



Appeal Decision

Site visit made on 18 September 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 18 May 2026

Appeal Ref: APP/R0335/W/25/3360311

Land on Northwest Side of North Street, Winkfield, Windsor, Berkshire SL4 4TH

- 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 Messrs K Arafat against the decision of Bracknell Forest Borough Council.
 - The application Ref is 24/00071/FUL.
 - The development proposed is the erection of 2 no. detached dwellinghouses with associated parking and landscaping and provision of wildlife meadow.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application was submitted and validated before 12 February 2024 and therefore falls outside the statutory biodiversity net gain (BNG) framework introduced by the Environment Act 2024, as confirmed in the Planning Practice Guidance updated on 1 May 2024.
3. The Council accepts that the application is not subject to the statutory requirement to achieve a 10% BNG. Notwithstanding this, the Council's Biodiversity Officer has expressed concern that the proposed layout would not deliver a measurable biodiversity gain in accordance with the National Planning Policy Framework ("the Framework"). The Council expects the development to demonstrate biodiversity enhancement through application of the mitigation hierarchy and use of the biodiversity metric to quantify losses and gains.
4. Although the application was submitted prior to the introduction of statutory BNG requirements, the development plan contains comparable provisions that are directly relevant to the consideration of biodiversity matters. Accordingly, the dispute regarding BNG in this case arises from established planning policy rather than legislative change. I have therefore determined this appeal with reference to the pertinent development plan policies and the Framework, including the requirement for an appropriate assessment of biodiversity effects.
5. The appellant's letter dated 28 June 2024, submitted to the Council prior to the determination of the application, has been considered. Although the correspondence indicated a willingness to address the objections relating to ecology and flood risk, no such assessment was subsequently provided. I have therefore determined the appeal based on the evidence before me.

Main issues

6. The main issues are:

- whether the proposed development would constitute inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect on biodiversity in the area;
- the effect on the character and appearance of the area; and
- the effect on flood risk in the locality.

Reasons

Whether the proposed development would constitute inappropriate development in the Green Belt

7. Paragraph 154 of the Framework sets out among others the pertinent category of development which may be regarded as not inappropriate in the Green Belt as:
 - limited infilling in villages.
8. The appeal site is in a semi-rural setting characterised by low-density development, predominantly comprising detached dwellings of varied architectural style set within generous, landscaped plots. Buildings follow a largely linear pattern along the road frontage, with substantial plot sizes and mature vegetation creating clear visual separation between properties. Open frontages, long driveways, and the consistent set-back of buildings contribute to a strong sense of openness. The alternating rhythm of built form and planting ensures the street maintains a visually attractive, low-intensity character that is particularly sensitive to incremental change.
9. The appeal site is a large, elongated plot screened by dense vegetation, which also conceals its gated entrance on North Street. On entering from this road, the site remains enclosed by tall, thick planting on all sides, with only a few breaks in the boundary. The most notable gap is towards the rear on the left-hand side, where low fencing exposes a substantial two-storey neighbouring dwelling set deep within its similarly long plot, immediately south of the appeal site. Beyond this, continuing north along North Street, lies Crouch Lane, which is characterised by a mix of detached and semi-detached bungalows on generously sized plots. Further north past the junction with Crouch Lane, the area becomes more noticeably built-up, with a continuous run of large detached and semi-detached two-storey houses, each set behind substantial frontages close to the road.
10. Policy LP34 of the Bracknell Forest Local Plan (Adopted March 2024) identifies specific Green Belt village areas where limited infilling may be acceptable, grouping them into five categories, one of which includes North Street, Cranbourne. Policy W1 of the Winkfield Parish Neighbourhood Plan (Adopted July 2022) similarly confirms, using groupings comparable to those in Policy LP34, that within the Green Belt village of North Street, Cranbourne, development should be restricted to limited infilling within established village boundaries. Any such infill must be of a scale that is appropriate to its local context.
11. The proposed dwellings would be located toward the North Street end of the site, set behind a generous forecourt adjacent to the dense vegetation along the North Street boundary. The development, comprising the buildings, courtyard, and rear

garden, would occupy less than one-third of the total site area. The combined building footprints would cover an even smaller proportion, ensuring that a substantial part of the site remains open. Owing to its layout, height, and massing, the scheme would read as a modest infill development within the Green Belt, designed to sit sensitively within its local context.

12. The Council argues that the proposals map (Map 27) of the Bracknell Forest Local Plan divides the North Street, Cranbourne, area into two distinct sections, situated to the south and north of the appeal site around the adjoining stretches of Crouch Lane and North Street and their junction. On this basis, the appeal site is said to form the gap between these two defined areas. As the site lies outside the identified village boundaries, the Council concludes that it cannot be regarded as an infill location.
13. However, the Bracknell Forest Character Area Assessments Supplementary Planning Document (BFCAA SPD, adopted March 2010) identifies the whole area, shown as “Area G” on the plan, as a single, continuous settlement with no indication of a break. The SPD further describes the components of this area in an additional plan (page 69), which highlights and labels the appeal site as having a ‘distinct boundary treatment’. Notably, there is no corresponding area on the opposite side of the site that would support the assertion of a separation within the settlement.
14. The appellant has also referred to Figure 7.1 (mirrors Figure 7.2) of the Winkfield CAA, which depicts the settlement as a single entity without any identifiable internal division. Furthermore, Figure 11.4 of the Winkfield CAA, which illustrates the ‘local green spaces’ in the area, continues to show the entire area as one settlement, independent of the distribution of green spaces.
15. I note that the appellant’s planning statement refers to several court decisions relevant to the assessment of whether a proposal constitutes infill development, including the following authorities:
 - Julian Wood vs SSCLG and Gravesham Borough Council (2015) EWCA Civ 195, where it was held that “it is necessary to consider whether a site appears in a village based on its characteristics, as opposed to whether a site lies within a defined village boundary. Each case must therefore be determined on its own individual merits, with the consideration of the extent of a ‘village’ a matter of planning judgement.”
 - Tate v Northumberland County Council [2018] EWCA Civ 1519, which concluded that: “The question of whether a particular proposed development is to be regarded as “limited infilling” in a village for the purposes of the policy in paragraph 89 (now 154) of the NPPF will always be essentially a question of fact and planning judgment for the planning decision-maker. There is no definition of “infilling” or “limited infilling” in the NPPF, nor any guidance there, to assist that exercise of planning judgment. It is left to the decision-maker to form a view, in the light of the specific facts. Can this proposed development be regarded as “limited infilling”, or not, having regard to the nature and size of the development itself, the location of the application site and its relationship to other existing development adjoining it, and adjacent to it? That is not the kind of question

to which the court should put forward an answer of its own. Nor will it readily interfere with the decision-maker's own view."

16. The Council contends that, despite the appellant's reliance on local knowledge of the site and its surroundings, it is evident that when travelling along North Street, whether from north to south or vice versa, there is a perceptible break in the built form. The character shifts as vegetation becomes the dominant feature before development once again becomes prominent within the street scene. The Council therefore argues that this identifiable characteristic would be harmed if the proposal were to proceed.
17. I acknowledge that one side of North Street is more built-up, while the opposite side contains development of a much lower density, and the appeal site lies within this lower-density section. However, as outlined earlier, neither the SPD nor the Winkfield CAA identifies any division between these plots. Based on my own site observations, when travelling northbound on North Street, the buildings in this part of the road and the vacant appeal site, are largely screened by dense vegetation until reaching the junction with Crouch Lane, where the area becomes more noticeably developed. There is also a concealed development (Royal Berkshire Fishery and Tackle Shop) near the southern end of the appeal site on the opposite side of North Street. Although the appeal site sits centrally within this stretch of North Street, it is perceived as part of the wider village.
18. The Council also draws my attention to a recent appeal decision (APP/R0335/W/23/3328265) relating to a similar form of development in the locality, which was dismissed. However, the site in that case differed materially from the appeal site before me, being substantially wider in extent. The Inspector therefore did not regard it as an infill plot. The Inspector in that decision concluded as follows:
 - "In the context of the tighter knit, more dense development to the north and northeast, the gap could not be reasonably described as small. Further, while the resultant plot sizes would be in keeping with the lower density development on the opposite side of the road, the policy refers to those plots which adjoin the site. In this case, the infill plots would not be comparable in size and shape to those adjoining the site. Accordingly, the appeal proposal would not amount to limited infilling for the purposes of the Framework or Policy LP 34 of the Local Plan."
19. Moreover, the aerial visualisation included in the planning statement suggests that the development would not appear dominant within the wider landscape and would read as a modest infill. It would also retain a large proportion of the existing landscape features, complementing the open area on the opposite side of North Street.
20. In this context, I do not find conflict with the aims of the Framework. More broadly, I find no substantive inconsistency with the relevant development plan policies, which make provision for limited infill development. On this basis, the scheme would not constitute inappropriate development in the Green Belt. It would therefore accord with Policy LP34 of the Bracknell Forest Local Plan, Policy W1 of the Winkfield Parish Neighbourhood Plan and the Framework.

Effect on biodiversity in the area

21. The Council is not requiring the appellants to show a 10% BNG to be secured on this site, but that it be demonstrated, using the metric, that the site does show a measurable gain in biodiversity. It contends that approximately half of the site would be converted to residential curtilage, resulting in the loss of a biodiversity-rich area, notwithstanding the intention to leave the remaining land undeveloped and planted as woodland or meadow. While the appellant maintains that the scheme would deliver a biodiversity gain, the Council contends that the biodiversity metric is the appropriate mechanism for quantifying such effects and for demonstrating whether the loss of species-rich grassland would be fully compensated.
22. However, the appellant submits that the development falls below the threshold for mandatory BNG requirements, as the site area is less than 1 hectare. The appellant has also proposed biodiversity enhancement measures encompassing the 'wildlife meadow', the protection of most of the trees on the site, the provision of bird and bat boxes, creation of stag beetle loggery, creation of a 'hedgehog highway', use of native woody species and the provision of bee and butterfly friendly plants.
23. Having reviewed the policies cited in the reason for refusal, I note that they establish a clear expectation regarding the provision of biodiversity information. Policy LP53 of the Bracknell Forest Local Plan requires development proposals to be supported by appropriate ecological surveys and assessments to demonstrate biodiversity net gain and to identify any potential effects on ecological features, including ancient woodland, veteran trees, waterbodies, wildlife corridors, protected species, priority species and priority habitats. The policy is explicit that this information must be submitted prior to the determination of an application. In the absence of any evidence demonstrating the biodiversity net gain outcome for the scheme, the effects of the development on biodiversity cannot be understood. Accordingly, I find that the proposal would not comply with Policies LP3, LP28 and LP53 of the Bracknell Forest Local Plan.

Effect on the character and appearance of the area

24. The Council argues that the appeal site sits within a greenfield area which, together with the greenfield land opposite, provides separation between distinct character areas. It considers that introducing built form here would erode one of the defining characteristics identified in the Character Areas SPD and therefore fails to respect or enhance the landscape's established qualities.
25. However, the prevailing character of this stretch of North Street is defined by detached dwellings set within large plots and enclosed by dense vegetation. The proposed two-storey, four-bedroom houses would be similarly screened on all sides, including from the public highway, by mature trees. The impact on existing trees would be minimal, as the proposal utilises the existing access and positions the internal driveway well outside the root protection areas.
26. Given the significant setback of the dwellings within the site, they would benefit from generous forecourts and remain largely unobtrusive from the road, consistent with neighbouring properties. The proposal is therefore sensitively designed in terms of layout, height, and massing. Furthermore, as outlined above, this proposal forms part of the village settlement. A substantial proportion of the existing soft landscaping would be retained, complemented by the wide belt of dense vegetation adjoining the rear gardens of properties on Crouch Lane.

27. The Council accepts that the appellant considers the dense vegetation along the North Street frontage capable of screening the development. Nonetheless, it highlights that none of the trees or shrubs along this boundary are subject to statutory protection and could therefore be removed without consent. It also notes that vegetation is inherently variable and cannot be relied upon to remain unchanged over time. On this basis, the Council contends that the presence of planting should not be treated as a determinative factor in assessing the scheme's acceptability.
28. The appellant has confirmed an intention to retain and appropriately maintain the existing boundary planting. The submitted layout further illustrates the provision of additional landscaping along the site frontage, which would assist in integrating the development into its predominantly verdant setting. I also note that Conditions 8 and 9 suggested by the Council would secure the implementation and ongoing maintenance of these measures. Accordingly, I am satisfied that the proposal would not result in harm to the character or appearance of the area and would therefore accord with Policies LP28, LP36 and LP50 of the Bracknell Forest Local Plan. Nonetheless, compliance with these policies would not outweigh the absence of evidence demonstrating that the development would avoid harm to biodiversity, nor the resulting conflict with Policies LP3, LP28 (in respect of biodiversity), and LP53 of the Local Plan.

Effect on flood risk in the locality

29. Policy 33 of the Bracknell Forest Local Plan states that development should not be permitted where reasonably available sites exist in areas of lower flood risk. The Council maintains that the appellant has not submitted a satisfactory sequential test. It has not been demonstrated that no alternative sites, capable of accommodating two dwellings and sharing broadly comparable characteristics, are both available and at a lower risk from all sources of flooding. The Council also indicates that the Strategic Housing Land Availability Assessment should have been considered as part of this exercise.
30. The appellant contends that the developable area for the two dwellings, including their gardens and parking, amounts to approximately 0.83 hectares and therefore falls below the 1-hectare threshold. A substantial proportion of the land, around 0.53 hectares, is proposed to be retained and enhanced as meadowland/grassland for biodiversity purposes. On this basis, the appellant considers that the site should not be treated as a 1-hectare development site. The appellant's flood risk consultant further advises that the site is predominantly at very low risk of surface water flooding, with only the central and western parts identified as being at low risk (greater than a 0.1% annual exceedance probability event). Accordingly, the site is assessed as being at either very low or low risk from surface water flooding.
31. I have had regard to Paragraph 181 of the Framework, which requires that, when determining planning applications, local planning authorities ensure that flood risk is not increased elsewhere. It also states that, where appropriate, proposals should be supported by a site-specific flood risk assessment. Footnote 63 clarifies that, in Flood Zone 1, such an assessment is required for sites of 1 hectare or more; for land identified by the Environment Agency as having critical drainage problems; for land highlighted in a strategic flood risk assessment as being at increased future flood risk; or for land potentially subject to other sources of flooding where the development would introduce a more vulnerable use.

32. The Council has not demonstrated that the development falls within any of the categories identified in Footnote 63. In this circumstance, and having regard to the direction of the Framework, I am satisfied that a sequential test is not required. The proposal would therefore not conflict with Policy LP33 of the Bracknell Forest Local Plan. However, the weight that can be afforded to compliance with Policies LP28 (in respect of character and appearance), LP33, LP34, LP36 and LP50 of the Bracknell Forest Local Plan, and Policy W1 of the Winkfield Parish Neighbourhood Plan, is clearly outweighed by the failure to demonstrate that there would be no harm to biodiversity and subsequent conflict with Policies LP3, LP28 (in respect of biodiversity) and LP53 of the Local Plan.

Other matters and planning balance

33. The appellant argue that any biodiversity loss would be outweighed by the public benefits of the scheme, including the provision of two energy-efficient, well-designed family dwellings in a sustainable location with good access to public transport, a primary school, shops and other local services. They also highlight the contribution the proposal would make to housing supply within this Green Belt village, noting that few family homes have been delivered locally over the past decade.
34. While the proposed development would make a modest contribution to local housing supply and would generate some social and economic benefits during construction and subsequent occupation, these considerations attract limited weight. The proposal fails to adequately address the ecological implications of the development. I cannot be satisfied that the net gain for biodiversity, required by the development plan, can be achieved. Given the emphasis within the Framework of minimising impacts on and providing net gains for biodiversity, this matter carries significant weight against the proposal and outweighs the benefits of delivering two energy efficient, family dwellings in a sustainable location with good access to public transport, services and facilities, and any associated economic benefits. I have considered the appellant's contention that few family homes have been delivered locally over the past decade, but this does not alter my overall conclusions.
35. Taken cumulatively, the proposed development therefore conflicts with the spatial strategy and design principles set out in Policies LP3, LP28 (in respect of biodiversity) and LP53 of the Bracknell Forest Local Plan.

Conclusion

36. Having considered all other material factors relevant to the proposed development, none provide sufficient justification to depart from the provisions of the development plan. Accordingly, and for the reasons set out above, I conclude that the appeal should be dismissed.

A Oyebade
INSPECTOR