

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

16 February 2022

Item: 1

Application No.:	21/01824/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, 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.
Applicant:	Mr Copas
Agent:	Mr David Jacobs
Parish/Ward:	Cookham Parish/Bisham And Cookham
If you have a question about this report, please contact: Harmeet Minhas on or at harmeet.minhas@rbwm.gov.uk	

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 consideration 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.