

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

12 April 2017

Item: 4

<b>Application No.:</b>	17/00686/FULL
<b>Location:</b>	Land Opposite Lenore Cottage Rolls Lane Holyport Maidenhead
<b>Proposal:</b>	Construction of a pair of detached cottages.
<b>Applicant:</b>	Mrs Pickering
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Bray Parish/Bray Ward

**If you have a question about this report, please contact:** Susan Sharman on 01628 685320 or at [susan.sharman@rbwm.gov.uk](mailto:susan.sharman@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposal would not harm the living conditions of any neighbours nor the character and appearance of the area. However, it would have a greater impact on the openness of the Green Belt and the purposes of including the land in it than the previous development on site and, as such, is inappropriate development in the Green Belt. Although the proposal would contribute to the housing supply in the Royal Borough this alone does not justify allowing inappropriate development in the Green Belt and no 'very special circumstances' exist in this case.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):**

- |           |  |
|-----------|--|
| <b>1.</b> | <b>Represents inappropriate development in the Green Belt for which no very special circumstances exist to justify allowing it. Contrary to policy GB1 Local Plan.</b> |
| <b>2.</b> | <b>Results in loss of openness to the Green Belt and encroachment of development in the countryside. Contrary to policy GB2 (A) of the Local Plan.</b>                 |

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor. D. Coppinger for the reason that it is in the public interest.

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

- 3.1 The application site comprises an area of land of 0.07 hectares and is located at the end and on the east side of Rolls Lane, Holyport. The site is currently vacant but had previously, until recently, been occupied by a number of predominantly single storey outbuildings positioned along the northern edge of the site.
- 3.2 In front of the site along the west side of Rolls Lane are approximately 6 individual residential properties. Open land lies to the north, east and south. The area is predominantly rural in character with sporadic residential properties. The site is located in the Green Belt.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

<b>Application</b>	<b>Description</b>	<b>Decision</b>
16/00228/FULL	Construction of a 1 x 3 bedroom detached dwelling with associated works, following demolition of existing builders yard.	Approved 16.05.16
16/03309/FULL	Erection of a pair of semi-detached cottages following demolition of builders sheds.	Withdrawn

- 4.1 The application seeks planning permission for 2 x three-bedroom detached cottages. Each cottage would measure 7.2m wide, 11.4m deep and have a ridge height of 6.6m. The cottages would be positioned centrally within the site, approximately 12m back from Rolls Lane.
- 4.2 Planning permission for a single storey (ridge height 4.5m), three bedroom bungalow was granted in May 2016.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Section 9 – Protecting Green Belt Land

### Royal Borough Local Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Green Belt	Highways and Parking
GB1, GB2, GB3, DG1	P4, T5

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on this document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether the proposal is appropriate development in the Green Belt and, if not, whether any very special circumstances exist to justify allowing it.
- 6.2 Paragraph 89 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but lists exceptions to this which includes limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.3 In this case, the site is previously developed land having been a builder's yard, and the principle of redeveloping the site has already been established by application 16/00228. The site was occupied until recently by seven small outbuildings which were predominantly single storey flat roofed structures, the exception being a shed with a mono-pitched roof reaching 3m in height. The total volume of the former buildings was approximately 244m<sup>3</sup>.
- 6.4 Planning permission was granted under application 16/00228 to redevelop the site with the construction of a three-bedroom bungalow. The approved bungalow was 14m wide, 15m deep and 4.5m high. This extant permission represents a fallback position that can be implemented, but as it has not been built it is not 'existing development' which the proposed development is required to be assessed against as set out in paragraph 89 of the NPPF. The site currently has no buildings on it, but it could be argued that the reasonable approach given that these have only recently been demolished is to treat these as being the 'existing development' on the site.

- 6.5 When compared to the 'existing' development, the proposed cottages would be more than double the height of the tallest structure previously on the site. In addition, the volume of the proposed development at approximately 683m<sup>3</sup> would be nearly three times the volume of the previous outbuildings (244m<sup>3</sup>). Case law has established that the concept of 'openness' means the absence of buildings. The proposed development would result in a 178% increase of building on the site and as a three-dimensional mass would have a much greater impact on the openness of the Green Belt than the former builders yard. Accordingly, the proposal is inappropriate development.
- 6.6 The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities are advised that they should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.7 Redevelopment of the site may appear better than the former builder's yard, but this would be failing to take account of the development plan. Matters such as the design of the cottages, (which would be expected to be of a high standard anyway), efficient use of land and the contribution to the housing land supply do not in this case amount to other considerations that clearly outweigh the substantial harm to the Green Belt and, as such, 'very special circumstances' (VSC) do not exist in this case.
- 6.8 In the absence of VSC, the proposal is contrary to paragraph 89 of the NPPF and adopted Local Plan policies GB1 and GB2 (A).

### **Other Material Considerations**

- 6.9 The proposed cottages would be approximately 20m from the front of 'Lenore Cottage', which is the closest neighbouring property to the development. Given this separation distance the cottages would not harm the living conditions of any neighbours in terms of loss of privacy, loss of light or by appearing overbearing.
- 6.10 The two cottages would be of a scale and design that would be in keeping with the sporadic residential development within the locality. No objection is raised to the proposal in terms of its impact on the rural character and appearance of the area.
- 6.11 The proposal provides sufficient on-site parking to comply with the Council's adopted parking strategy.
- 6.12 The NPPF advises that there is a presumption in favour of sustainable development, which the re-use of brownfield land is. The exception to this is where sites have a specific protection designation that limits development, such as Green Belts (Section 14).
- 6.13 In terms of the need for housing within the Royal Borough this may contribute with other considerations to a case of very special circumstances (vsc), but it is highly unlikely to amount to vsc on its own as confirmed by Ministerial Statements. To justify the proposal on housing need alone would undermine the fundamental aim of Green Belt Policy and the plan making process.
- 6.14 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £24,720.

### Housing Land Supply

- 6.15 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

- 6.16 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is considered that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.
- 6.17 As with housing need, the lack of a five year housing land supply does not, on its own, amount to very special circumstances to justify inappropriate development in the Green Belt.

### **The Planning Balance**

- 6.18 The proposal would contribute 2 dwellings to the supply of housing in the Royal Borough on previously developed land and some weight is attributed to this. However, this does not clearly outweigh the substantial harm to the Green Belt, and therefore very special circumstances do not exist to justify approving the application.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

10 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 8<sup>th</sup> March 2017.

No letters of representation had been received at the time of writing this report. Any received will be reported in the Panel Update.

No consultee responses had been received at the time of writing the report. These will be reported in the Panel Update.

## **8. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed site layout, plan and elevation drawings

## **9. REASON RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The proposal represents inappropriate development in the Green Belt . Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reason for refusal. Accordingly the proposal is contrary to saved Policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraph 89 of the National Planning Policy Framework, March 2012.
- 2 The proposal would have a greater impact on the openness of the Green Belt than the existing development at the site and result in encroachment of development in the countryside contrary to saved Policy GB2 (A) of the Local Plan and paragraph 89 of the NPPF.