



Appeal Decision

Site visit made on 10 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/T0355/W/25/3371773

Crown Farm, Eton Wick Road, Eton Wick SL4 6PG

- 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 Mr Fred Sines against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/02688.
 - The development proposed is described as: 'Retrospective: laying of hardstanding and use for open storage'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I observed that the appeal scheme had already been carried out and, therefore, I have considered this appeal on that basis.

Main Issues

3. The main issues are:
 - whether the appeal scheme is inappropriate development in the Green Belt and, if so, whether 'very special circumstances' exist;
 - flood risk;
 - the effect on protected species;
 - climate change; and
 - the effect on occupiers of nearby residential properties with specific regard to noise and disturbance.

Reasons

Green Belt

4. The appellant has noted that in the appeal application it argued that the appeal scheme was not inappropriate development with reference to paragraphs 154 b) and e) of the December 2023 version of the National Planning Policy Framework (the Framework). Part b) related to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, and part e)

related to limited infilling in villages. Both of those exceptions also appear in paragraph 154 of the current version of the Framework. In addition, the appellant argued that the appeal scheme preserved the openness of the Green Belt and did not conflict with the purposes of including land within the Green Belt.

5. The appeal scheme does not comply with either of those criteria, however. The storage of cars is not an appropriate facility connected with outdoor sport, outdoor recreation, cemeteries and burial grounds or allotments, and given its size and location it does not represent limited infilling in a village. Indeed, the appeal scheme does not benefit from any of the exceptions to inappropriate development that are listed at paragraph 154 of the current version of the Framework.
6. In its Statement of Case the appellant has also said that the development would not be inappropriate when assessed against the criteria at paragraph 155 of the Framework. In arguing that there is a need for the storage of cars, it has noted that specific research and studies on this type of use are extremely limited, particularly on a geographical basis but that there has been a strong and increasing demand for open storage sites over recent years, including for vehicles.
7. However, proof of private demand (i.e. what is in a developer's interest by having a particular type of development) does not equate to there being a planning 'need' (i.e. what is in the public planning interest). Thus, and notwithstanding that the submitted demand-related information does not relate to the appeal site or the surrounding area, the general evidence of there being a demand for open storage does not satisfy criterion b) of paragraph 155 which says that there must be a demonstrable unmet need for the type of development proposed. Given that a proposal must satisfy all of the criteria at paragraph 155 to not be regarded as inappropriate, the appeal scheme does not comply with this policy.
8. Therefore, the appeal scheme is inappropriate development. The appellant has not argued that 'very special circumstances' exist. Accordingly, the appeal scheme conflicts with Policy QP5 of The Royal Borough of Windsor & Maidenhead Borough Local Plan (2022) (BLP) and Section 13 of the Framework which together seek to protect the Green Belt from inappropriate development and which say that inappropriate development should not be approved except in 'very special circumstances'.

Flood Risk

9. In response to the second reason for refusal, the Appellant has commissioned a Flood Risk Assessment (FRA) which concludes that as the appeal site is in Flood Zone 3a and is a 'less vulnerable' use, it is not necessary to demonstrate that the exception test has been satisfied. It has also identified that sustainable drainage system (SuDS) features including a swale would need to be installed to manage flood risk and some of the hardstanding would need to be removed.
10. However, both the Framework and BLP Policy NR1 seek to steer development to areas with the lowest probability of flooding through a sequential test. Whilst the FRA reproduces the wording of BLP Policy NR1, it does not include a sequential site assessment or seek to argue that the sequential test should not be applied to the appeal scheme. As such, it has not been demonstrated that the proposed development cannot be located in an area that is at a lower risk of flooding and,

therefore, the appeal scheme conflicts with BLP Policy NR1 and Section 14 of the Framework which seek to manage flood risk.

Habitats

11. The appellant has submitted an Ecological Impact Assessment (EclA) which indicates that it is a 'preliminary' appraisal until habitat or invasive species surveys have been completed and the results incorporated into a final Ecological Appraisal (EA) or EclA. No final EA or EclA has been provided, however.
12. Nevertheless, the submitted document identifies that the ruderal vegetation that was on the site had some limited suitability to support reptiles, great crested newts, birds, and bats. It concludes that to ensure an overall enhancement in biodiversity value following the development, and to avoid adverse impacts on species which may have used this vegetation, new areas of vegetation within or near to the site should be created and / or retained ruderal vegetation should be enhanced commensurate with the extent of habitat loss / alteration.
13. However, there is no proposal before me to create new areas of vegetation within or near to the site or to enhance any retained ruderal vegetation. Whilst the appellant has suggested that this could be secured by way of a planning condition, I have not been provided with any evidence to demonstrate that there is an appropriate amount of suitable land that is, or would be, within the appellant's control to enable such enhancements to take place, or that the appellant has reached any agreement with a third party in this regard. As such I am unable to conclude that any impacts on protected species would be appropriately mitigated. Therefore, the appeal scheme conflicts with BLP Policy NR2 which seeks to avoid or, if that is not possible, mitigate the impacts of development on ecology.

Climate Change

14. Whilst no energy or sustainability statement was submitted as part of the appeal application, the appellant has argued that given the relatively small-scale, low-intensity nature of the development which does not include any permanent buildings, a full sustainability assessment is not wholly proportionate in this case.
15. The Council's Sustainability Supplementary Planning Document (2024) (SSPD) clearly sets out the policy links to the various topics that it covers. For example, in respect of biodiversity it refers to BLP Policy SP2 (climate change) and notes that this is applicable to all scales of development. In respect of BLP Policy QP1 it notes that the threshold is 1 hectare which is larger than the appeal scheme. Thus, whilst Policy QP1 may not be directly applicable, given that no information has been provided to address this reason for refusal I am unable to conclude that the appeal scheme complies with BLP Policy SP2 and the SSPD which together say that all scales of development should adapt and be resilient to climate change, and which seek to avoid unacceptable effects on environmental quality.

Living Conditions

16. The appeal scheme is described as comprising the laying of hardstanding for open storage, including the parking / storage of motor vehicles. That description could encompass the storage of a wide range of products or materials which could give rise to different impacts on the living conditions of the occupiers of nearby residential dwellings.

17. The appellant's Statement of Case notes that the use would be limited to the storage of cars and that there would be no mechanical processes taking place. However, an interested party has said that lorries and vehicles associated with the storage use have been reported accessing the site via a narrow farm track, causing noise and disturbance.
18. Provided that the storage use was limited to motor vehicles and that the hours within which activities could take place on site were restricted – which could be achieved by way of conditions – the appeal scheme would comply with BLP Policies QP3, EP1 and EP4 and the Borough Wide Design Guide SPD (2020) insofar as they seek to protect the living conditions of residential occupiers from noise and disturbance.

Other Matters

19. Although the appellant has argued that the development utilises a small piece of land in the centre of a larger site in mixed commercial use and is thus consistent with the overall aim of paragraph 125 d) of the Framework which promotes and supports the development of under-utilised land and buildings, this provision does not over-ride the policy in the Framework in respect of inappropriate development in the Green Belt. Therefore, this argument does not weigh in favour of the grant of planning permission.
20. It has also said that whilst the employment generated by the appeal scheme is limited, it is consistent with BLP Policy ED1 which seeks to encourage a range of different types and sizes of employment land and premises to maintain a portfolio of sites to meet the diverse needs of the local economy. However, this policy relates to the BLP's overall employment needs and allocates a number of major sites for employment uses. As such, I do not find that it lends any support to the appeal scheme. Nevertheless, and whilst I attach positive weight to the creation of jobs, given that the appellant has not specified the number of jobs that the appeal scheme has created, this is a matter to which I attach a very small amount of weight.

Conclusion

21. 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