



Appeal Decision

Site visit made on 13 January 2026

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2026

Appeal Ref: APP/T0355/W/25/3372817

Land south of Weycock Cottage, Four Elms, Milley Road, Waltham St Lawrence, Reading, RG10 0JR

- 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 Petru Mereacre against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 25/01599.
 - The development proposed is the construction of a single dwellinghouse with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is made in outline with all matters reserved. I have therefore treated all submitted plans as indicative only in respect of the reserved matters.

Main Issues

3. The main issues are:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the openness of the Green Belt,
 - Whether sufficient detail has been provided to allow the proposal to be assessed in terms of its effect on protected species and biodiversity, climate change, trees, and whether it would be likely to result in an increased risk of flooding; and,
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. There is no dispute between the main parties that the appeal site is grey belt land. The site is not part of a large built-up area. Its development would not contribute to the merging of neighbouring towns. It does not strongly contribute to the setting or special character of any historic town. I therefore see no reason to disagree. The site is relatively small, and its development would not fundamentally undermine the

purposes (taken together) of the remaining Green Belt across the area of the plan. The council does not have a five year supply of deliverable housing land, and therefore there is a demonstrable unmet need for new housing within the borough. The appeal proposal therefore satisfies criteria a and b of paragraph 155 of the National Planning Policy Framework (the Framework).

5. Whether the development would be in a sustainable location is therefore the sole point of dispute between the parties on whether the appeal proposal would be grey belt development in accordance with paragraph 155 of the Framework.
6. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It states that significant development should be focused on locations which are or can be made sustainable. The proposal is for a single dwelling, and while significant development is not defined in the Framework, it does not specify that all development should be focused in that manner. Smaller developments, therefore, can take place in less sustainable locations than larger developments.
7. However, the Framework also states that for any development it should be ensured that safe and suitable access to the site can be achieved for all users, amongst other considerations.
8. The appeal site lies on the fringe of the settlement with Milley Road along one boundary and Nut Lane along another. The latter is a bridleway, unpaved and uneven at the time of my site visit. Milley Road in the vicinity of the appeal site has no footpath to either side for a considerable distance in either direction. While my visit was only a snapshot in time, Milley Road seems well-used by vehicular traffic. It is unlit, and the road curves in both directions which restricts visibility for approaching traffic. There are no services near to the site, nor is there access to public transport close by.
9. Given these considerations it is not clear that safe and suitable access to the site can be achieved for all users due to the risk of conflict between vehicular traffic approaching along Milly Road and pedestrians or cyclists using the site access. There would be particular risks for those with mobility issues, or those with young children. There are existing houses further along Milley Road from any local services, but no information has been provided about when most of these houses were built nor what policies they were considered against. My attention has been drawn to a permission granted for a dwelling on Darach Farm nearby on Milley Road. However, that permission was originally granted in 2008 prior to the current development plan or the introduction of the Framework. While there have been more recent permissions on that site as recently as 2024, they did not involve creating new dwellings. The permissions on that site therefore carry limited weight and do not alter my conclusion.
10. The appellant has suggested that off-site mitigation measures could be secured by an obligation. This was found to be acceptable in a case in Dormansland to which my attention has been drawn. However, no details of what such measures might involve in this case have been suggested, so I cannot assess how effective they might be.

11. The appellant also refers to the application of policy as set out in the *Tesco Stores*¹ and *Hammersmith and Fulham*² cases. I am satisfied that the council assessed the appeal proposal against the requirements of the Framework, specifically paragraph 155, in deciding to refuse permission. It is clear from their reasoning that they recognised that the site comprises grey belt land, and that the appeal proposal met two of the three relevant criteria set out under paragraph 155. Whether it met the third criteria of being in a sustainable location was a matter of planning judgement, and the council set out its reasoning for finding that it was not. I have done likewise in determining this appeal.
12. The appeal proposal does not therefore constitute grey belt development in accordance with paragraph 155 of the Framework. No other arguments have been advanced to suggest that the proposal is not inappropriate development in the Green Belt.
13. The proposed development would therefore be inappropriate development in the Green Belt. It would conflict with the Framework, which identifies the fundamental aim of Green Belt policy as to prevent urban sprawl by keeping land permanently open. It would also conflict with policy QP5 of the Borough Local Plan. This policy states, amongst other things, that the Metropolitan Green Belt will be protected against inappropriate development.

Openness

14. The appeal proposal is in outline with all matters reserved. It is not therefore possible to say to what extent any development would affect the openness of the Green Belt. However, there would inevitably be some loss of both spatial and visual openness from the site in its current state. The Framework identifies the essential characteristics of the Green Belt as openness and permanence, and any loss of openness adds to the weight against the proposed development.

Technical matters

15. The council refused permission on six grounds. Other than the Green Belt reason, the remaining five relate to the absence of detailed technical information relating to protected species and biodiversity, carbon off-setting, the protection of trees, and a site-specific flood risk assessment.
16. The appellant suggests that the council has been unreasonable in refusing permission on these grounds as the appeal seeks outline permission with all matters reserved. They consider that such matters could be addressed by condition or at reserved matters stage. In support of this position they have drawn to my attention previous court judgments. They suggest that the council was *Wednesbury*³ unreasonable in refusing outline permission on detailed technical grounds. They also refer to *Samuel Smith*⁴ which stated that planning conditions should be used to secure policy compliance rather than refusing applications where solutions are available, and to *Ridge v Baldwin*⁵ which states that decision makers are required to act fairly and give proper consideration to all relevant factors while avoiding predetermined positions.

¹ *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759

² *R v Secretary of State for the Environment, ex parte Hammersmith and Fulham London Borough Council* [1991] 1 AC 521

³ *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1 KB 223 and subsequently *Newbury District Council v Secretary of State for the Environment* [1981] AC 578

⁴ *R (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire County Council* [2020] PTSR 221

⁵ *Ridge v Baldwin* [1964] AC 40

17. The European Court of Human Rights' decision in *Sporrong and Lönnroth v Sweden* (1982) 5 EHRR 35 is also noted. This sets out that restrictions on property rights must be proportionate to the legitimate aim pursued and must not impose excessive burdens. Furthermore, the judgment in *Alconbury Developments Ltd*⁶ states that proportionality considerations apply to planning decisions and that decision-makers must balance competing interests fairly and reasonably.
18. The appellant further refers to the judgement in *Doody*⁷, which established as a principle the consistent application of policy and procedure, and alleges that the council has departed from established practice without justification.
19. However, outline planning permission is still planning permission and the decision maker may seek certainty that a development can be carried out. The council as decision maker would have been entitled to require proportionate information to address its concerns about each of those reasons had it otherwise found that the development acceptable in principle. Indeed, the planning officer's report notes that conditions were considered but found not to overcome concerns identified in determining the application.
20. The appellant contends that protected species surveys and mitigation measures could have been secured by condition. They contest the council's view that the site comprises deciduous woodland, as much of the site is grassland with trees and hedgerows principally along the boundaries, and suggest that any requirement for detailed surveys is disproportionate. However, policy NR2 of the Borough Local Plan requires, amongst other criteria, that development proposals avoid impacts on habitats and species of principal importance. Even for an application made entirely in outline it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Without any evidence it is not possible to conclude that there would be no harm to protected species from the development. The proposal therefore conflicts with the identified requirements of policy NR2.
21. Policy NR2 further requires that the biodiversity of application sites should be protected and enhanced where there is opportunity for it to be improved. This accords with the requirement for biodiversity net gain set out in Schedule 7A of the Town and Country Planning Act 1990. In principle, self-build development can be exempt from this requirement. However, no means of securing the development as self-build were submitted with the appeal. Notwithstanding that the appeal seeks outline permission I must therefore determine the appeal on the basis that it would not be a self-build development. It would consequently not be exempt from the requirements for securing an overall biodiversity net gain.
22. Policies EP1 and SP2 of the Borough Local Plan collectively require that development proposals show they do not have an unacceptable effect on environmental quality and demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. The council's Sustainability supplementary planning document states that these policies apply to outline applications as well as applications for full permission or the approval of reserved matters. As the proposal is for outline permission with all matters

⁶ R (Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions [2001] UKHL 23

⁷ R v Secretary of State for the Home Department, ex parte Doody [1994] 1 AC 531

reserved no details of the development are available to assess the effect of the development. There is no dispute between the main parties that appropriate measures would need to be provided and both indicate that a legal agreement could be used to secure them by way of carbon offset contributions. However, no such mechanism has been provided, and conditions should not be used to require the payment of money. In the absence of any mechanism to secure contributions, the appeal proposal conflicts with the identified requirements of policies EP1 and SP2.

23. There are mature trees along the site boundaries and on neighbouring land, some of which are protected. Policy NR3 of the Borough Local Plan states, amongst other things, that where trees are present on site or within influencing distance of the site applications will need to be accompanied by an appropriate tree survey, constraints plan and tree protection plan. However, in this instance the site is largely open away from the boundaries. Given that the proposal is for a single house and as layout, siting and scale are all reserved matters an acceptable development could be devised that would not cause harm to protected trees. On balance, therefore, the appeal proposal would not conflict with policy NR3.
24. Policy NR1 of the Borough Local Plan states, amongst other criteria, that development should not increase the number of people or property at risk of flooding. The Milley Road frontage is identified as being at risk of surface water flooding, and no site-specific flood risk assessment has been provided. However, the site is also bounded by the bridleway. Details of layout, siting and access are reserved matters and the proposal is for a single house. The lead local flood authority has recommended conditions in relation to flood risk prevention. In this instance therefore there is sufficient flexibility to provide certainty that an acceptable development could be devised that would not increase the risk of flooding. The appeal proposal would therefore accord with the identified requirement of policy NR1.
25. Overall, therefore, the appeal proposal fails to provide sufficient information to show that it would be acceptable in terms of the effect on protected species and biodiversity or climate change. These weigh further against the proposed development.

Other considerations

26. The Framework requires that substantial weight is given to any harm to the Green Belt. The appeal proposal would be inappropriate development and would also inevitably result in a degree of harm to openness. In addition, there is a lack of information around detailed technical matters as set out above which weighs further against allowing this appeal.
27. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. The council has just over 4 years housing land supply. Given this shortfall, the delivery of even a single house attracts moderate weight in the overall balance. The Framework notes that small sites are often built out relatively quickly.
28. The appellant has drawn my attention to several other cases involving grey belt land. The Hadlow case involved a major development of 57 dwellings and a children's day nursery with much different considerations to the appeal proposal as a result. The Felbridge case involved development on a site where a fallback

position adjudged to be more harmful existed, where no such fallback exists in this case. In the Copthorne Bank and Dormansland cases the Inspectors found that public transport was accessible near to the sites, and in the Dormansland case off-site works to improve pedestrian safety were also given weight. In all these cases, the appeal proposals were found to amount to grey belt development. Moreover, the housing land supply position in each case was significantly worse than the 4 years that this council possesses. Given these considerations, these cases differ significantly from the appeal proposal and carry limited weight in my decision.

29. The appellant also refers to a case in Chaldon, but neither the decision letter nor many details are included. From the information provided the considerations before that Inspector were similar to the Dormansland case. This therefore likewise carries limited weight in my decision, and these other decisions do not alter my conclusions.
30. The development would deliver benefits, and the council has a shortfall of deliverable housing land which increases the weight afforded to windfall sites such as this, Nevertheless, these considerations do not attract sufficient weight to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and other harms resulting from the proposal.

Other Matters

31. The appeal site lies outside but next to the Waltham St Lawrence Conservation Area. It is separated from the Conservation Area by Nut Lane, with extensive mature vegetation along the intervening boundary. The nearest part of the Conservation Area is a large and open agricultural field which further separates the site from the historic core of the village. The appeal proposal would be a single new house, with scale, siting and design all reserved matters and therefore subject to control if I had otherwise been minded to allow the appeal. Given these considerations the development would not, in principle, be harmful to the significance of the Conservation Area.

Conclusion

32. The proposal conflicts with the development plan and there are no material considerations, including the Framework, to indicate that the appeal should be decided other than in accordance with it.
33. Therefore, for the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR