

NOTICE  
OF  
MEETING

**MAIDENHEAD DEVELOPMENT  
MANAGEMENT COMMITTEE**

will meet on

**WEDNESDAY, 16TH FEBRUARY, 2022**

**At 7.00 pm**

by

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD, ON [RBWM YOUTUBE](#)**

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

COUNCILLORS PHIL HASELER (CHAIRMAN), LEO WALTERS (VICE-CHAIRMAN), JOHN BALDWIN, GURPREET BHANGRA, MANDY BRAR, GERRY CLARK, GEOFF HILL, MAUREEN HUNT AND JOSHUA REYNOLDS

SUBSTITUTE MEMBERS

COUNCILLORS STUART CARROLL, CATHERINE DEL CAMPO, ANDREW JOHNSON, DONNA STIMSON, CHRIS TARGOWSKI AND HELEN TAYLOR

Karen Shepherd – Head of Governance - Issued: 8 February 2022

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Shilpa Manek** 01628 796310

**Recording of Meetings** – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	3 - 6
3.	<u>MINUTES OF THE MEETING HELD ON 19 JANUARY 2022</u>  To approve the minutes of the meeting held on 19 January 2022 as a true and accurate record.	7 - 8
4.	<u>21/01824/OUT - LAND AT LOWER MOUNT FARM AND TO THE WEST OF UNIT 2B AND SOUTH OF LONG LANE, COOKHAM, MAIDENHEAD</u>  <i>PROPOSAL: Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for a new equine stable building together with associated car parking and turning area.</i>  <b>APPLICANT:</b> Mr Copas  <b>MEMBER CALL-IN:</b> N/A  <b>EXPIRY DATE:</b> 14 September 2021	9 - 20
5.	<u>PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORTS</u>  Committee Members to note report.	21 - 22

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation. The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

## MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

### Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

*DPIs (relating to the Member or their partner) include:*

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
  - a) *that body has a place of business or land in the area of the council, and*
  - b) *either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

### Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive

interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

*Other Registerable Interests (relating to the Member or their partner):*

*You have an interest in any business of your authority where it relates to or is likely to affect:*

- a) *any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) *any body*
  - (i) exercising functions of a public nature*
  - (ii) directed to charitable purposes or*

*one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*

### **Disclosure of Non- Registerable Interests**

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

**You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

### **Other declarations**

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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# Agenda Item 3

## MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 19 JANUARY 2022

PRESENT: Councillors Phil Haseler (Chairman), John Baldwin, Gurpreet Bhangra, Mandy Brar, Maureen Hunt, Gerry Clark, Geoff Hill, Joshua Reynolds and Leo Walters

Officers: Tony Franklin, Emma Duncan and Oran Norris-Browne

### APOLOGIES FOR ABSENCE

No apologies were received.

### DECLARATIONS OF INTEREST

Councillor Hunt declared that she knew the applicant as her children had attended the school in the past. She was attending the meeting with an open mind.

Councillor Baldwin also declared that he knew the applicant and had a background knowledge of previous applications. He was attending the meeting with an open mind.

The Chairman declared that he was involved in a community campaign group between 2016 and 2020 called 'Cox Green Says No'. In 2020 he also represented the group. He declared that he was also attending the meeting with an open mind.

### MINUTES OF THE MEETING HELD ON 15TH DECEMBER 2021

Councillor Hunt asked that it be noted in the minutes under item 4 that she left the room whilst this application was discussed and voted on.

**APPROVED UNANIMOUSLY: That the minutes of the meeting held on 15 December 2021 be a true and accurate record.**

These were proposed by Councillor Brar and Seconded by Councillor Bhangra.

### 21/02500/FULL - CLAIRE'S COURT JUNIOR BOYS SCHOOL AND RIDGEWAY SCHOOL THE THICKET AND LAND TO WEST OF CANNON LANE MAIDENHEAD

A motion was put forward by Councillor Hunt to permit the application with the conditions listed in section 13 of the main report with the updated amendment to condition 2 which was in line with the officer's recommendation. This was seconded by Councillor Baldwin.

A named vote was taken.

<b>21/02500/FULL - CLAIRE'S COURT JUNIOR BOYS SCHOOL AND RIDGEWAY SCHOOL THE THICKET AND LAND TO WEST OF (Motion)</b>	
Councillor Phil Haseler	For
Councillor John Baldwin	For
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	For
Councillor Maureen Hunt	For
Councillor Gerry Clark	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor Leo Walters	For
<b>Carried</b>	

**APPROVED UNANIMOUSLY:** That the application be permitted with the conditions listed in section 13 of the main report and with the updated amendment to condition 2 as per officer's recommendation.

The panel were addressed by James Wilding, applicant.

**PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORTS**

The panel noted these.

The meeting, which began at 7.00 pm, finished at 7.22 pm

CHAIRMAN.....

DATE.....



Agenda Item 4

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD**  
**PLANNING COMMITTEE**

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

16 February 2022

Item: 1

<b>Application No.:</b>	21/01824/OUT
<b>Location:</b>	Land At Lower Mount Farm And To West of Unit 2B And South of Long Lane Cookham Maidenhead
<b>Proposal:</b>	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for a new equine stable building together with associated car parking and turning area.
<b>Applicant:</b>	Mr Copas
<b>Agent:</b>	Mr David Jacobs
<b>Parish/Ward:</b>	Cookham Parish/Bisham And Cookham
<b>If you have a question about this report, please contact:</b> Harmeet Minhas on or at <a href="mailto:harmeet.minhas@rbwm.gov.uk">harmeet.minhas@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The application relates to land currently free from buildings at Lower Mount Farm. The site is located within the designated Green Belt and is not within or adjacent to the setting of a Heritage asset.
- 1.2 This is an outline application for the erection of an equine stable building containing 16 stables together with associated access, parking and turning areas. Matters relating to access, appearance, layout and scale are to be considered at this stage with landscaping reserved for future approval.
- 1.3 The report sets out the relevant Development Plan and other policy considerations. The report also sets out the main material planning considerations and assessment in relation to this planning application, which includes reference to supporting information and previous appeal decisions at the site.
- 1.4 The proposed development follows a recently dismissed appeal at the site for a similar type of development, although materially larger than that the subject of this application. The appeal concluded that the proposed development, by virtue of its use, constituted appropriate development in the Green Belt, but that the overall size and scale of the building together with the degree of hard-surfacing and associated paraphernalia, would impact on the openness of the Green Belt.
- 1.5 Inappropriate development, is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal by virtue of its use would represent an exception to this through it comprising the provision of appropriate facilities for outdoor recreation, as set out in Para 149 (b) of the NPPF (2021). Further to this, the reduction in the size and scale of the building when compared to the previous proposal dismissed on appeal would, on balance, preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 1.6 The proposed development is not considered to raise any issues in terms of highway capacity or SUDS nor does it raise any issues in terms of ecological or environmental matters.
- 1.7 On balance, it is considered that the benefits weigh in favour of this scheme and therefore the proposal is recommended for approval, subject to matters set out below.

**It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.**

## **2. REASON FOR PANEL DETERMINATION**

- The application has been called in by Cllr Mandy Brar if the recommendation of the Head of Planning is to approve the application, on the grounds of harm to the Green Belt and concerns regarding vehicle access and parking. As such, the proposal falls to be considered by the Planning Committee.

## **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The site lies to the west of Lower Mount Farm and south of Long Lane, Cookham. The area of land upon which the building is proposed, is open grassland currently free of any buildings or built form.
- 3.2 The application site lies within the designated Green Belt and is bound by mature vegetation with open fields to the south and west of the site.
- 3.4 The flood maps held by the EA show the site to fall within Flood Zone 1 (low risk flooding).

## **4. KEY CONSTRAINTS**

- 4.1 The application site falls within the Green Belt designation of Cookham. The site comprises a parcel of open land with adjacent buildings occupied by various commercial uses.

## **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The proposal seeks outline permission for the erection of an equine stable with associated access, parking and turning area, with landscaping reserved for subsequent approval.
- 5.2 The proposed building would have a height of 4.995m, an eaves height of 3.995m and is intended to house 16 stables with an associated galley walkway. The overall area of the building would be 360 sq.m.
- 5.3 This application follows the recent refusal of an outline application in 2019 (19/02442/OUT), which was subsequently dismissed on appeal following a hearing. The dismissed scheme comprised a building with 30 stables, tack cupboards, drying room, foaling boxes, worker accommodation and other associated equine uses. The overall area of the building was 1456 sq.m. with a consistent proposed ridge height of 7.0m. The appeal Inspector concluded that:

*18. The proposal would represent an entirely new building which the site plan shows as having an extensive footprint, intended to accommodate 30 stables and associated facilities including staff accommodation above. Consequently, although height is not a matter for approval at this stage, it is possible to appreciate the mass of the proposed building. Furthermore, the site plan also shows a large gravelled car park to the front of the building. The combination of the mass of the building and its associated car park would result in a significant loss of openness to the appeal site.*

*20. I thus find that the proposed development would fail to preserve openness and fail to assist in safeguarding the countryside from encroachment. Therefore, it would not satisfy paragraph 145(b) [now 149(b)] of the Framework and so would represent inappropriate development.*

*37. I have found that the proposal would be harmful to the Green Belt by reason of inappropriateness. Paragraph 144 of the Framework [now 148] requires me to give this harm substantial weight. The proposal would also be harmful to the character and appearance of the area. The limited benefits that would accrue from the proposal would not clearly outweigh these harms. Consequently, the very special circumstances necessary to justify the proposed development do not exist and the development should not be approved.*

- 5.4 The siting of the building has been reconsidered and its size and scale significantly reduced. The extent of parking and hard surfacing has also been reduced.
- 5.5 During the course of the application, officers requested amended plans which addressed earlier highways concerns and concerns over the height of the building. These amended plans were provided by the applicant and are the proposals upon which this report is based.
- 5.6 There are 3 applications relevant to the consideration of this application which are listed below:

Reference	Description	Decision
17/01543/FULL	Change of use of agricultural land for the keeping of horses.	Refused 04.08.2018
17/02729/FULL	Change of use of agricultural land for the keeping of horses.	Approved 12.08.2019
19/02442/OUT	Outline application for access and layout only to be considered at this stage with all other matters to be reserved for a proposed new equine centre with worker accommodation	Refused 22.11.2019. Appeal dismissed 11.03.2021.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Green Belt	GB1 and GB2
Recreational and Equestrian Facilities	R8 and GB6
Highways	P4 AND T5
Trees	N6

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2021)

Section 4- Decision-making  
 Section 8 – Promoting healthy and safe communities  
 Section 9- Promoting Sustainable Transport  
 Section 12- Achieving well-designed places  
 Section 13 – Protecting Green Belt Land  
 Section 15 – Conserving and enhancing the natural environment

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Appropriate development in the Green Belt	SP1, SP5
Farm Diversification	ED4

### Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Green Belt	SP5

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advances its preparation, the greater the weight that may be given);  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and  
c) the degree of consistency of the relevant policies in the emerging plans to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address the soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. Consultation on the Main Modifications closed in September 2021.

7.3 On 26 January 2022, the Inspector found that the Borough Local Plan, incorporating the Main Modifications, was sound and that it be brought forward to Full Council for adoption. The BLP incorporating the Main Modifications is therefore a material considerations for decision-making to which very substantial weight should be given.

7.4 These documents can be found at:  
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

#### 7.5 **Supplementary Planning Documents**

- Borough Wide Design Guide

#### 7.6 **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

8.1 10 occupiers were notified directly of the application. No letters of representation were received at the time of drafting this report.

### **Statutory consultees**

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	At the time of the previous application it was found there was a need to undertake a scheme of archaeological mitigation due to the potential for as-yet unknown heritage assets at the site. The current application has potential to impact the ground surface in a similar extent to the previous application and therefore the advice made previously remains relevant.	Section vii
Lead Local Flood Authority	We recommend that planning permission may be granted subject to a suitably worded planning condition.	Section vi
Highways	In highway terms the use of the existing shared access raises no highway concerns. The width of the internal access is marginally below the current minimum standard set at 4.20 metres for two-way flows. Therefore, it is recommended that the width is increased accordingly. Further, the applicant is advised that the width of the turning area fronting the 12 car parking spaces complies with the current minimum standard set at 6.00 metres. It is requested that the applicant submits a revised plan that accords with the aforementioned requirement.	Section ii
Environmental Protection	Information has been reviewed and no objections were raised subject to the use of planning conditions.	No concerns have been raised by EP.

## Others

Consultee	Comment	Where in the report this is considered
Cookham Society	Erecting on this open site a new building similar in size and shape to the existing commercial buildings to the east would move the apparent boundary of the commercial area further onto the open Green Belt and destroy the positive land contribution noted by the Inspector.	Assessment clearly sets out the differences and why it is considered that this proposal is acceptable
Parish Council	No objection subject to conditions	Section i

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Highway Considerations and Parking Provision
- iii Impact on neighbouring amenity

- iv Archaeology
- v Ecology
- vi Flooding
- vii Archaeology

#### **Issue i- Green Belt**

- 9.2 Paragraph 148 of the NPPF (2021) sets out that inappropriate development in the Green Belt should not be approved, except in very special circumstances
- 9.3 Para 149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specified exceptions. One of those exceptions as set out in clause (b) of the NPPF (2021) is '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; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.
- 9.4 Local Plan policies GB1 and GB3 and BLPSV policy SP5 also set out appropriate development in the Green Belt, however, the Local Plan was prepared in accordance with the cancelled PPG2: Green Belts while the BLPSV was prepared in accordance with the NPPF (2012). While the Development Plan comprises of the Local Plan, policies GB1 and GB3 are not entirely consistent with the NPPF and are not given full weight for the purposes of this assessment. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material consideration.
- 9.5 The Inspector, in assessing the appeal against the refusal of 19/02442/OUT, confirmed that the nature of the uses proposed to be accommodated in the building would amount to appropriate facilities for outdoor sport/recreation. The same can clearly be said for this current proposal, which involves a significant reduction in the range of facilities proposed. The secondary test in paragraph 149(b) is whether the facilities would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The Inspector considered that the appeal scheme, by virtue of its 'excessive footprint' and mass and its associated car park would result in a significant loss of openness to the appeal site, and that it would result in encroachment into the countryside and would therefore conflict with purpose (c) of paragraph 138 of the NPPF.
- 9.6 The current scheme proposes a building with an area of 360 sq.m. compared to the refused scheme which proposed a building with an area of 1456 sq.m, which amounts to a reduction of over 300%. Similarly, the overall height and scale of the proposed building has been reduced significantly. Whilst it is accepted that a reduction in size and scale of a building does not render it appropriate by default, the size and scale of the building is similar to those to the east and one which would be reasonably required for the size of the enterprise. The previous building appeared industrial in scale whereas this proposed structure is akin to an equestrian or agricultural structure in its appearance and scale. The number of parking spaces has also been reduced from in excess of 30 to 12 and their siting would reduce the spread of development across the site.
- 9.7 The proposed scale and mass of the building and the limited associated hard-surfacing and car park, as described above, are considered to provide appropriate facilities for outdoor sport/recreation, that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 9.8 With regard to the character and appearance of the locality, the appeal site is located at a point of transition in the character and appearance of Long Lane between the commercial units at its eastern end and the more open agricultural countryside to the west.

- 9.9 The Inspector, when assessing the appeal proposal, considered that the proposed building, extensive car park, area for the parking of clients horseboxes, manure clamp and a horse-walker would result in the substantial loss of the undeveloped nature of the site, to the detriment of the character of the site and the area. This significantly pared-down scheme would reflect this characteristic of transition and would not be harmful to the character and appearance of the area.

#### **Issue ii- Highway Considerations and Parking Provision**

- 9.10 The application has reduced the area of parking provision associated within the intended use of the site but there still remains a requirement for the LPA to consider whether this remains sufficient for the future users of the building.
- 9.11 Having regard to Appendix 7; Parking Standards within the Local Development Plan it is noted that there is no specific standard for equine facilities such as this, although it is noted that the location of the site and introduction of a use within land previously free from development would result in higher than usual car pressure/need for parking.
- 9.12 The Parking Strategy (2004) is clearer in its expectations that in the assessment of equestrian uses, an individual assessment is required by officers on the required parking standard. To achieve this, consideration must be given to the operation and extent of use associated with the enterprise.
- 9.13 For the avoidance of any doubt, and in the interests of transparent decision making the previously dismissed appeal did not raise any concerns over parking provision. Whilst this is noted, the enterprise is smaller than previously sought as is the parking provision and on balance, it is reasonable for officers to revisit the assessment of parking provision in the current scheme.
- 9.14 The applicant has declared within their application form that the proposal would not involve any degree of employment, although it is identified that the need for the proposal has arisen as a result of local need for such facilities within the area. It is therefore reasonable to conclude that the stabling would be for private individuals within the local area resulting in the possibility of increased movement to and from the site, at varying times.
- 9.15 The provision of 16 stables could result in the opportunity for 16 individuals to stable their horses within the building. It is unlikely that access would be required at the same time, for each individual and on balance the proposed parking provision would therefore be sufficient for the use of the building.
- 9.16 During the course of the application, Highways raised concerns over the access width as well as the proposed turning circle. Amended plans were received by the Council which addressed the earlier concerns, and it is considered that the amendments made, would overcome previous objections.

#### **Issue iii- Impact on neighbouring amenity**

- 9.17 The application site sits within a predominantly commercial setting with no neighbouring residential properties within proximity of the proposed building. It is considered that the proposal would be unlikely to impact the amenity of any neighbouring residential properties.

#### **Issue iv- Landscaping**

- 9.18 Policy N6 of the Local Plan seeks to protect trees and landscaping features which contribute to the character and appearance of an area.
- 9.19 The application site is bound by landscaping features and vegetation of amenity value. It is unlikely that as a result of the change of use of the land that the hedges and vegetation along the western and southern side of the site would be impacted. The retention of these features would continue to enhance this open, rural setting as well as provide ecological opportunities, as touched upon within the next section of this report.

### **Issue v- Ecology**

- 9.20 Paragraph 180 of the NPPF (2021) sets out four key principles that Local Planning Authorities should consider when assessing applications. One of the principles considers that where significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.
- 9.21 The wider site area under the control of the applicant is bound by hedgerows, and the undeveloped nature of the wider site under the applicants control offers ecological opportunity and value to local species.
- 9.22 A reason for refusal of the previous application was that insufficient information had been received to establish the extent to which protected species may be affected by the proposals. However, an Ecology Report was submitted and in light of that Report, the Council withdrew that reason for refusal at the Hearing. The same Report has been submitted in support of this application and, whilst it is dated November 2019, the open nature of the site and the clear lack of any indication of the presence of any Protected Species in that Report is sufficient to establish that this scheme would not negatively impact the ecology of the site.

### **Issue vi- Flooding**

- 9.23 As part of the application process, the LLFA were consulted on the proposal. They sought clarity from the applicants on how drainage would be managed within the site, following which the applicant provided a drainage statement.
- 9.24 The drainage statement was reviewed by the LLFA who raised no objections subject to the imposition of a condition should permission be forthcoming (condition 4).

### **Issue vii- Archaeology**

- 9.25 Berkshire Archaeology were consulted on the proposal as the site is within an area of high archaeological potential, with a known Bronze Age settlement to the south as well as several prehistoric artefacts found in the vicinity.
- 9.26 In accordance with Para 205 of the NPPF it has been recommended that a planning condition be imposed should permission be forthcoming which sets out that no works are to commence until a programme of archaeological work has been submitted and approved by the LPA (condition 5)

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is CIL liable.

## **11. PLANNING BALANCE AND CONCLUSION**

- 11.1 The proposed development is consistent with the NPPF (2021) in so far as it would comprise an appropriate form of development within the Green Belt. The proposal would not impact on the character or appearance of the area and neither does it raise any significant issues in terms of design, appearance, neighbouring amenity, drainage, highways or ecological matters.
- 11.2 For the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

## **12. APPENDICES TO THIS REPORT**

- Appendix A – Plans and Elevations/Site Plan



### 13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.
- 3 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Calculations to include development runoff rates, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long sections and cross section and relevant construction details of all individual components. Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course. Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.  
Reason: To ensure compliance with the National Planning Policy Framework (2021) and the Non-Statutory Technical Standards for Sustainable Drainage Systems and to Royal Borough of Windsor & Maidenhead: Delivering Highways & Transport in partnership with: ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 5 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.Berkshire Archaeology An Archaeological Service for: Royal Borough of Windsor & Maidenhead, Reading Borough Council, Slough Borough Council, Wokingham Borough Council & Bracknell Forest Council B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.  
Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy. In view of the nature and scale of the development and the low likelihood of the potential archaeology, should it exist, meriting preservation in situ, field evaluation through trial trenching would represent an appropriate initial phase of work in order to determine the archaeological potential and levels of previous truncation and the need for any further phases of work.
- 6 The development shall not be occupied until details of the arrangements for the storage and

disposal of animal and other waste have been submitted to and approved in writing by the Local Planning Authority. Such approved arrangements shall be maintained thereafter.

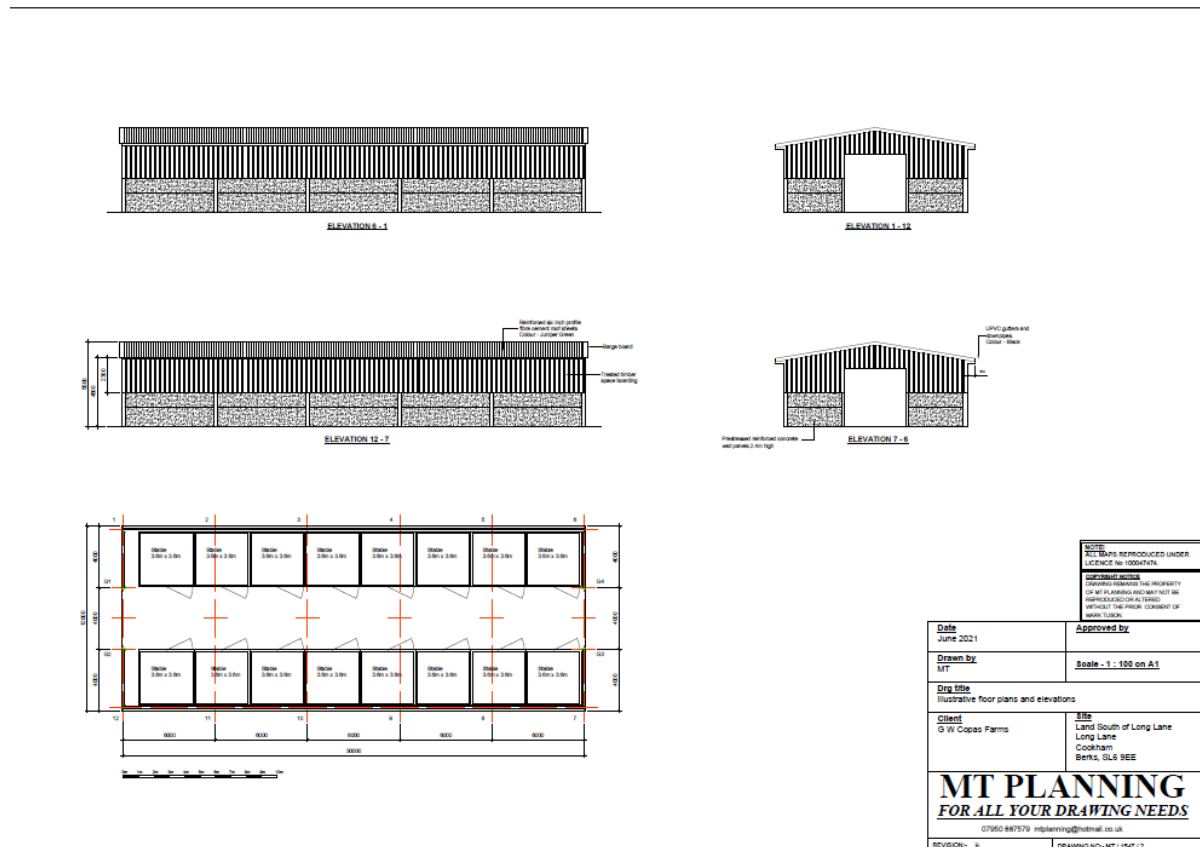
Reason: To protect the visual and residential amenities of the area Relevant Policy ' Local Plan NAP3.

## 12. APPENDICES TO THIS REPORT

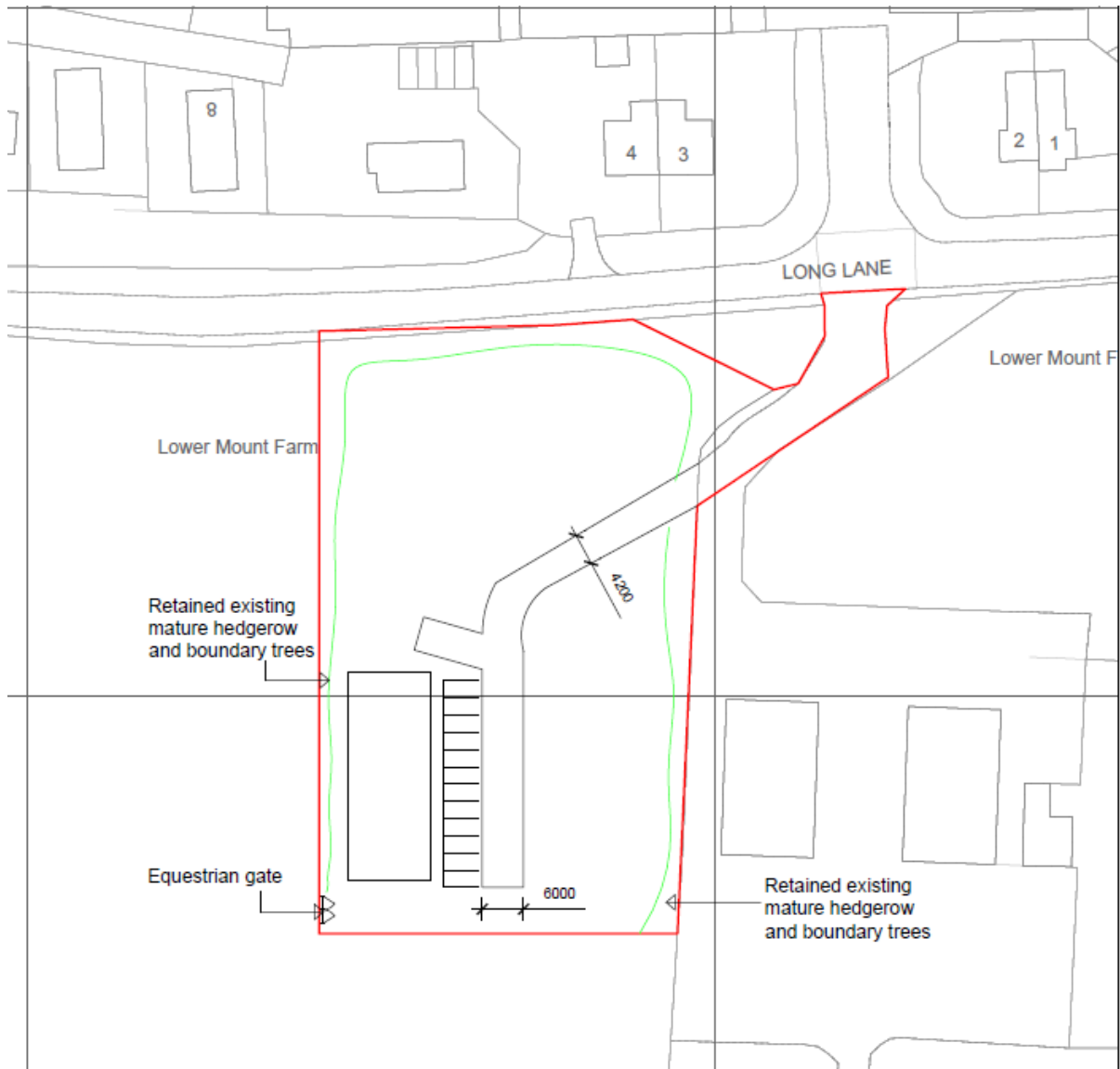
- Appendix A – Site location plan/ Proposed Site Plan

### Appendix A – Site location plan/Site Plan

#### Appendix A (i) – Plans and Elevations



Appendix A (ii) – Proposed Site Plan



## Appeal Decision Report

11 January 2022 - 7 February 2022

MAIDENHEAD

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Royal Borough  
of Windsor &  
Maidenhead

**Appeal Ref.:** 21/60055/REF      **Planning Ref.:** 21/00234/FULL      **Plns Ref.:** APP/T0355/D/21/3  
276982

**Appellant:** Ms Jo Croom **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride Crowthorne  
RG45 6DS

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Garage conversion and part single part two storey side extension.

**Location:** **14 Crescent Drive Maidenhead SL6 6AQ**

**Appeal Decision:** Allowed      **Decision Date:** 10 January 2022

**Main Issue:** The Inspector found that the proposal would accord with the character of the area and would not be cramped. The design would not be discordant. There would be no harm to the neighbours in terms of privacy or outlook.

**Appeal Ref.:** 21/60070/REF      **Planning Ref.:** 21/00266/FULL      **Plns Ref.:** APP/T0355/W/21/  
3277250

**Appellant:** Mr Johnston **c/o Agent:** Mr Matt Taylor Churchgate Premier Homes ID Maidenhead Vanwall  
Business Park Vanwall Road Maidenhead SL6 4UB

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Construction of x3 dwellings with associated access, parking and amenity space.

**Location:** **Land Between 156 And 158 And The Rear of 156 To 158 Windsor Road Maidenhead**

**Appeal Decision:** Dismissed      **Decision Date:** 1 February 2022

**Main Issue:** The proposed development would be of a significant scale and would appear out of place and clearly contrary to the consistent layout of development in the area. The proposal would also have a significant impact on views from the rear of the existing dwellings in the area and views across the level rear gardens. The proposed buildings would appear incongruous and excessively scaled for their context. In summary, the proposal would harm the character and appearance of the area. Notwithstanding the benefits the proposed development would bring the proposal would fail to comply with the Framework insofar as it seeks to ensure that proposals are well designed, visually attractive, sympathetic to local character, including the surrounding built environment, and maintain a strong sense of place. In considering these matters together the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits.

## Planning Appeals Received

11 January 2022 - 7 February 2022

### MAIDENHEAD

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Royal Borough  
of Windsor &  
Maidenhead

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the PIns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

**Other appeals:** The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 22/60002/REF      **Planning Ref.:** 21/02124/FULL      **PIns Ref.:** APP/T0355/W/21/3287328  
**Date Received:** 12 January 2022      **Comments Due:** 16 February 2022  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** x1 new dwelling, following demolition of the existing workshop.  
**Location:** **Acorn Cutters Limited The Old Workshop Lower Boyndon Road Maidenhead SL6 4DD**  
**Appellant:** Mr William Fitzgibbon **c/o Agent:** Mr William Fitzgibbon Chalkline 43 Delamere Road Ealing W53JL

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 22/60003/REF      **Planning Ref.:** 21/01724/CLAS AA      **PIns Ref.:** APP/T0355/D/21/3281209  
**Date Received:** 12 January 2022      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** Application for prior approval for construction of two additional storeys to property with a maximum height of 6.35m.  
**Location:** **Queens Head Windsor Road Water Oakley Windsor SL4 5UJ**  
**Appellant:** Mr And Mrs Davidson **c/o Agent:** Mr Jack Clegg Pike Smith And Kemp Rural The Old Dairy Hyde Farm Marlow Road Maidenhead Berkshire SL6 6PQ

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 22/60009/REF      **Planning Ref.:** 21/01855/CLAS SO      **PIns Ref.:** APP/T0355/W/21/3283130  
**Date Received:** 26 January 2022      **Comments Due:** 2 March 2022  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Change of use from offices (Class B1(a)) to dwellinghouses (Class C3) to create x18 flats.  
**Location:** **Belmont Place Belmont Road Maidenhead**  
**Appellant:** Millie Boffey **c/o Agent:** Miss Harriet Nind Planning And Design Group (UK) Limited Pure Offices Lake View Drive Annesley Nottingham NG15 0DT