

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 November 2019

Item: 5

Application No.:	19/02442/OUT
Location:	Land At Lower Mount Farm And To West of Unit 2B And South of Long Lane Cookham Maidenhead
Proposal:	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
Applicant:	Mr Copas
Agent:	Mr Tom McArdle
Parish/Ward:	Cookham Parish/Bisham And Cookham
If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks outline planning consent for Access and Layout only to be considered for the erection of a new equestrian building to accommodate 2 foaling boxes, 30 looseboxes with individual tack cupboards, changing rooms, toilets, office, kitchenette with rest room, rug room/drying room, dual access hay, feed and bedding stores and first floor grooms accommodation.
- 1.2 The proposal is considered to be inappropriate development in the Green Belt and contrary to the purposes of the Green Belt, and would result in harm to openness. In balancing all the factors together, other considerations in this case do not clearly outweigh the harm identified. As a whole, it is considered that very special circumstances needed to justify the development do not exist.
- 1.3 The scale, layout and indicative design of the building is such that it would appear as an unduly dominant feature and would appear as a somewhat separate and distinct structure in this Green Belt countryside location, rather than as an integrated part of the wider commercial elements of the adjacent site. The proposal is considered an incongruous form of development in this open countryside location and would cause harm to the character and appearance of the area.
- 1.4 The site and areas adjacent are known to contain badgers and several birds listed as priority species. The extent to which these species may be affected has not been established, and the application would not be in accordance with planning policy in relation to biodiversity.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
1.	The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment', and would be harmful to the actual openness of the Green Belt. No Very Special Circumstances have been demonstrated that clearly outweighs the harm to the Green Belt and any other harm.
2.	In the absence of any existing buildings on the site, the construction of the proposed building in an open field, set back from the road frontage, would not reflect the character and pattern of development on this side of Long Lane. The scale, layout and indicative design of the building is such that it would appear as an unduly dominant feature and would cause harm to the character and appearance of

	the area.
3	Insufficient ecological information has been received to establish the extent to which protected species may be affected by the proposals.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises an area of land measuring approximately 33.71 acres to the west of units 2 and 2B at Lower Mount Farm to the south of Long Lane. The land was granted planning consent on the 12th April 2018 for the use of land for the keeping of horses under planning application reference 17/02729/FULL. To the north of the application site are commercial units and the land to the west is open fields. To the east are further commercial units.
- 3.2 The site is designated Green Belt land. According to the planning statement, the land was laid down to grass in autumn 2018 which was evident to see during the site visit. Fencing works were due to be completed in September 2019 in readiness for the equestrian use, although no evidence of this was seen during the site visit. At present, the site remains absent of horses.

4. KEY CONSTRAINTS

- 4.1 The main constraints related to this site are its siting within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks outline planning consent for Access and Layout only to be considered for the erection of a new equestrian building to accommodate 2 foaling boxes, 30 looseboxes with individual tack cupboards, changing rooms, toilets, office, kitchenette with rest room, rug room/drying room, dual access hay, feed and bedding stores and first floor grooms accommodation incorporating two bedrooms.
- 5.2 The proposed building, according to the layout drawing, would measure 40.0m in length by 36.4m in width covering a ground floor area of 1456sq.m. It would incorporate a first floor with a floor area of 127.5sq.m resulting in a building with a gross floor area of 1583.5sq.m. The building is illustrated as having a consistent ridge height of 7.0m.
- 5.3 As can be seen below permission was granted under application 17/02729/FULL for the change of use of this site on which the building is proposed for the keeping of horses. It is of note that in the information submitted with this application and subsequent correspondence the following was stated in support of the application.

-The application was solely for the keeping of horses similar to any other animal grazing on the land.

-Persons caring for the horses would utilise the car park of the adjacent Tack Shop and would utilise this shop for supplies.

-Horses would be exercised on the Cookham Bridleway circuit.

-There would be no impact on openness or visual amenity.

-Agreed to accept a condition to ensure that no jumps are kept on the land in order to ensure no impact on the openness of the Green Belt or any detrimental visual impact.

-The application was not to provide shelter for the horses; there was simply a need for equestrian grazing. Horses may be transported to the site by horsebox but no horseboxes would be stored at the property.

- 5.4 There are 2 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

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
Character and appearance of area	DG1
Highways	P4 AND T5
Green Belt	GB1, GB2
Equestrian uses	GB6

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

7.1 Paragraph 48 of the NPPF (2019) sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Version (BLPSV) was submitted for examination in January 2018. The BLPSV does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. The Council considers the emerging Borough Local Plan to be sound and legally compliant and officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies.

7.2 However and whilst submitted, the examination is currently paused whilst further consultation is being undertaken on changes/ amendments to the BLPSV in the form of the Borough Local Plan (2013-2033) Submission Version Incorporating Proposed Changes, October 2019. This consultation runs for a six week period from Friday 1st November 2019 until Sunday 15 December 2019. The BLPSV policies therefore remain a material consideration in planning applications subject to the level to which they are consistent with the relevant version of the NPPF and the extent to which there are unresolved objections to relevant policies. Where relevant this is considered further below.

This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16.10.19

No letters were received from this consultation.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions to secure CMP and parking/turning as any approved drawings.	Section iii
Berkshire Archaeology	Site falls within an area of archaeological significance and remains may be damaged by ground disturbance. A condition is recommended on any consent to secure a programme of archaeological works to be undertaken.	Noted
Environmental Protection	No objection subject to conditions to secure adequate arrangements for disposal of animal waste.	Noted
Ecology	There are known badgers present on the site and birds registered as priority species. No information has been received to assess the impact on these species.	Section iv
LLFA	Have raised concerns and currently recommends refusal of the application. Any updates on this situation will be reported in a Panel Update.	
Parish Council	No objection	Noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt;
- ii Character and appearance;
- iii Highways;
- iv Ecology.

PLANNING ASSESSMENT

i Green Belt

Appropriate Development in the Green Belt

- 9.2 The site lies within the designated Metropolitan Green Belt as shown on the Local Plan Proposals Map. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt would be regarded as inappropriate development with some exceptions. Further to paragraph 145 of the NPPF, paragraph 146 of the NPPF goes on to state that certain other forms of development are appropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Local Plan policy 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. Under transitional arrangements the BLPSV is assessed against the NPPF (2012) and therefore policy SP5 is considered to be consistent in this respect, but due to unresolved objections policy SP5 should only be given moderate weight as a material consideration. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material consideration.
- 9.3 One of the exceptions to inappropriate development listed under paragraph 145 of the NPPF is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sports and recreation, 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 In relation to the first test of whether the proposed equine centre represents appropriate facilities for outdoor sport and recreation; it is clear that in principle stabling and other ancillary buildings could be considered as appropriate. However, in this case, the sheer scale of the proposed facilities in the absence of any conclusive justification, ensures that the building cannot be considered as providing appropriate facilities.
- 9.5 Turning to the second test of the exception of whether the proposed equine centre would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it, the NPPG advises that the impact on openness of the Green Belt should be assessed by taking into account both its spatial and visual impact, while paragraph 133 of the NPPF makes it clear that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The Green Belt purposes are set out in para. 134.
- 9.6 The overall loss of openness from the significant footprint and volume of the proposed equine centre, where there is presently no built development, is not considered to preserve the spatial openness of the Green Belt. The consequent spatial reduction in openness would also be visually evident from Long Lane, across the adjacent site from the B447 and from the existing fields to the west.
- 9.7 Overall, it is considered that the spatial and visual aspect of openness of the Green Belt would not be preserved. It is also considered that the intrusion of the equine centre building into what is currently an open field would also encroach into the countryside, contrary to the third purpose of the Green Belt listed in paragraph 134 of the NPPF.
- 9.8 Although the final scale, appearance and landscaping of the site are reserved, from the information under consideration and indicative drawings, it is considered that introducing a building and significant areas of hardstanding around the entire site for parking, external lighting etc., where there is currently no building or development, would result in a significant loss of openness across the site. Consequently, the proposal amounts to inappropriate development in the Green Belt.

ii Character and appearance

9.9 In the absence of any existing buildings on the site, the construction of the proposed building in an open field, set back from the road frontage, would not reflect the character and pattern of development on this side of Long Lane. The scale, layout and indicative design of the building is such that it would appear as an unduly dominant feature and would appear somewhat separate and distinct from them, rather than an integrated part of the wider commercial elements of the adjacent site.

9.10 Therefore, and given its otherwise open surroundings and separation from the adjacent buildings, the proposal is considered an incongruous form of development in this open countryside location and would cause harm to the character and appearance of the area. The proposal would therefore be contrary to policies DG1, and GB2 of the Local Plan.

iii Highways

9.11 The site is to utilise the existing 10m wide vehicular access from Long Lane to serve the new equine centre and workers dwelling. The existing access provides excellent visibility splays to the left and right and far exceeds the current requirement which is set at 2.4m x 43m to the left and right. None of the proposals will affect the existing access arrangements or visibility splays and therefore when considered on its own merits, the access to the site is considered acceptable.

9.12 There are no parking standards for an equine facility therefore, an individual assessment has been made. The plans provided show a two-bedroom workers dwelling will be provided together with 30 loose boxes and 2 foaling boxes.

9.13 The proposed site plan shows 29 car parking spaces together with 5 disabled spaces. A separate area to the rear of the site will also be provided to accommodate at least 4 trailer parking spaces. Ample space is also provided on site to facilitate vehicles entering and leaving the site in a forward gear. This level of parking is believed to be acceptable to accommodate the new development. The site also has spare capacity to accommodate more vehicles if needed.

iv Ecology

9.14 Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System (this document was not revoked by the National Planning Policy Framework) states that:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted."

9.15 Paragraph 175(d) of the NPPF states that "*opportunities to incorporate biodiversity improvements in and around developments should be encouraged*", and Policy NR3 of the submitted Local Plan states:

"Development proposals:

a. Will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites"

9.16 The Council's records indicate that there are badgers and several birds listed as priority species on the site and also close to the development site. No ecological information has been provided as part of this application. Given the known presence of protected and priority species on the site that could be affected by the development, surveys are required to be carried out to assess the impact on known species present and also details of any biodiversity enhancements following development, in order to ensure a net gain in biodiversity.

9.17 In this case because the extent to which species may be affected has not been established, the application would not be in accordance with the above planning policy, or other planning policy in relation to biodiversity.

10. PLANNING BALANCE AND THE CASE OF VERY SPECIAL CIRCUMSTANCES

10.1 In accordance with guidance contained in the in the NPPF, a balancing exercise needs to be undertaken on whether the 'very special circumstances' (VSC) clearly outweighs the harm to the Green Belt and any other harm. As inappropriate development, which would conflict with one of the purpose of the Green Belt, paragraph 143 indicates that substantial weight should be set against the proposal.

10.2 The applicant considers that the proposal can be considered appropriate development in the Green Belt under paragraph 145 of the NPPF and so has not presented a specific case for VSC. As has been detailed within sections 9.2-9.8 of this report, Officers disagree with this conclusion. Notwithstanding such, a number of 'material considerations' has been detailed in the planning statement which provides a case to justify the development, which are as follows:

- Immediate need for a new outdoor sport and recreation facility in the locality to replace the much needed and continued demand for equestrian facilities lost as a result of the closure of Cannon Court Farm Stables and Woodlands Farm stables as well as the closure of White Farm Stables;
- The loss of equine facilities in the area has resulted in a loss of outdoor recreation and leisure facilities, without making allowance for any replacement facilities to satisfy the continued demand;
- Resultant deficit in equine stabling to be used for outdoor sport and recreation purposes has resulted in a loss of facilities for the community to enjoy equine related leisure pursuits;
- The design and location of the proposal on low ground levels, near to an existing entrance, within existing substantial mature screening, next to existing equestrian related development and existing non -residential accommodation;
- Consolidation of appropriate facilities in connection with the permitted use results in a minimal impact upon openness compared with the applicants fall-back position of installing structures under Part 4, Class A of the General Permitted Development Order 2015 (GPDO). The latter would result in a spread of ad hoc buildings which would be more visually intrusive;
- Proposal presents farm diversification;
- Facilities will create a direct net increase in rural employment including for grooms, administration staff, maintenance staff etc. It will also enhance associated rural businesses including those connected with construction, vets, equine dentists, feed merchants, etc.

10.3 In relation to points a) to c) and demonstrating a demand and need for the keeping of horses, it is noted that at the time of the original submission for the change of use in August 2017, the local demand demonstrated to Officers and Members was for land for equestrian grazing not for the additional equine facilities and the outdoor sport and recreation facilities referred to in this application. This application is not supported with any evidence to corroborate the demand for the equine facilities of the size and scale proposed. Furthermore, as these farms have been closed for a while and the grazing of horses on the land at Lower Mount Farm not yet commenced, the question is raised as to whether the same demand still exists or whether previous enquirers have found alternatives. Further to this, both Cannon Court Farm and Woodlands Farm had already ceased operation at the time of the submission of application 17/02729/FULL. Consequently, in the absence of evidence to demonstrate such, the weight that can be attributed to these considerations is only limited.

- 10.4 In relation to point d), the siting and scale of the proposal has been discussed above. The applicant states that these factors should be afforded significant weight in favour of the development. As this is an outline application with matters relating to appearance, landscaping and scale reserved, this is only given limited weight.
- 10.5 In relation to point e), the applicant has put forward an argument that as the land already benefits from a planning consent for the keeping of horses, there is an opportunity for temporary mobile stables and other structures to be brought onto the land and placed wherever required, which may be more harmful to the Green Belt. This requirement for such temporary buildings or moveable structures would be removed if planning permission is granted. This is considered to be a spurious point with no evidence to suggest that it would happen on the ground. Indeed, the same agent made it clear in his supporting information submitted regarding application 17/02729/FULL that it was predicated on there being no loss of openness or visual amenity. As such, limited weight is given to these fall back options.
- 10.6 It is stated in point f) that the proposal would support farm diversification. Given the size of the proposed site and its ability to support up to 32 horses, it is considered that the proposed use would exceed an ancillary use. No evidence has been submitted to support the need for diversification of the farming activities and this point is afforded limited weight.
- 10.7 In relation to point f), it has not been demonstrated that there is a demand for a facility of the size and scale sought within this application. Whilst such factors would be a benefit of a scheme, at the time of this application and on the basis of the evidence provided, it is only afforded limited weight.
- 10.8 The NPPF states that development should not be approved except in very special circumstances and the Government have repeatedly emphasised the importance of protecting the Green Belt. In balancing all of these factors together, other considerations in this case do not clearly outweigh the harm identified. As a whole, it is considered that very special circumstances needed to justify the development do not exist.

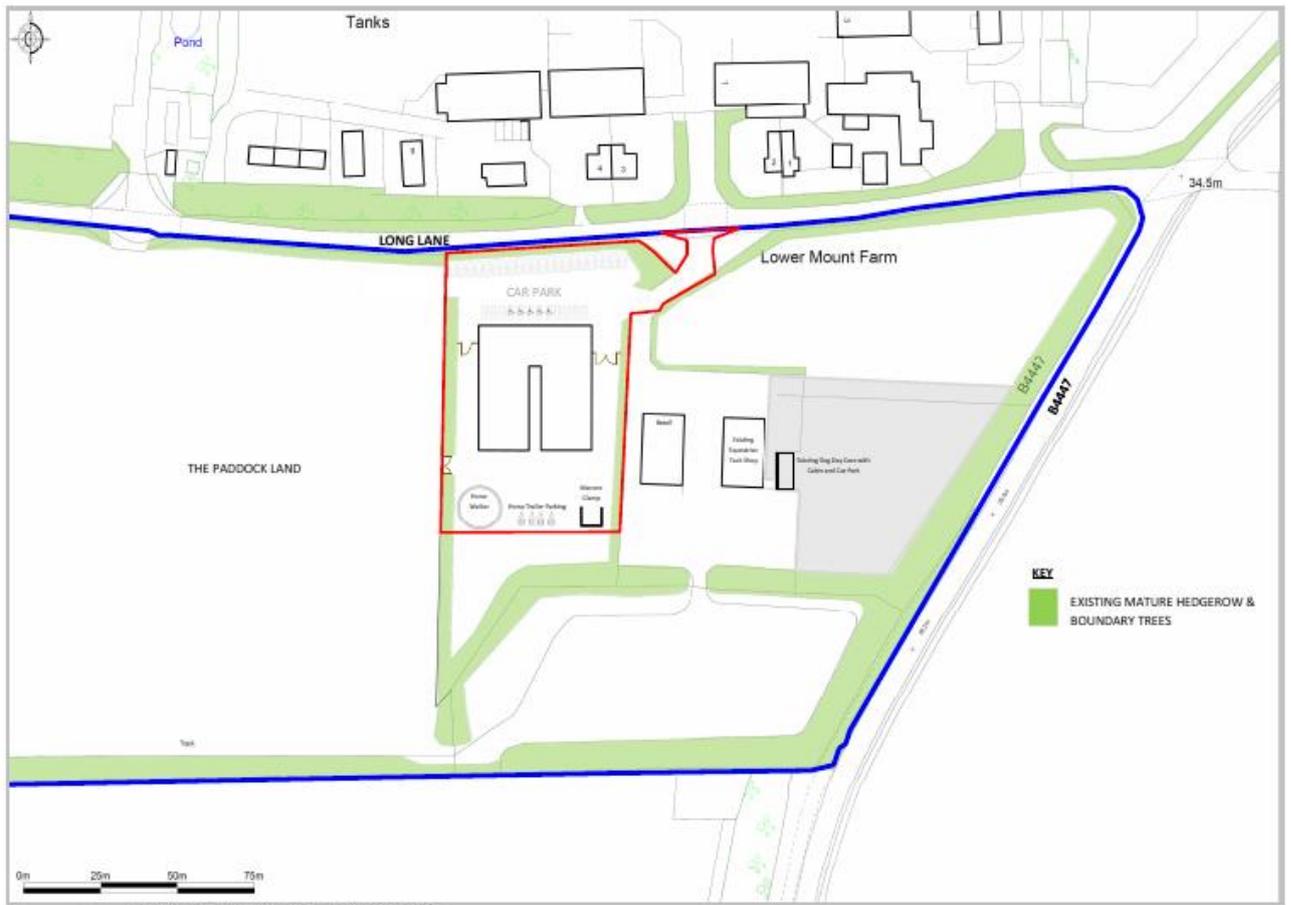
11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Illustrative layout plan
- Appendix C - Illustrative elevations

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment', and would be harmful to actual openness of the Green Belt. No Very Special Circumstances have been demonstrated that clearly overcomes the harm to the Green Belt and any other harm. The proposal is therefore contrary to paragraphs 143, 144 and 145 of the National Planning Policy Framework (2019), saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and SP1 and SP5 of the Borough Local Plan (Submission Version).
- 2 Given its otherwise open surroundings and separation from the adjacent buildings, the proposal is considered an incongruous form of development in this open countryside location and would cause harm to the character and appearance of the area. The proposal would therefore be contrary to policies DG1, and GB2 of the Local Plan.
- 3 Insufficient ecological information has been received to establish the extent to which protected species may be affected by the proposals. The scheme is thereby contrary to Paragraph 99 of Circular 06/05: Biodiversity and Geological Conservation: Statutory Obligation and their impact within the Planning System and paragraph 175 of the NPPF (2019)

APPENDIX A – Proposed site plan

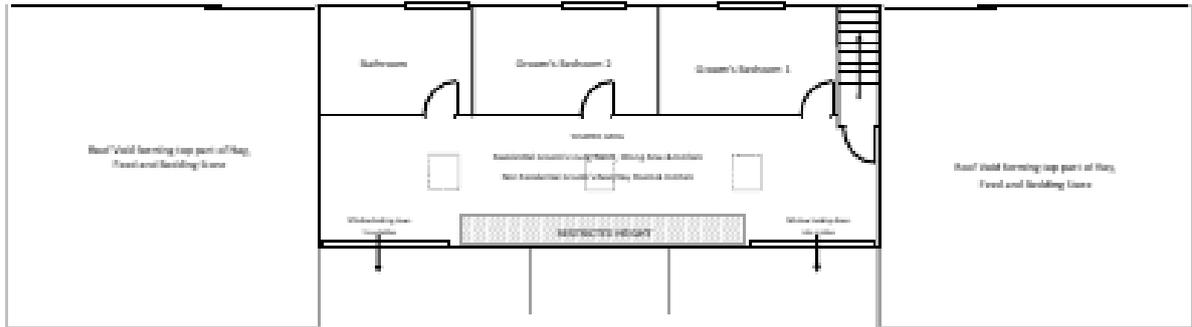


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APPENDIX B – Illustrative Site Layout

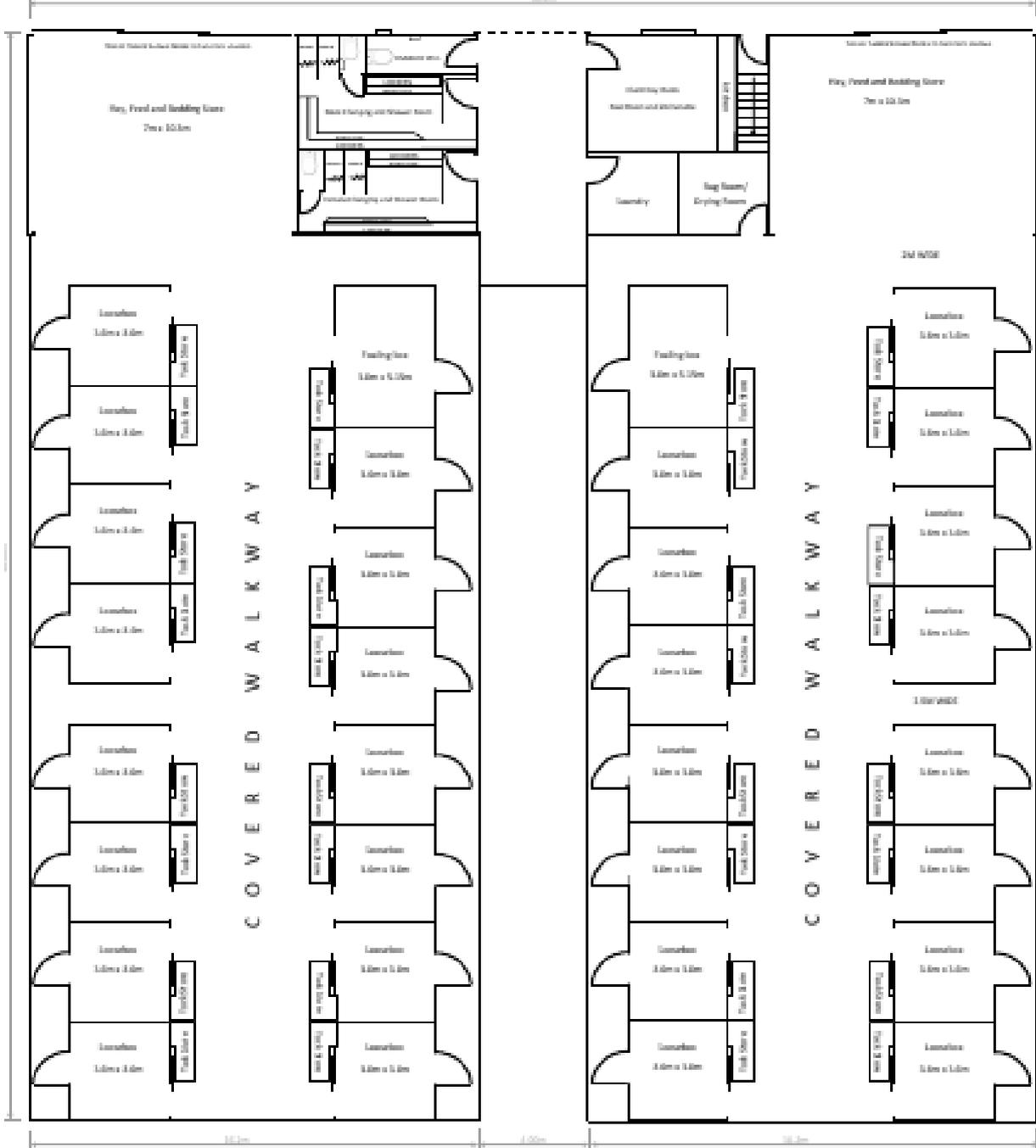
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GROUND-FLOOR PLAN

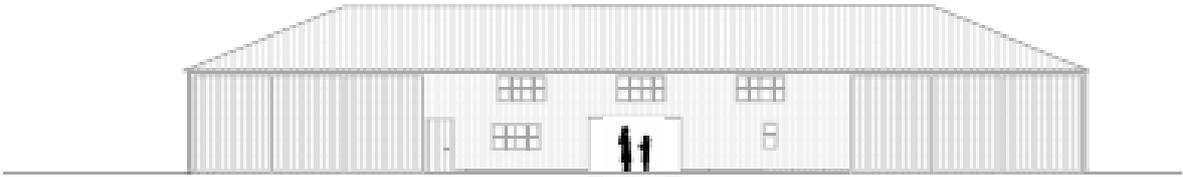
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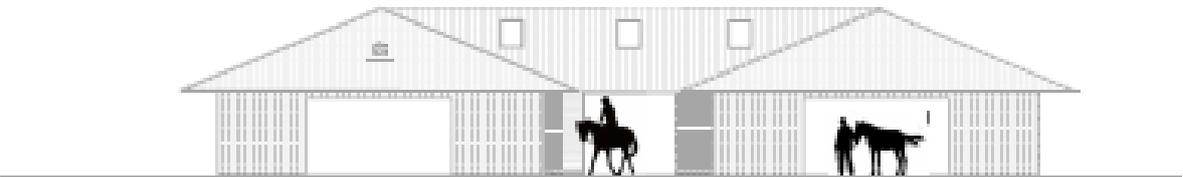


APPENDIX C – Illustrative Elevations

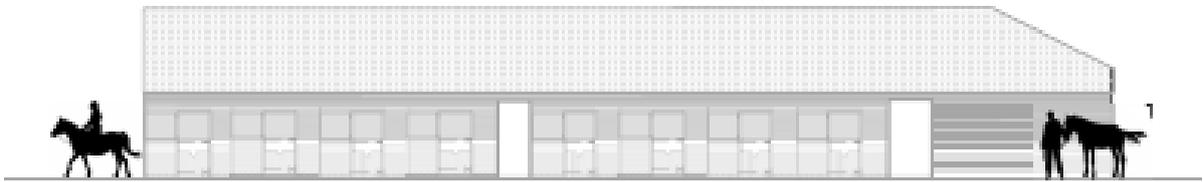
NORTHERN ELEVATION
1/800 scale A1



SOUTHERN ELEVATION
1/800 scale A1



EASTERN ELEVATION
1/800 scale A1



WESTERN ELEVATION
1/800 scale A1

