

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 February 2020

Item: 5

Application No.:	19/03501/FULL
Location:	Land Known As Budds Pasture East of Moneyrow Green And North of Forest Green Road Holyport Maidenhead
Proposal:	New farm track and widening of the existing access (Retrospective).
Applicant:	Mr Craig
Agent:	Not Applicable
Parish/Ward:	Bray Parish/Bray

If you have a question about this report, please contact: Dariusz Kusyk on 01628796812 or at dariusz.kusyk@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed development is considered appropriate within the Green Belt in accordance with Local Plan Policy GB1 and the NPPF paragraph 146.

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

2. REASON FOR PANEL DETERMINATION

- Listed by Cllr Leo Walters, in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is approximately 26ha in area. The planning history includes sufficient information in order to confirm that the lawful use of the land is solely agricultural. The historical application ref. 19/00365/AGDET contains rural registry maps which confirm the established class of use of the application property.
- 3.2 The surrounding area of the application site includes sporadic residential units, formed as a ribbon development along Forest Green Road, sited within open and rural Green Belt. There is Moneyrow Green village centre circa 400.0m to the west.

4. KEY CONSTRAINTS

- 4.1 The application site is within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposed development is retrospective and includes a circa 200.0m long farm track, made of hardcore and gravel. The track is approximately 3.0m wide and provides a wider access out onto Forest Green Road in order to improve overall functionality of the access and provide adequate sightlines.
- 5.2 Relevant planning history

Reference	Description	Decision
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19/00365/AGDET	Notification to determine whether prior approval is required for the construction of a new agricultural building.	Approval – 05/03/2019
18/03531/AGDET	Notification to determine whether prior approval is required for the construction of a new agricultural building.	Refusal – 08/01/2019

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
Appropriate development in the Green Belt	GB1
Acceptable impact on Green Belt	GB2
Design in keeping with character and appearance of area	DG1
Highways	P4 and T5
Trees	N6

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 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	QP5
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2

7.1 The NPPF 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 Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address 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 will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

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

No letters were received with regards to the application.

Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommended for approval, with the following conditions: 1. The new farm track and entrance to be used by agricultural vehicles only. 2. The materials to be used for the vehicle access must be environmentally friendly. 3. The hedge which runs along the front of the field to be	Section 9.

	extended into the entrance splay on the right-hand side.	
Highways Officer	No objections, subject to a condition to provide bonded surface access.	Section 9.
Ecology Officer	No objections.	Noted.
Trees Officer	No objections.	Noted
Environmental Protection	No objections.	Noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- I Impact upon the Green Belt;
- II Highways Impact;
- III Neighbours Impact.

Issue I - Impact upon the Green Belt

9.2 Paragraph 146 of the NPPF states that *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:*

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;”

9.3 Local Plan Policy GB1 lists the forms of development which could be granted approval, which includes *A1) Development for agriculture or forestry and C) Engineering and other operations and the making of material changes in the use of land which maintain openness and do not conflict with the purposes of including land in the Green Belt.* However, the Development Plan was prepared in accordance with the Cancelled PPG2 Green Belts and is not entirely consistent with the NPPF. Therefore Local Plan policy GB1 should not be given full weight and the NPPF, as a more up to date expression of Government intent, should be given significant weight as a material consideration.

9.4 The proposal is for a 200.0m long farm track that leads to an agricultural barn, being used for agricultural purposes in connection with the farm. The applicant states that the proposal is necessary, due to the type and proportions of machinery and agricultural vehicles in use by the farm and which require a track of sufficient width. As such the development comprises an engineering operation for agricultural purposes, which due to its nature and form would preserve openness and not conflict with any of the purposes of the Green Belt. The proposal is therefore considered to accord with paragraph 146 of the NPPF and policy GB1 of the Local Plan.

Issue II - Highway consideration and parking provision.

9.5 Forest Green Road is classified as a district distributor road which provides an alternative link between the A308 and A330. This section of Forest Green Road is restricted to a 40mph speed limit and has no footways or street lighting.

9.6 The submitted Design and Access Statement confirms that the existing access has been widened by approximately 3.0m to enable the access to achieve better visibility splays and provide better manoeuvrability for the agricultural vehicles entering and leaving the site. Given that the proposal would not affect the existing parking and turning arrangements, it is considered acceptable in highways terms.

Issue III – Neighbours Impact

9.7 The proposed development would not result in any negative impact upon occupiers of the nearby residential properties, due to the significant separation distances involved. The proposal would therefore comply with the NPPF paragraph 127 f), which states that planning decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

12. APPENDICES TO THIS REPORT

1. Appendix A - Aerial photograph of the farm track;
2. Appendix B – Location Plan.

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Within three calendar months of the date of this permission the access shall be surfaced with a bonded material across its entire width for a distance of at least five metres measured back from the carriageway and shall thereafter be maintained as such. Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Local Plan T5.
- 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.

Informatives

- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.

Existing farm entrance and farm track at Budds Pasture



Retrospective hardcore farm track to previously approved agricultural building (19/00365/AGET)

