

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Land off Holyport Road, Holyport: Lodge Farm

Beaulieu Homes Southern Ltd

Section 78 Town and Country Planning Act 1990

PINS Ref: APP/T0355/W/19/3225689

Council's Opening Submissions

Introduction

1. This appeal relates to the proposed construction of 150 dwellings with access off Holyport Road and a doctor's surgery together with the change of use of agricultural land to a community park including two football pitches, allotments and the change of use of an existing farm building to a community building.
2. Although a non-determination appeal the Council has confirmed it would have refused the application for the reasons identified in the Planning Statement of Common Ground¹.
3. The main issues raised by the identified reasons for refusal, as set out in the Case Management Conference Summary are as follows:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;

¹ Paragraph 1.5

- (ii) Its effect on the spatial and visual openness of the Green Belt and on the character and appearance of the area, including the setting of Holyport;
- (iii) Its effect on the character/appearance and heritage significance of Holyport Conservation Area, including non-designated assets within it;
- (iv) The Council's housing land supply position;
- (v) And, if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

4. The highways issues have been addressed to the satisfaction of the Council and the Appellant through a contribution to proposed highway improvements.

Issue 1: Inappropriateness

5. The construction of 150 dwellings on open, agricultural land is a very clear example of inappropriate development in the Green Belt (see NPPF 2019 paragraph 145). Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (NPPF 143).

6. The erection of a doctor's surgery of 667 sqm and associated parking is also inappropriate development.

Issue 2: Harm to the Green Belt including its spatial and visual openness

7. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green belts are their openness and their permanence. (NPPF 133).

8. This application is fundamentally at odds with the fundamental aim of Green Belts. It seeks to build houses on open land in the Green Belt immediately outside Maidenhead.

The openness of the land built upon would be of course permanently lost. The country park area maintains the openness of that land – but that land is open anyway and in a use that is appropriate for the GB. It is the loss of approx. 6-7 hectares of open agricultural land to housing that harms the Green Belt so fundamentally.

9. The role of this specific area of the Green Belt was objectively assessed as part of the Council’s evidence base for the emerging Plan in the July 2016 Edge of Settlement Green Belt Purpose Assessment. This concluded² that:

- (a) The land makes a very strong contribution to checking the unrestricted sprawl of a built-up area and effectively contains Maidenhead and prevents it spreading and has important connections to the wider countryside;
- (b) The parcel makes a very strong contribution to preventing settlements from merging. It provides a gap of approximately 350m of open and protected Green Belt between the urban area of Maidenhead and the village of Holyport;
- (c) The land makes a strong contribution to safeguarding the countryside from encroachment. It has a largely rural character comprising agricultural fields, and displays an important connection to the wider countryside;
- (d) The land makes a very strong contribution to preserving the setting and special qualities of a historic place, namely Holyport. Holyport is a historic, rural village and the site provides an important part of the setting of Holyport Conservation Area.

10. The Council’s evidence on Green Belt harm is given by Mr Fannon. He agrees with the 2016 assessment. The Green Belt purposes identified in the NPPF are to be approached with common sense. The appeal site very obviously meets the Green Belt purposes given its openness, its agricultural use, and its location separating Maidenhead from Holyport. The Appellant’s attempts to downplay the Green Belt role of this site lack realism. The land is also visible from numerous public vantage points, and is of a rural character. The residential proposals will be in stark contrast to this and will cause harm to the visual amenity of the Green Belt and the character and appearance of the area.

² The site was assessed as parcel M34 – see pages 370371 of CD 7.2

11. Further, notwithstanding that part of the application is for a country park, the harm to openness is caused by the erection of a high number of substantial and permanent dwellings across at least 6 hectares of the site. In no sense does the country park mitigate or reduce the impact of this on the openness of the Green Belt which is permanently lost. The continued openness of the country park is simply a continuation of the existing open state of that part of the land.
12. In addition, as referred to above, the Council is undertaking an exercise of assessing the Green Belt as part of its Local Plan. The NPPF is clear that Green Belt boundaries should only be altered through the preparation or updating of plans and where there are exceptional circumstances (136). Here, the Appellant is stepping outside of the proper local plan exercise which can undertake a comparative borough wide exercise and so has to meet the even more stringent development control test of very special circumstances. This is inconsistent with the intent of a plan-led system.

Issue 3: Heritage impacts

13. The Council relies on the evidence of Mrs Stileman.
14. There is an objective assessment of the Holyport Conservation Area in the Conservation Area Appraisal³. Part of the Appeal Site is included within the Conservation Area. The Appraisal also identifies views that are important to the special character of the conservation area and these are shown on p46. A number of these views are into or across the appeal site as part of the rural agricultural setting of the historic village.
15. Mrs Stileman explains how the setting of the village makes an important positive contribution to the significance of the conservation area as a designated heritage asset. The agricultural open land contains the historic settlement pattern by providing a strong and distinctive boundary which in turn allows the historic and rural character of the village to be appreciated.
16. The appeal proposals represent a very substantial incursion into the setting of the conservation area and the residential development will be entirely contrary to the

³ CD7.13

current positive role played by the appeal site in adding to the significance of the conservation area. This harm has been assessed by Mrs Stileman as less than substantial.

17. The water tower within the appeal site is a non-designated heritage asset which is valued locally. Its significance is in part a result of its open and undeveloped setting. The proposals will alter the rural, open setting to one that is more urban damaging the ability to appreciate the structure within its surroundings.
18. The Framework is clear as to the importance given to the protection of heritage assets. Designed heritage assets are one of the “assets of particular importance” protected by footnote 6 of paragraph 11(d)(i) of the Framework. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation – irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF 193).
19. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (NPPF 194).
20. It is common ground between the parties (see heritage SoCG at 2.5-2.9) that:
 - (a) The Conservation Area includes important open spaces which contribute strongly to its character and appearance;
 - (b) the Conservation Area was extended to include the parcel of land which is the former location of a manorial moated site (area C of the Appeal site);
 - (c) The setting of the Conservation Area makes a positive contribution to its heritage value and its character and appearance. This contribution relates to a contrast between the historic village core and the open rural surroundings which provides the historic setting. In the ‘Summary of Significance’ the Conservation Area Appraisal summarises this as follows: “*The surrounding landscape of open fields is important in preserving the historic setting of the conservation area*”.
 - (d) The appeal site makes a positive contribution to the setting, and character and appearance, of the conservation area by forming a series of open fields

to the north of the conservation area which have remained open through time and illustrate a degree of continuity of function, boundaries and open aspect.

21. Against this background it is also common ground that (Heritage SoCG 2.11-12):
- (a) The proposal for housing on areas A and B will give rise to less than substantial harm to the significance of the conservation area;
 - (b) The proposal for housing on areas A and B will permanently alter and ‘remove’ three key views identified within the conservation area appraisal from the northern end of Holyport Street and the Holyport Road where Blind Lane meets that route.
22. It is also common ground that the water tower is a prominent focal point from a variety of viewpoints within and without the conservation area. The views towards and past the water tower from Holyport Street are identified as ‘key’ within the Conservation Area Appraisal. The proposal will give rise to a change within the setting of the water tower.

Issue 4: Housing Land Supply

23. It is common ground that the Housing Delivery Test results published in February 2019 indicate that RBWM has a delivery rate of 97% over the last three years.
24. The housing requirement for the purposes of 5 year HLS is agreed as 799dpa, or 3,995 across the five year period.
25. The Council has assessed its deliverable supply as 3,439 units – the Appellant as 2,097⁴. There are therefore 1,342 units in dispute split across 13 sites and a dispute as to the period of allowance for windfalls. Expressed as year’s supply there is a range of 2.62 (Appellant) – 4.3 years (Council).
26. The Council’s evidence is given by Mr McColgan of GL Hearn. Mr McColgan has assessed the supply against the definition of deliverable in the glossary to the NPPF 2019 and is satisfied the identified sites are deliverable. The Appellant suggests that the

⁴ SoCG HLS at 4.9

evidence of deliverability must be confined to the evidence that existed at the base date. This is wrong – there is absolutely no reason why evidence of the deliverability of a site should not be addressed at the inquiry on the basis of the most up to date information – and indeed the PPG is clear that the Inspector should take into account the evidence produced by both sides and reach a judgment on likely site delivery⁵. The evidence must be up-to-date⁶.

Issue 5: Very Special Circumstances and the Planning Balance

27. The presumption in favour of sustainable development is set out in paragraph 11(d) NPPF 2019. It is common ground that the impact on the Green Belt and the harm to the Conservation Area engage footnote 6 because there are Framework policies that protect these areas or assets.
28. The effect of this is that the critical development control test is that contained within paragraphs 143 and 144 of the Framework – the development should not be approved unless there are very special circumstances such that 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.
29. The Framework stipulates that substantial weight should be given to any harm to the Green Belt (144).
30. It also stipulates that great weight should be given to the conservation of designated heritage assets (193) and any harm have a clear and convincing justification (194).
31. It is common ground that “any other harm” in paragraph 144 is given a wide meaning to include any material planning considerations that weighs against the scheme.
32. The planning balance on behalf of the Council is drawn by Mr Fannon. This is not repeated in detail in these opening submissions – the planning balance will be addressed in evidence.

⁵ PPG 68-17

⁶ 68-7 and 68-4

33. The Appellant puts forward a number of considerations in support of the proposal that are said to amount to the very special circumstances necessary to justify permission. These have been assessed by Mr Fannon.
34. The Council recognises that there are benefits through the delivery of 105 dwellings and 45 affordable units and that there is an identified need for housing and affordable housing. The dispute is as to the weight to be given to this benefit. On the Council's case, it is broadly meeting the housing delivery test, and has a supply of over 4 years of deliverable housing. There has been a pause to the Local Plan process, but that process is ongoing and the Council now has a response to the Examining Inspector's points which provides it with a plan and allocations that it considers sound, and it is hoped that the examination process will be re-activated after February next year. Through the Local Plan appropriate amendments to the GB boundaries can be considered on a comprehensive and comparative basis and the Council's housing requirement can be met. The Framework is clear that boundary changes should be addressed through the Plan process. The benefits of 150 units delivered on Green belt land outside the planned system are certainly not very substantial when seen in the proper context.
35. The Community Park does deliver community benefits. But again, these should not be overstated. There is an oversupply of open space in the borough, and there are parks accessible to the residents of Holyport and Maidenhead. The football pitches would be a benefit, but the application does not have support of the football club FC Holyport whom they were intended to serve. The provision of allotments and ecological benefits through the scheme are benefits, but not significant ones. The community park application must be recognised as taking place on land that already has a significant Green Belt role as agricultural Green Belt land containing and providing the setting for the settlements, and the Conservation Area of Holyport. The compensatory Green belt benefits should not form part of the justification for the release of land from the Green Belt. They are benefits that should be sought through the plan process once the decision to release land has been taken (NPPF 138).
36. Similarly, in relation to the doctor's surgery, the proposal provides for a 667 sqm doctor's surgery but the local medical practice, Holyport Surgery, has confirmed that it

does not need new premises and are not in a position to progress with the proposed scheme.

37. Overall, the Council considers that the benefits of the scheme fall very well short of addressing the substantial harm caused to the Green Belt and its purposes.

38. For these reasons the Council's position is that the appeal should be dismissed.

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GUY WILLIAMS

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