Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2026

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2026

Appeal Ref: APP/T0355/W/25/3372912
Land at Terry's Lane, Cookham SL6 9RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Mr & Mrs Boyd against the decision of Royal Borough of Windsor and Maidenhead.
- The application Ref is 25/01966.
- The development proposed is the erection of a single Self Build / Custom Build dwellinghouse.
- This decision supersedes that issued on 1 December 2025. That decision on the appeal was quashed by order of the High Court.

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a single Self Build / Custom Build dwellinghouse at Land at Terry's Lane, Cookham SL6 9RR, in accordance with the terms of the application, Ref. 25/01966.

Preliminary Matters

2. Following the consent order quashing the previous appeal decision, the appeal is to be re-determined on the basis that the whole case is considered afresh.

3. Further to the submission of the appeal, a new National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were afforded an opportunity to comment on any implications arising from this. I have taken those submissions into account and have determined the appeal having regard to the Framework in force at the date of this Decision.

4. The Planning Practice Guidance advises that the Town and Country Planning (Permission in Principle) Order 2017 (as amended) is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle from the technical detail. This consent route has two stages: the first 'permission in principle' (PiP) stage establishes whether a site is suitable in principle, and the second 'technical details consent' (TDC) stage assesses the detailed development proposals. This appeal relates to an application under the first (PiP) stage.

5. PiP has been sought for the erection of one dwelling. The scope of the considerations is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted. The application was supported by a plan showing an indicative site layout. I have treated the plan as being for illustrative purposes only.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

Reasons

Location

7. The appeal site lies within the designated Green Belt. Policy QP5 of the Borough Local Plan 2013-2033 (LP) applies national Green Belt policy within the Borough's rural areas and seeks to protect the Green Belt from inappropriate development. However, the Framework now contains specific provisions relating to housing development on Grey Belt land which post-date the adoption of the LP. Consequently, whilst LP Policy QP5 remains relevant, whether the proposal constitutes inappropriate development falls principally to be considered against Policy GB7 of the Framework, which identifies categories of development that are not inappropriate in the Green Belt.

8. Criterion GB7(g)(i) requires that 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.

9. The Council and the appellant agree that the appeal site comprises Grey Belt land, although that conclusion is disputed by interested parties. Having regard to the location, character and relationship of the site to surrounding development, I find that it does not strongly contribute to checking the unrestricted sprawl of a large built-up area, preventing neighbouring towns from merging, or preserving the setting and special character of a historic town. I am therefore satisfied that the appeal site comprises Grey Belt land for the purposes of the Framework.

10. The appeal site comprises undeveloped land and contributes to openness locally. I have considered the Council's concerns, together with the views of interested parties, regarding the site's rural character and its contribution towards safeguarding the countryside from encroachment.

11. The development of a dwelling would inevitably result in some loss of openness on the appeal site itself and would introduce residential built form onto land that is currently undeveloped. The proposal would therefore alter the character of part of the site and would reduce openness at a local level.

12. However, the test within criterion GB7(g)(i) of the Framework is not whether the appeal site contributes to Green Belt purposes, nor whether development would alter the site itself. Rather, the question is whether the proposal would fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan.

13. The proposal relates to a single dwelling only. The site adjoins existing residential development and forms a very small part of the extensive Green Belt that remains across the plan area. Whilst the proposal would affect the appeal site itself, I am not persuaded that the development of one dwelling on this area of Grey Belt land would fundamentally undermine the purposes of the remaining Green Belt across the wider plan area. I therefore conclude that criterion GB7(g)(i) is satisfied.

14. The Council identifies a deliverable housing land supply of about 3.53 years and is therefore unable to demonstrate a five-year supply. In accordance with footnote 41 to Policy GB7, this amounts to an evidenced unmet need for housing. Criterion GB7(g)(ii) is therefore satisfied.

15. Criterion GB7(g)(iii) requires the development to be located within a sustainable location, with particular reference to Policy TR3 of the Framework. This is the principal matter in dispute between the parties.

16. The appeal site is served off a track via Terry's Lane and occupies a rural edge-of-settlement location outside the defined settlement boundary. The appellant has identified a number of walking routes connecting the site to Cookham and Cookham Rise, including routes using public rights of way and Poundfield Lane.

17. The Council is concerned that sections of the surrounding route network are not served by continuous footways, dedicated cycle infrastructure or street lighting. It also questions the suitability of some routes for vulnerable users and during periods of poor weather. I accept that future occupiers would be likely to rely upon private motor vehicles for some journeys.

18. However, Policy TR3 and the wider Framework recognise that opportunities to maximise sustainable transport solutions vary between urban and rural areas. Consequently, the question is not whether all journeys could reasonably be undertaken without a private car, but whether realistic opportunities exist to access services, facilities and public transport by alternative means.

19. The evidence indicates that Cookham Rise railway station is located approximately 825m to 965m from the site depending on the route taken. Bus services are also available within walking distance and a range of day-to-day facilities, including shops, services and a primary school, are located within approximately 800m to 1km of the site. Whilst the parties disagree regarding the attractiveness of the available routes, future occupiers would nevertheless have realistic opportunities to access services, facilities and public transport by means other than the private car.

20. Whilst the routes are less attractive and convenient than those available in more urban locations, and sections are unlit, informal in character or subject to seasonal variation, they provide practicable connections to nearby services and public transport. My site visit also confirmed that a section of Terry's Lane is served by a relatively wide grass verge, providing some separation for pedestrians from the carriageway, albeit not to the standard of a formal footway.

21. Although sections of the route network lack formal pedestrian infrastructure, the more direct routes to nearby services and public transport did not appear to carry heavy levels of traffic at the time of my visit, which lends some support to their practical use by pedestrians.

22. I acknowledge that some future occupiers may choose to rely upon the private car more frequently during periods of poor weather or darkness and that the site would exhibit some degree of car dependency. However, the existence of such dependency in a rural location does not, in itself, demonstrate that a site is unsustainable. The relevant question is whether realistic opportunities exist to undertake some journeys by means other than the private car, and I find that they do.

23. Concerns have been raised that the available walking and cycling routes may be unsuitable or hazardous for regular use, particularly by vulnerable users. No objection has been raised by the highway authority. Although that is not determinative, it lends some support to my finding that the routes cannot reasonably be regarded as inherently unsafe.

24. I accept the Parish Council's concern that evidence of recreational use does not necessarily demonstrate suitability for everyday journeys. However, that evidence does not form the sole basis of my conclusions, which are based on the availability and

characteristics of the routes together with the proximity of services, facilities and public transport.

25. The Connectivity Tool evidence has also been taken into account. However, Policy TR3 expressly requires the Tool to be considered alongside other quantitative and qualitative evidence. The Tool therefore informs planning judgement but does not replace it. In this case, I do not regard the Tool's results as determinative.

26. Both parties referred to a number of appeal decisions, including Appeal Refs APP/T0355/W/25/3361175 (Green Lane, Fifield), APP/T0355/W/24/3354960 (Drift Road, Birds Hill), APP/T0355/W/24/3355780 (Brook House, Paley Street) and APP/T0355/W/23/3331644 (Banham Farm, Fifield). In those cases, Inspectors concluded that the sites were not sustainable locations, principally because future occupiers would be heavily reliant upon private motor vehicles owing to limited accessibility to services, facilities and public transport and the absence of realistic alternatives to the private car. However, each appeal turns on its own facts, evidence and planning judgement. In this case, the assessment turns on the site's relationship with Cookham and Cookham Rise, the proximity of rail and bus services, the availability of public rights of way and other routes, and the accessibility of day-to-day facilities. Having considered the evidence as a whole, I have reached a different conclusion on the sustainability of this location. The cited appeal decisions therefore do not lead me to depart from my findings.

27. Given the scale of development proposed, namely a single dwelling, there is no substantive evidence before me to indicate that it would give rise to significant adverse effects on the transport network, highway safety or the environment arising from traffic and transport.

28. Drawing these matters together, and having regard to the particular characteristics of this site, including the accessibility of public transport and local facilities, the available route network and the rural context of the site, I conclude that the proposal would be located within a sustainable location for the purposes of criterion GB7(g)(iii). I therefore find that criterion GB7(g)(iii) is satisfied.

29. Consequently, the proposal would fall within the category of development identified in Policy GB7(g). It is therefore not inappropriate development in the Green Belt. It would accord with LP Policy QP5 insofar as that policy seeks to protect the Green Belt from inappropriate development. For these reasons, the location of the site is suitable in principle for the proposed residential development.

Land Use and Amount

30. The proposed land use is residential and the amount of development proposed is one dwelling. The site adjoins existing residential development and there is no substantive evidence that residential use would be incompatible with surrounding land uses. Having regard to the site’s size and context, there is no substantive evidence that the proposed amount of development would be unacceptable in principle. Detailed proposals would be considered at the TDC stage.

31. I therefore find the proposed land use and amount of development acceptable.

Other Matters

32. Concerns have been expressed regarding landscape character, views from public rights of way, the setting of Cookham, the wider countryside, the River Thames, heritage assets, archaeology, ecology, biodiversity, protected species, drainage, flood risk, access, parking and highway safety. Whilst some of these matters would require detailed consideration at the TDC stage, I have also considered whether any of them demonstrate that the site is unsuitable in principle for a single dwelling. On the evidence before me, I find that they do not. Accordingly, they do not lead me to conclude that the site is unsuitable for residential development.

33. The Cookham Parish Neighbourhood Plan forms part of the development plan and I have had regard to its policies relating to settlement identity, rural character, biodiversity, landscape quality and environmental protection. Having regard to the limited amount of development proposed and the matters that would require detailed consideration at the TDC stage, I do not find that those policies demonstrate that the site is unsuitable in principle for a single dwelling.

34. I have had regard to the parties' submissions regarding Policies S3, S4 and S5 of the Framework. Whilst Policy S5 does not apply directly to development proposals in the Green Belt, the Framework provides a separate approach for such proposals through Policies GB6, GB7 and GB8. Given my findings under Policy GB7(g), it is unnecessary to reach separate conclusions under Policies S3, S4 or S5 for the purposes of determining this appeal.

35. I have also noted the decision referred to by an interested party. However, neither the decision itself nor sufficient details of the circumstances of that case have been provided. In any event, each proposal must be determined on its own merits having regard to the evidence before me.

36. Questions have also been raised regarding the validity of the application and the consultation undertaken. However, the appeal has been accepted and proceeded to determination, and I have not been presented with persuasive evidence of any procedural deficiency that would prevent me determining the appeal.

37. The proposal has been advanced as a self-build/custom-build dwelling. However, whether the development ultimately satisfies the relevant self-build/custom-build requirements, and any mechanism necessary to secure that outcome, would fall to be considered at the TDC stage.

Conclusion

38. For the reasons given above, I conclude that the site, having regard to its location, the proposed land use and amount of development, is suitable in principle for residential development comprising a single dwelling and that the appeal should succeed.

M Aqbal

INSPECTOR