light of its SPD, the need for affordable housing in the Borough and the build cost assumptions that were included in the application submission, I do not find it unreasonable for the Council to have sought evidence to demonstrate whether a scheme which did not include elements / design features for which, by the appellant's own admission, there is no planning requirement, would result in a different outcome in respect of affordable housing. On that basis I find that it has not been demonstrated that the amount of affordable housing has been optimised and, therefore, the appeal scheme conflicts with BLP Policies HO1 (and the associated site proforma relating to the appeal site) and HO3 and with the AHDSPD, all of which relate to the delivery of affordable housing.

Housing Mix

13. According to BLP Policy HO2, the provision of new homes should contribute to meeting the needs of current and projected households reflecting the most up-to-date evidence as set out in the Berkshire (including South Bucks) Strategic Housing Market Assessment (2016). This indicates that for the 2013-36 period, there is a need for 20% of all dwellings to have 4+ bedrooms and for 35% to have 3 bedrooms.
14. The submitted dwelling mix indicates that 17 (65%) of the proposed 26 dwellings would have 4 bedrooms and 4 (15%) would have 3 bedrooms. Whilst the immediate area does not include any existing small dwellings and existing housing in the local area may have been extended, these are not necessarily indicators of the need for particular types of dwellings. Furthermore, whilst a fourth bedroom could be used for other purposes such as a home office, the potential additional cost of larger dwellings could prevent those for whom a 3-bed dwelling could be more affordable from accessing the housing market. In addition, the dwelling mix would not provide the proportion of smaller dwellings which are sought by the HWNP.
15. Although it has been noted that the dwelling mix is reflective of the occupation types found in the immediate area and provides a flexible home size that could accommodate home offices which reduces the need for work-related travel, no evidence has been provided to substantiate this argument, and no other evidence has been presented to suggest that there is a specific need for larger houses in this part of the borough. Furthermore, no evidence has been submitted to demonstrate that an alternative dwelling mix would be unviable or result in an unacceptable form of development.

16. Overall, therefore, the scheme conflicts with BLP Policy HO2 and HWNP Policy NP/HOU3 which seek an appropriate mix of dwelling sizes to meet the current and future needs of households in the Borough.

Bats and Hedgehogs

17. The Council's ecologist said that a hedgehog survey must be provided prior to determination of the appeal application and also requested a bat emergence / re-entry survey before a decision was made; the Council did not suggest that these could be secured by way of a pre-commencement condition. As such information has not been submitted, there is insufficient evidence to assess the effects of the appeal scheme on protected species. Therefore, the appeal scheme does not accord with BLP Policy NR2 and HWNP Policy NP/OE2 which seek to avoid or, if that is not possible, mitigate the impacts of development on ecology.

Biodiversity Net Gain

18. Although the appellant has said that any outstanding matters in respect of BNG could be addressed by way of a pre-commencement condition, there are discrepancies in respect of the habitats recorded in the metric compared to what is set out in the submitted ecology report and arboricultural assessment. Therefore, I am unable to conclude that the submitted BNG metric is accurate. In the absence of sufficient information regarding the pre-development biodiversity value of the on-site habitat, it is not possible to determine whether the BNG condition is capable of being successfully discharged and therefore whether the appeal scheme would be capable of complying with Schedule 7A to the Town and Country Planning Act 1990 (as amended) or with BLP Policy NR2 which says that development proposals will be expected to demonstrate how they would maintain, protect and enhance the biodiversity of application sites.

Trees

19. The site allocation does not require the retention of all trees on the site but seeks to protect the trees worthy of retention as well as a soft landscaping strategy that reflects the character of the local street scene. Landscaping is not a matter for consideration at this stage but the appeal application indicates that existing trees along the frontage of the site would be removed and that there would be new tree planting to the rear of the proposed dwellings. The Council's tree officer has advised that the amount of tree planting proposed on this boundary is not likely to be sustainable in the long term given the proximity of the trees to the embankment of the reservoir, and that the planting would not mitigate the proposed losses.
20. The appellant has noted that it would have always been evident that many frontage trees would be lost to re-develop the site and that those proposed for removal include trees of low amenity value. Nevertheless, in its appeal statement it has indicated that 12 trees could be retained subject to works being undertaken on-site to safeguard them. However, no explanation has been provided as to this change of position, of the nature of the works that would be needed to safeguard the trees, and no indicative drawings or arboricultural information have been provided to illustrate that the proposed layout of the appeal scheme, which is for determination, would be compatible with the retention of these trees. Furthermore, no response has been provided in respect of the tree officer's concerns about the sustainability of planting new trees close to the reservoir embankment.

21. Although the appellant has said that mitigation could be secured by way of a pre-commencement condition to ensure that appropriate new trees are planted and that a review of existing trees is undertaken to retain as many as possible, such an approach could be fettered by the layout of development having already been approved and, in any event, such a condition would fail to meet the tests set out in the National Planning Policy Framework (the Framework) as it would not be sufficiently precise, particularly in the absence of any certainty over the trees that would be retained.
22. Therefore, it has not been demonstrated that trees worthy of retention would be retained or that adequate mitigation tree planting could be provided. The application therefore fails to accord with BLP Policies NR3, QP3 and HO1 (and the related site proforma) insofar as they relate to the protection and retention of trees.

Climate Change

23. Following a review of the application in light of its Sustainability Supplementary Planning Document (2024) (SSPD), the Council sought additional information in respect of the assessment's baseline, likely domestic energy costs, photovoltaic panels and the potential for energy storage. It also concluded that measures to mitigate overheating had not been considered, including in relation to building form and orientation, passive solar design, natural ventilation, and how passive overheating methods had been prioritised in the cooling hierarchy.
24. Despite these comments the appellant has referred me to the Energy Statement and further comments set out in the Planning, Design and Access Statement that were submitted with the appeal application and has not provided any additional information to address these matters.
25. Therefore, I conclude that it has not been demonstrated how the appeal scheme has been designed to adapt to climate change and as such it fails to comply with BLP Policies SP2, EP1 and QP3 and the SSPD which together seek development that adapts to and is resilient to climate change and which does not have an unacceptable effect on environmental quality.

Pedestrian Access

26. The appellant has noted that a pedestrian crossing of Coppermill Road could be secured by way of a pre-commencement condition or a legal agreement. However, no legal agreement or unilateral undertaking has been submitted.
27. Although the appellant has said that the appeal scheme does not include a pedestrian pathway in front of the proposed dwellings, it expected that the Council would turn the grass verge into a footpath. The Council has confirmed that it has no intention of providing a path and that no approach has been made to the local highway authority to facilitate such works. In the absence of a path, a pedestrian crossing would also be ineffective as the only route to use a crossing from most of the proposed dwellings would be via the carriageway.
28. Thus, the appeal scheme fails to demonstrate that satisfactory provision would be made for pedestrians and therefore it fails to comply with BLP Policies QP3 and IF2 which seek the creation of environments that are suitable for pedestrians to encourage walking.

Engagement

29. Whilst NP Policy NP/SUSTDEV01 seeks active engagement with the relevant parish council and the community in the preparation of planning applications for development proposals of 10 or more dwellings, no evidence has been provided to demonstrate that such engagement has taken place. Nevertheless, it is clear that the relevant parish council was consulted by the Council and given that the appeal site is allocated in the BLP, there has also been an opportunity for interested parties to inform the development principles for the site. Therefore, whilst the approach taken might conflict with that advised in the HWNP, I do not find that this adds any material degree of negative weight to my consideration of the planning merits of the appeal scheme.

Green Belt

30. The appellant has argued that the appeal scheme has been assessed under Green Belt policies because the Council has not yet found the time to remove the appeal site from the Green Belt and that, in its opinion, this undermines the Council's assessment. However, I must base my decision on the adopted development plan within which the appeal site is located on the edge of a village that is washed-over by the Green Belt designation.
31. The Council concluded that the appeal scheme would represent inappropriate development and the appellant has not argued that the appeal scheme would benefit from one of the exceptions to inappropriate development in the Framework.
32. Although it has also said that the proposed open space provision satisfies the relevant Golden Rule, the appellant has not argued that the appeal scheme complies with all of the Golden Rules that are set out at paragraphs 156 and 157 of the Framework, for example in respect of affordable housing and improvements to local infrastructure. Furthermore, whilst it has said that the lack of pedestrian crossing facilities is not a reason to sustain that the development is inappropriate in the Green Belt, there is no basis in the policy of the Framework to draw such a conclusion.
33. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. The appellant has said that there would be 'very special circumstances' because the appeal scheme would respect its immediate setting, would not harm the key elements that inform the openness of the Green Belt, and would help to address the borough's acute housing needs which are reinforced by the lack of a five-year supply of deliverable housing sites.
34. The appellant has highlighted that the site is allocated for a similar amount of development to that proposed. It has explained how, in its opinion, the appeal scheme complies with the criteria in the site allocation and that the amount of affordable housing has been informed by a viability assessment. The appellant has also set out a range of considerations which it says add significant weight in favour of the proposal, including the optimisation of the site's development potential and density for a development that helps to meet local housing needs; the proximity to local shops, services and public transport; the significant proportion of family-sized dwellings; large 2-bed dwellings that have been designed for elderly residents and which could facilitate down-sizing; good quality internal living spaces with private amenity space, parking and cycle provision; public open space; a development

which safeguards the daylight, amenities and privacy of adjoining properties; and the provision of green roofs and solar panels.

35. I attach significant positive weight to the delivery of housing, particularly in light of the Council's housing land supply position. I consider that the proposed public open space should be given a small amount of positive weight, specifically because there is no mechanism to ensure that this space would remain open for public use, or in respect of its long-term management. The inclusion of green roofs and solar panels is also a positive aspect of the scheme as are the economic benefits which have been noted by the appellant.
36. However, matters such as the proximity of the development to shops and public transport are simply a function of the site's location and could be claimed as benefits by any scheme for this site. Any development would be expected to respond appropriately to the site allocation, to optimise the site's development potential, to be acceptable in terms of daylight and privacy, and to meet other relevant standards, such as in relation to cycle parking. As such, these considerations do not attract any significant degree of weight in favour of the proposal.
37. Furthermore, in addition to the harm that the appeal scheme would cause by reason of inappropriateness, the appeal scheme would result in other harms, including to the character and appearance of the area and to safety as a result of unsatisfactory facilities for pedestrians. I have also concluded that insufficient evidence has been provided to justify the proposed housing mix or the absence of any affordable housing. In addition, insufficient information has been provided to demonstrate that potential harm to protected species, the climate and existing trees would be avoided, minimised or mitigated.
38. Overall, I do not find that the considerations to which positive weight should be attached clearly outweigh the harm by reason of inappropriateness and the other harms that would result from the proposal. Accordingly, 'very special circumstances' do not exist and the appeal scheme conflicts with BLP Policy QP5 and Section 13 of the Framework which together seek to protect the Green Belt from inappropriate development.

Other Matters

Effect on the Water Environment

39. Whilst the Environment Agency (EA) did not make comments prior to a decision being made on the appeal application, it has said that it would have objected to the proposed development on the grounds that it would have a negative impact on the water environment, noting that there is a main river, County Ditch, running within the site and a reservoir located to the east of the site.
40. Whilst the EA has sought evidence that the appeal scheme would not have an impact on the watercourse, the appellant has stated that it believes that the main river is not present on the appeal site. In response to the EA's request for evidence relating to how the risk of flooding from the reservoir and its implications for the safety of people in an event of a breach has been considered, the appellant has noted that it is impractical to provide a specific evacuation plan for the development in isolation.

41. Had I been minded to allow this appeal I would have afforded the EA and the Council an opportunity to comment on the appellant's submissions. However, even had this matter been resolved it would have been a neutral component of the planning balance and would not have changed my overall conclusion in respect of this appeal.

Habitats

42. The proposed development is located within the zone of influence (Zol) of the South West London Waterbodies Special Protection Area and Ramsar site, a European site protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Therefore, an appropriate assessment is required in relation to the effect of the development on its integrity. This responsibility falls to me as competent authority in the context of this appeal.
43. The reservoirs and gravel pits function as important roosting sites for wintering wildfowl, in particular Gadwall and Shoveler, which occur in numbers of European importance. To maintain the favourable conservation status of this designation, there is a requirement to ensure that the integrity of the site is maintained or restored as appropriate. The main threats to integrity are: water quality; air quality; eutrophication and siltation of water bodies; changes in biotic conditions; outdoor sports and leisure activities including water sports and angling leading to disturbance to bird feeding and roosting habitats; and the introduction of invasive non-native species.
44. The proposal for a net increase in residential units with a consequent increase in the number of local residents living within the Zol would, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely have a significant effect on the site. However, Natural England were consulted on the application and raised no objection subject to the imposition of a condition to secure a Construction Environment Management Plan. On that basis I find within my AA that, with such mitigation, the proposal would not have an adverse effect on the integrity of the European site and that the appeal scheme would therefore comply with the Habitats Regulations.

Conclusion

45. The Council does not have a five-year supply of deliverable housing sites. Paragraph 11 d) of the Framework would apply to this decision unless policies that protect areas or assets of particular importance – which include the Green Belt – provide a strong reason for refusing the development proposed. Given that I have concluded that 'very special circumstances' do not exist to justify the appeal scheme, paragraph 11 d) does not apply and the proposed development would not therefore benefit from the presumption in favour of sustainable development.
46. Overall, the appeal scheme conflicts with the development plan taken as a whole as well as with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan and, therefore, for the reasons set out above the appeal should be dismissed.

P Burley

INSPECTOR