

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

DEVELOPMENT CONTROL PANEL

21 April 2021

Item: 2

Application No.:	20/00529/FULL
Location:	Land To The North of Clock Cottage Sturt Green Holyport Maidenhead
Proposal:	Use of land for private equestrian use and erection of new equestrian yard comprising of stables, storage barn, open arena, associated hardstanding and new access.
Applicant:	Ms Jones
Agent:	Mr Neil Davis
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission to change the use of the site from agricultural land to private equestrian land. The application also proposes the erection of a new equestrian yard comprising stables, storage barn and an open arena. Hardstanding for roads and walkways are also proposed to be constructed as well as internal fencing and a new access off of Sturt Green.
- 1.2 The proposed development would cover over 5195m² of otherwise open field with an access road, walkways, equestrian yard, stable, barn and polo arena. The development is therefore considered to have a significant spatial impact on the openness of the Green Belt. The majority of the proposed development would not be visible from public vantage points due to trees and hedging within and surrounding the site; however the proposed barn is 6m high and 15.7m wide and would be visible from Sturt Green, adversely impacting on the visual openness of the land. Furthermore, the proposed works (whether visible from public vantage points or not) are considered to collectively develop the site by replacing an otherwise open field with buildings and hardstanding. It is therefore considered that the development would have a moderate visual impact on the openness of the Green Belt. Taking these points into consideration the development is not considered to preserve the openness of the Green Belt. It would also conflict with one of the purposes of including land in the Green Belt, to assist in safeguarding the countryside from encroachment. The development would therefore not fall under the Green Belt exception outlined in paragraph 145 (b) of the NPPF, nor would it fall under any other exception outlined in paragraphs 145 or 146 of the NPPF. The proposal is therefore considered to be inappropriate development in the Green Belt, which would impact adversely on its openness.
- 1.3 No very special circumstances have been demonstrated to outweigh the developments substantial harm to the Green Belt.
- 1.4 For the reasons mentioned above the proposal would fail to comply with Local Plan policies GB1, GB2 and GB7 and paragraphs 143, 144, 145 and 146 of the NPPF (2019), warranting refusal of the application.

It is recommended that the Panel REFUSES planning permission for the following summarised reason (the full reasons are identified in section 13 of this report:

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| 1. | The proposal comprises inappropriate and harmful development in the Green Belt and no very special circumstances have been demonstrated to outweigh the harm and any other harm resulting from the proposal. |
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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 development site is located on the north side of Sturt Green, Holyport opposite to Clock Cottage. At present the site is open agricultural land. Views of the site mainly exist from its entrance on Sturt Green as its remaining boundaries are lined with trees and other greenery. Directly south east of the site is a small fishery and group of protected trees.
- 3.2 The south side of Sturt Green comprises a strong building line of residential development. Properties are predominantly two storeys, detached, uniquely designed and set back from the road allowing for soft landscaping and off-street parking. To the north side of Sturt Green there are properties of similar design and size, however they follow no pattern of development. Thimble farm and stretches of agricultural land are also located off of Sturt Green.
- 3.3 A public right of way runs in a circle from Sturt Green around the site, back onto Sturt Green.
- 3.4 The development site is located within the Green Belt and in close proximity to historically contaminated land.

4. KEY CONSTRAINTS

- Green Belt
- Protected Trees

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks planning permission to change the use of the land from agricultural to private equestrian use. The proposal also includes the erection of a new equestrian yard comprising stables, storage barn and an open arena. Associated hardstanding and a new access would also be constructed.
- 5.2 During the process of the application concerns were raised regarding the developments adverse impact on the Green Belt, protected trees and site drainage. Subsequently the LPA worked with the applicant in an attempt to overcome these issues and allowed for the submission of amended plans and additional information. The sites access route was amended to protect the RPA of important trees within the site. Drainage reports and surveys were submitted evidencing that the site could be drained without contributing to run off and drainage issues in the area. Notwithstanding the foregoing, issues regarding the developments adverse impact on the Green Belt were not overcome as explained in this report below.
- 5.3 Other relevant applications at the site:

Reference	Description	Decision
19/02461/FULL	Use of land for private equestrian use and erection of new equestrian yard comprising of stables, storage barn, open arena, menage and associated hard surfacing.	Withdrawn: 05.11.2019

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
Design in keeping with character and appearance of area	DG1
Appropriate development in the Green Belt	GB1, GB2, GB7
Protecting important trees	N6
Archaeology	Arch 3
Contamination of water	NAP4

6.2 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 2 - Achieving sustainable development
 Section 4 – Decision making
 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 and Submission Version with Proposed Changes (2019)

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 advanced 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 that may be given); and
 c) the degree of consistency of the relevant policies in the emerging plan 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 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. The next stage will be for main modifications to be carried out and consulted upon.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 A notice advertising the proposed development was placed outside the site on **13.03.2020** and 9 neighbouring properties were directly notified of the proposed development between **12.03.2020** and **16.03.2020**. The development was advertised in Local Press on **19.03.2020**.
- 8.2 4 letters objecting to the proposed development were received in response to the consultation. The objections are as follows:

Comment	Where in the report this is considered
The new entrance is immediately opposite our house (Fairfield) and our neighbours Leaside & Fair Cottage. Greenery would have to be cleared to create adequate visibility splays. Furthermore, cars would be more likely to look into our property adversely impacting on our privacy. The entrance should be kept in its existing location.	The site is for private equestrian use and would therefore not generate many visitors. Furthermore, the road running past the property already exists, as such people can already look into the houses. There is therefore unlikely to be any harmful loss of privacy caused by road users looking into nearby properties. See paragraphs 9.32 - 9.38 of the report for responses regarding visibility splays and highways impacts.
The new entrance would stop visitors being able to access my drive.	
The proposed development would have an adverse impact on the Green Belt, furthermore no development should be allowed which adversely effects the historic public right of way.	9.2 – 9.21 for Green Belt responses. 9.32 – 9.38 for responses regarding the public right of way.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommend the application is refused. 'To date the additional information requested by Highways regarding the entrance to the development has not been provided. The applicant has also failed to provide full details of how they plan to deal with the disposal of surface water as per the recommendation of the Local Flood Authority on previous application 19/02461'	Planning issues regarding drainage and highways have been overcome as set out in section 9 of this report.
Lead Local Flood Authority	No objection , subject to the development being carried out and maintained in accordance with the submitted surface water drainage management measures and drawings.	Noted. Had the application been recommended for approval, a condition would have been recommended requiring the development to be carried out in accordance with the submitted drainage measures.

Consultees

Consultee	Comment	Where in the report this is considered
RBWM Ecologist	No objection , subject to conditions requiring that the development be implemented in accordance with the ecology survey report (AA Environmental Ltd - dated 29 January 2020 - ref: 203028/JDT). A closing letter report from a suitably qualified ecologist, detailing the ecological mitigation, compensation, and enhancement measures put in place and confirming that works have been undertaken in accordance with the recommendations provided in the report is to be submitted to the council.	Noted. Had the application been recommended for approval, the relevant conditions would have been recommended for inclusion in the decision.
RBWM Tree Officer	No objection , subject to a condition requiring the submission and thereafter carrying out of a tree protection plan prior to any works taking place at the site. The plan should also include the location of proposed service routes, which should be located away from the RPA of protected trees.	
Berkshire Archaeology	No objection , subject to a condition requiring the submission and thereafter carrying out of a programme of archaeological works and a written scheme of investigation prior to the commencement of any works at the site.	
RBWM Environmental Protection Officer	No objection , subject to conditions relating to the adequate storage and removal of animal waste, as well as appropriate construction hours.	
RBWM Highways Officer	No objection , subject to imposition of conditions requiring the proposed access, visibility splays, parking area and turning area to be constructed as submitted. They also suggest that conditions are added requiring, the stopping up of the existing access upon creation and use of the new access; gate opening restrictions, access resurfacing; and the submission of a Construction Management Plan prior to the commencement of any works.	

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact of the proposal on the Green Belt and its purposes
- ii Impact of the proposal on protected trees and the character and appearance of the area
- iii Impact on amenities of surrounding occupants
- iv Highways impact
- v Ecological impact
- vi Archaeological impact
- vii Contaminated land impact
- viii Impact of the development on site drainage (SuDS)

Issue i - Impact of the proposal on the Green Belt and its purposes

- 9.2 Policy GB1 of the Local Plan sets out appropriate forms development in the Green Belt. It allows for essential facilities for outdoor sports and outdoor recreation which preserve the openness of the Green Belt and do not conflict with its purposes. The policy also allows for engineering and other operations and the making of material changes in the use of land which maintain its openness and do not conflict with the purposes of including land in the Green Belt. Policy GB2 follows on from GB1 and allows for new development provided it does not, inter-alia, have a greater impact on the openness of the Green Belt than existing development on the site.
- 9.3 Policy GB7 states that 'proposals to erect stables for keeping horses for private recreational use will be acceptable where; no more than one stable or field shelter for the keeping of one horse each is provided per 0.4ha of land up to a maximum of 4 stable units on any site plus one associated tack and feed store per site; the buildings are of a permanent nature using appropriate materials, siting and design so as to minimise their visual impact; on formerly agricultural land the plot is a minimum of 5ha; there is no conflict with policy GB2 or N1'.
- 9.4 Paragraph 145 of the NPPF (2019) sets out appropriate forms of development in the Green Belt. The exceptions deemed relevant to this application are below:
- b) 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;*
- 9.5 Paragraph 146 of the NPPF (2019) states that any material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and engineering operations can also be appropriate development, subject to the proposed works preserving the openness of the Green Belt and not conflicting with its purposes; which are set out in paragraph 134 of the NPPF (2019).
- 9.6 The Local Plan was prepared in accordance with the cancelled PPG2: Green Belts. As such, Local Plan policies GB1, GB2 and GB7 are not entirely consistent with the NPPF and are not given full weight. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material consideration.
- 9.7 The application seeks planning permission to change the use of the development site from agricultural land to private equestrian land. The application also proposes the erection of a new equestrian yard comprising stables, storage barn and an open arena. Hardstanding for roads and walkways would also be constructed as well internal fencing and a new access off of Sturt Green.
- 9.8 The purpose of the development is to allow the applicants client to house their polo horses and associated machinery in closer proximity to their home, the new facilities would also allow the client to play polo with one other player.
- 9.9 The development site is approximately 3.2ha. The new riding arena would cover 4000m², surrounded by a 1.2m high post and rail fence. The stables would be 4m high, 25.2m wide, 9.3m deep, the footprint of the building would be approximately 135m², when constructed the building would appear larger due to its roof overhang and entrance area. The building would house 8 stables and a grooming area.
- 9.10 The proposed barn would be 6m high, 13m deep and 15.7m wide. It would have a footprint of approximately 204m². The barn would be used to house machinery and equipment associated with the sites new equestrian use.

- 9.11 The proposed works also include the installation of a 1.2m high fence to create a paddock near to the sites entrance, 1.5m high entrance gates, new access, and internal roads, along with a yard area. The new hardstanding to create the internal roads, walkways, and yard covers approximately 804m².

Appropriateness of the proposed facilities for outdoor sport and recreation:

- 9.12 The applicant has suggested that the sport of polo requires a minimum of 2 players. Each player must have 4 horses and therefore a minimum of 8 horses is required for private use, as it would allow the applicants client to play with one other person. The applicant has submitted evidence showing that their client is part of an existing polo club and is in possession of 3 horses (which are being stored in rented accommodation at considerable expense). It is the client's intention to purchase another horse, so that they can part take in polo, the pandemic and lockdown has delayed the purchase. The groom area within the barn would act as a sheltered tack and preparation room for horses, prior to their use. For these reasons it is considered that the proposed stable block is appropriate for the sites intended private outdoor sports use.
- 9.13 The proposed barn would house a tractor, ATV vehicle, horse transporter lorry, hay storage area, feed bins, changing room, WC and mess room. These facilities are also considered to be appropriate for the upkeep of the land and for the storage of equipment and materials associated with the sites proposed equestrian use.
- 9.14 There is no local plan or NPPF guidance regarding acceptable sizes for polo pitches. However, the Hurlingham Polo Association (governing body for polo in the UK) advises that a polo pitch should be a minimum length of 250 yards (230m) and a maximum of 300 yards (275m) by 200 yards (185m) wide. It is noted that these figures are national standards and relate to commercial polo grounds. The proposed arena would be significantly smaller than national guidance standards commensurate to its private use and is therefore considered to be of an appropriate size.
- 9.15 The new access, access roads and yard are needed to provide safe access and improved movement around the site. Fencing and landscaping would help to section off dedicated areas of the site such as the arena and paddock land. There is therefore also a need for these elements of the scheme.
- 9.16 Overall it is considered that notwithstanding the size of the facilities, they would be appropriate for the sites intended private equestrian use.

Impact on the openness and purposes of the Green Belt

- 9.17 The proposed development of an access road, walkways, equestrian yard, stable, barn and arena would result in 5195m² of built form on previously open fields. The development is therefore considered to have a significant spatial impact on the openness of the Green Belt. The majority of the proposed development would not be visible from public vantage points due to trees and hedging within and surrounding the site, however the proposed barn is 6m high and 15.7m wide and would be visible from Sturt Green, adversely impacting on the visual openness of the land. Furthermore the barn would be at the end of a hard track road, next to stables, an arena and a yard and although they are unlikely to be visible from public vantage points collectively all of the works would result in encroachment into the countryside by replacing an otherwise open field with buildings and hardstanding. It is therefore considered that the development would also have a moderate visual impact on the openness of the Green Belt. For the reasons mentioned above it is considered that the proposed development would not preserve the openness of the Green Belt. Furthermore, it would also be contrary to one of the five purposes of the Green Belt, to assist in safeguarding the countryside from encroachment.
- 9.18 Taking into consideration the above, It is considered that the proposed development would not fall under the Green Belt exception outlined in paragraph 145 (b) of the NPPF, nor would it fall under any other exception outlined in paragraphs 145 and 146 of the NPPF. The proposal is therefore considered to be inappropriate development in the Green Belt, which would impact adversely on its openness.

- 9.19 Paragraph 143 of the NPPF states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
- 9.20 Paragraph 144 states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.
- 9.21 No 'very special circumstances' have been demonstrated to outweigh the substantial harm identified above.

Issue ii– Impact on protected trees and the character and appearance of the area

- 9.22 Section 12, paragraph 127 of the NPPF (2019) advises that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.23 Policy DG1 states that the Borough Council will have regard to, inter alia, the following guidelines when assessing new development proposals: 11) Harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character.
- 9.24 Local Plan Policy N6 suggests that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused.
- 9.25 The area surrounding the site is predominantly residential, however a farm and open agricultural land also exist within the area. A private fishery also exists next to the development site, to the rear of Mabira, Meadow View Lane. Taking into consideration the variety of land uses which exist in the area and the fact that equestrian land is often located in rural/suburban areas the change of use of the land to equestrian use is not considered to out of character to the extent of being harmful to the area.
- 9.26 With the exclusion of the access road, entrance, and barn the majority of the proposed development would be sited on the other side of protected trees and other greenery within and

surrounding the site. The proposed barn would be 6m high, 13m deep and 15.7m wide. It would have a footprint of approximately 204m². The building would be visible from Sturt Green due to its positioning and size. Notwithstanding these points planning permission was granted for a larger barn at the nearby Thimble Farm. That barn is 24m by 9.5m and is 6.5m high with a footprint of approximately 228m². The buildings are of similar design, barring their openings. Both buildings would also be set back a considerable distance from Sturt Green. The proposed barn would therefore not be out of character in this rural area. Additionally, stables are common within fields and gated entrances, tracks and footpaths already feature in Sturt Green. It is therefore considered that the proposed works are not entirely out of character. Furthermore, the existing access would be blocked up. A detailed landscaping plan would be recommended for inclusion if the development were approved. This would require that greenery be planted near the blocked-up entrance, which would partly offset greenery lost from the creation of the new entrance. The landscaping condition would also ensure that the landscaping (shown on the proposed site plan) serves to screen the site and is visually appropriate. For these reasons it is considered that the proposed development would not cause significant harm to the character and appearance of the area.

- 9.27 Taking into consideration the above, the proposed development is considered to have an acceptable impact on the character and appearance of the area.

Issue iii - Impact on the amenities of surrounding occupants

- 9.28 Paragraph 127 of the NPPF suggests that development should provide a good standard of amenity for all existing and future users.
- 9.29 Due to its separation from neighbouring sites, properties, and the main road the proposed development is unlikely to harm the amenities of the locality. The Environmental Protection Officer is satisfied that, subject to conditions, animal waste could be satisfactorily stored on and removed from the site.
- 9.30 The proposed development would be convenient for the applicant's client, enabling them to engage in outdoor sports and recreation in close proximity to their home.
- 9.31 For the foregoing reasons the proposed development is considered to have an acceptable on amenity.

Issue iv - Highways impacts

- 9.32 Local Plan policy T5 advises that development should not have an adverse impact on the highways network. Policy P4 advises that adequate parking should be provided for development in line with the boroughs parking strategy.
- 9.33 Paragraph 109 of the NPPF states that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.34 Adequate parking for machinery storage would be provided in the proposed barn and an appropriately sized turning area with space for vehicle parking (if necessary) would be provided within the yard. The development is therefore considered to provide adequate off-road parking.
- 9.35 Due to the proposed private use of the site it is unlikely to generate any unacceptable amount of traffic.
- 9.36 The existing access would be blocked up after the new access is created. Adequate visibility splays have been shown to be achievable from the new access, allowing vehicles to exit and enter the site safely. Furthermore, the new access is located a considerable distance from the public right of way, as are the rest of the works. The development would therefore have no impact on access to or the function of the public right of way.

- 9.37 The Borough's highways officer has no objection to the proposed development subject to the conditions outlined in section 8 of this report. If the application were granted permission, the conditions would be recommended.
- 9.38 For these reasons it is considered that the proposed development would have an acceptable impact on the local highways network and would provide adequate parking.

Issue v - Ecological impact of the proposed development

- 9.39 Emerging Borough Plan Policy NR3 states that: 'Development proposals...will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as hedgerows, trees, river corridors and other water bodies and the presence of protected species... and development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid assessment of the proposal. Such reports should include details of any alternative sites considered, and any mitigation measures considered necessary to make the development acceptable'. This policy is afforded moderate weight and the following sections of the NPPF have been afforded greater weight in this assessment.
- 9.40 Paragraph 170 of the NPPF advises that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 9.41 Paragraph 174 of the NPPF states that development should seek 'to protect and enhance biodiversity and geodiversity, plans should, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'.
- 9.42 Paragraph 175 states 'when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 9.43 An ecology report (AA Environmental, January 2020) has been undertaken to an appropriate standard and submitted in support of the application.

- 9.44 The report confirms that the majority of the habitats to be affected by the proposal are grassland and that the grassland was found to be of low ecological value. The site and trees within it were found to be suitable for use by foraging and commuting bats. Evidence was also found suggesting that the site is used by foraging badgers although no setts were found on or adjacent to the site. The site was also found to be a sub-optimal habitat for use by amphibians including great crested newts. In addition to its findings the report sets out a number of recommendations with regard to the protection of wildlife (specifically badgers, amphibians, and nesting birds) and boundary habitats during works, minimizing the adverse effects of artificial lighting on wildlife for any new lighting strategy proposed, retaining permeability of the site to wildlife, and enhancements for biodiversity. Subject to the biodiversity protection, enhancement and management measures being carried out the development would have an acceptable ecological impact.
- 9.45 The Boroughs Ecology Officer has no objection to the development subject to conditions outlined in section 8 of this report, which could be attached to any decision should permission be forthcoming.

Issue vi – Archaeological impact

- 9.46 Local Plan Policy Arch 3 advises that development will not be permitted where it has an adverse impact on areas of potential archaeological importance. Paragraphs 187 and 189 of the NPPF (2019) also seek to protect such areas. The proposed development includes excavation and construction works which could unearth items and/or remains of archaeological significance. Berkshire Archaeology have suggested that if permission were to be forthcoming a condition should be added requiring a programme of archaeological works and written scheme of investigation to be submitted prior to any works at the site.

Issue vii – Contaminated Land

- 9.47 The development site is in close proximity to historically contaminated land. Local Plan Policy NAP4 seeks to prevent ground water contamination. The boroughs environmental protection team have suggested that subject to a condition requiring ground investigation at the site and thereafter management and mitigation measures (if contamination is found) that the proposed development would be acceptable.

Issue viii - The impact of the proposal on drainage at the site (SuDS)

- 9.48 Paragraph 165 of NPPF states that all ‘major’ planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications.
- 9.49 The Lead Local Flood Authority have been consulted on the application and have suggested that the development is acceptable subject to it being carried out in accordance with the proposed run off management and drainage measures outlined on submitted plans and SUDS statements created by GTA Civils and Transport. An appropriate condition could be attached if permission were to be forthcoming.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 It has been concluded that the proposed use would be for outdoor sport/recreation, and that the buildings and other development would be appropriate in connection with that use. Consequently, this proposal would not amount to inappropriate development if it preserved the openness of the Green Belt and did not conflict with the purposes of including land within it.

- 11.2 Bearing in mind that there is currently no development on the site, the cumulative impact of the proposed buildings and other associated development would have a substantial spatial impact on the openness of the Green Belt. There would also be some impact on visual openness. The new buildings and works would appear as an encroachment into the open, undeveloped field. As a result, the proposal would not preserve the openness of the Green Belt and would conflict with one of the purposes of including land within it.
- 11.3 The proposal would be inappropriate development in the Green Belt, which would cause demonstrable harm to its openness, and would conflict with one of the purposes of including land within it. Paragraph 144 of the Framework requires that substantial weight should be attributed to any harm to the Green Belt, and that very special circumstances will not exist unless this harm is clearly outweighed by other considerations. No very special circumstances have been found to exist in this case.
- 11.2 The proposed development would therefore be contrary to policies GB1, GB2 and GB7 of the Local Plan and paragraphs 143 to 146 of the NPPF (2019).
- 11.3 For the reasons mentioned above it is recommended that the Panel refuse planning permission for the proposed development.

12. APPENDICES TO THIS REPORT

- Appendix A - Site Location Plan
- Appendix B – Existing Site Plan
- Appendix C – Proposed Site Plan
- Appendix D – Proposed Stables (floor plans and elevations)
- Appendix E – Proposed Barn (floor plans and elevations)

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 There is currently no development on this site and the cumulative impact of an access road, walkways, equestrian yard, stable, barn and polo arena would have a substantial impact on the spatial openness of the Green Belt and would result in encroachment into the countryside . The proposed barn would be visible from Sturt Green, adversely impacting on the visual openness of the Green Belt. The proposed development would therefore not preserve the openness of the Green Belt and would be contrary to one of the purposes of including land in the Green Belt. The development would therefore not amount to appropriate development as defined in paragraph 145 (b) of the NPPF and neither would it fall under any other exception outlined in paragraphs 145 or 146 of the NPPF. The proposal is therefore considered to be inappropriate development in the Green Belt, which would impact adversely on its openness. No very special circumstances have been demonstrated to outweigh the developments substantial harm to the Green Belt and consequently the proposal is contrary to polices GB1, GB2 and GB7 of the Local Plan and paragraphs 143 to 146 of the NPPF (2019).