



# ET Planning

## Planning, Design and Access Statement

Client:

Mr and Mrs Perry

Blackthorn Cottage and The Annexe

Chawridge Lane, Winkfield, Windsor, SL4 4QR

*Demolition of existing buildings and erection to 2  
no. replacement dwellings*

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## 01 Introduction

- 1.1 This statement is produced to support a planning application for the demolition of existing buildings and erection to 2 no. replacement dwellings at Blackthorn Cottage and The Annexe, Chawridge Lane, Winkfield, Windsor, SL4 4QR.
- 1.2 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.3 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents prepared by Tony Day Architecture Ltd, unless otherwise stated:
- 3736-201 - Plot 1 Proposed Plans
  - 3736-202 - Plot 1 Proposed Elevations
  - 3736-203 - Plot 2 Proposed Plans and Elevations
  - 3736-204 - Site Plan
  - 3736-205 - Location Plan
  - Preliminary Tree/Landscape Report – Draffin Associates
  - Ecological Appraisal & Bat Mitigation Strategy – Windrush Ecology
  - Appendix 1 - APP/R0335/W/18/3217574 Appeal Decision
  - Appendix 2 - APP/R0335/W/19/3228697 Appeal Decision
- 1.4 The relevant application fee will be submitted by the applicant separately.

## **02 Site Location & Description**

- 2.1 The site is approximately 0.17-hectares in size and currently occupies two residential dwellinghouses- Blackthorn Cottage and The Annexe.
- 2.2 The site benefits from a large, spacious plot and falls within a rural location. Besides the two properties mentioned above, the site is surrounded by agricultural fields and does not have any additional directly neighbouring properties.
- 2.3 As expected from the site's rural location, it falls within the open countryside and within the designated Green Belt.

## **03 Planning History**

- 3.1 20/00402/LDC – application for a certificate of lawfulness for use of barn for ancillary residential storage (C3 use class) – approved 28/07/2020
- 3.2 RAD001/93 - Request for agricultural development - Decision issued but is not available on the historical record (01/01/1993)
- 3.3 610937 - Application for a single storey rear extension - approved (04/08/1986)
- 3.4 606678 - Erection of a single storey side extension for study and bedroom – approved (11/11/1982)
- 3.5 604007 - Application to erect a double garage – approved (19/03/1979)
- 3.6 601512 - Application to erect a single storey side extension – approved (17/03/1976)

## 04 Development Proposals

- 4.1 The National Design Guide (2019) identifies that “*well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences. They are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time*” (para 120-121).
- 4.2 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.3 **Use and Amount:** The proposed use is for two replacement dwellings following the demolition of the two existing dwellings.
- 4.4 For clarity for the purposes of this statement, the dwelling replacing Blackthorn Cottage shall be known as ‘Plot 1’, and the dwelling replacing The Annexe shall be referred to as ‘Plot 2’.
- 4.5 **Layout, Scale and Appearance:** The proposed building shall be two-storey detached dwellinghouses. Plot 1 shall have four-bedrooms and Plot 2 shall have two-bedrooms.
- 4.6 The building has been designed such that externally it shall conform with the rural character of the area and not have a detrimental impact on the Green Belt. The materials shall conform with any established character of the area so as to not stand out.

- 4.7 Internally, the accommodation has been laid out to maximise the internal space and light afforded, with primary habitable rooms benefitting from a large windows and dual occupancy.
- 4.8 **Landscaping:** The existing trees on the site, and those in the vicinity, shall be retained and protected throughout the demolition and construction process. New planting can be accommodated within the curtilage and is proposed for control via condition if required.
- 4.9 **Access & Parking:** The proposed dwellings make use of the existing access to the site and shall provide adequate parking facilities for their prospective occupants.
- 4.10 Internally, disabled access and circulation requirements are designed to achieve Building Regulations Part M standards, including entrance doors to be a minimum of 800mm, electrical fittings and service controls at suitable heights for disabled persons use, and all bathrooms and WC facilities designed for disabled access.

## 05 Policy Assessment

- 5.1 **National Guidance:** The National Planning Policy Framework (NPPF) is a relevant material consideration to the application. Some weight also needs to be given to the content of the Ministerial Statement, 'Planning for Growth', issued in March 2011.
- 5.2 The 'Golden Thread' running through the centre of guidance within the NPPF is the presumption in favour of sustainable development. Paragraph 38 of the NPPF states that "*Local planning authorities should approach decision on proposed development in a positive and creative way*" and "*at every level should seek to approve applications for*

*sustainable development where possible*". Paragraph 117 of the NPPF comments that planning should "make effective use of land" in "meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions".

- 5.3 Paragraph 59 confirms the Government's objective to boost the supply of housing, and paragraph 8 identifies the three objectives of sustainable development, as economic, environmental and social.
- 5.4 Paragraph 124 identifies that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities", whilst paragraph 131 states that "In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."
- 5.5 The National Design Guide builds on the above, and clarifies that "well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities. New development reinforces existing places by enhancing local transport, facilities and community services, and maximising their potential use" (para 109).
- 5.6 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

- 5.7 This statement shall assess the proposal against the existing and saved policies/documents of Bracknell Forest Council's Local Development Plan as well as national planning documents including the NPPF.
- 5.8 It is acknowledged that the Council is developing a new drafted local plan, however this remains in the consultation stage and is therefore given limited weight at this time.
- 5.9 **Green Belt:** The site is located within the Green Belt. The NPPF has been updated (2019). The fundamental aim has not changed, being "*to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*" as stated in paragraph 133.
- 5.10 The NPPF, at paragraph 143, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.
- 5.11 There is a general presumption against development on sites which are located within the Green Belt. However, paragraphs 145/146 sets out exceptions to Green Belt development which are not inappropriate. Relevant to this application is paragraph 145, which is discussed in more detail below:



*Paragraph 145:*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

5.12 The proposed development constitutes the replacement of two dwellings with two dwellings. The principle of the development of this site with reference to this exemption shall be continued and elaborated upon from paragraph 5.20 of this report onwards.

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would*

*i. not have a greater impact on the openness of the Green Belt than the existing development; or*

*ii. not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

5.13 The site subject to this development is considered to be previously developed land. The existing site occupies two dwellings in the countryside and their curtilage (i.e.- gardens). The NPPF's definition of Previously Developed Land (hereafter referred to as 'PDL') excludes residential gardens in build-up areas. It therefore follows that residential gardens in non-build-up areas (i.e.- the countryside) is considered to be previously developed land.

5.14 For Green Belt development, the supporting text of policy GB1 (sub-paragraph 4.38) denotes that *'for the purposes of this policy, the Borough Council will normally consider any increase to be*

*"disproportionate" if it exceeds 40% of the gross floor area of the original building.'*

5.15 It is also recognised that application 20/00402/LDC (referenced in paragraph 3.1 of this statement) allowed the use of the barn for ancillary residential storage for the enjoyment of the occupants of Blackthorn Cottage and The Annex. This is therefore considered to be in residential use and may be offset as existing floor area.

5.16 For reference, the storage barn has a Gross External Area (GEA) of approximately 78.09m<sup>2</sup> and as it is used by both existing properties to be replaced. It has been split evenly between the two dwellings when accounting for the floorspace available as part of this development, i.e. 39.0m<sup>2</sup> (rounded). It also have a volume of 382m<sup>3</sup>, which again allows for 191m<sup>3</sup> to be allocated to the two dwellings, 50% allowance to each dwelling.

5.17 The existing dwelling, Blackthorn Cottage has a Gross External Area (GEA) of 142.4m<sup>2</sup> and the Annexe has a GEA of 31.2m<sup>2</sup>, or 181.45m<sup>2</sup> and 70.25m<sup>2</sup> respectively including the offset floor area from the storage. The proposed units, Plot 1 and Plot 2, have GEAs of 198m<sup>2</sup> (including the garage) and 81.1m<sup>2</sup> respectively. This amounts to a 9.1% increase in GIA for plot 1 and a 15.4% increase for plot 2. Accordingly they are considered to comply with the aforementioned requirements of policy GB1.

5.18 Furthermore, we have considered the increase in volume of the proposed replacement dwellings. Blackthorn Cottage has a volume of 464m<sup>3</sup>. This together with the allocated barn volume gives a total of 655m<sup>3</sup>. Therefore the total volume allowed for the replacement

dwelling is 917m<sup>3</sup>. The proposed plot 1 is 898.39m<sup>3</sup>, which only proposes a 37% increase is considered to be reasonable.

5.19 The Annexe is 103m<sup>3</sup> and therefore the allowed volume is 411.6m<sup>3</sup>. The proposed Plot 2 replacement dwelling is 382m<sup>3</sup>, which only proposes a 30% increase and is consequently considered to be acceptable.

5.20 In summary, the proposal seeks the replacement of two dwellings for two dwellings. We do, however, include the existing barn and therefore, when considering the development's impact on the Green Belt, it is three buildings for two buildings. The land is considered previously developed. The inclusion of the ancillary barn into the proposed floor area and volume is a material factor. All of which combined is considered to amount to very special circumstances for the proposed development. Accordingly, the proposed development is considered to be within the confines of the NPPF and the Local Development Plan.

5.21 **Green Belt Purposes:** Paragraph 134 (explains the five purposes of the Green Belt, as follows:

*a) to check the unrestricted sprawl of large built-up areas;*

5.22 The proposed development is not in a large built-up area and therefore this is not relevant for the proposed development.

*b) to prevent neighbouring towns merging into one another;*

5.23 This application does not propose development which consists of part of merging two towns together.

*c) to assist in safeguarding the countryside from encroachment;*

5.24 Although this site falls within the countryside, it proposed the replacement of existing dwellings, and therefore does not further encroach on the rural character than the existing site. This is elaborated upon within the 'Character of the Area' section of this statement.

*d) to preserve the setting and special character of historic towns;*

5.25 The proposed development is not in an area of historical or archaeological significance, and there are no listed buildings/heritage assets in the side vicinity.

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

5.26 The proposed development is the redevelopment of previously developed land and therefore is considered sustainable in this location.

5.27 Accordingly, the proposed development is compliant with the five purposes of the Green Belt.

5.28 As a result of the above, the development is considered to be in line with the thrust of national and local policy for development within the greenbelt, with very special circumstances evidenced for the scale of development proposed in this specific location.

5.29 ***Sustainable Development:*** This proposal is for the redevelopment of previously developed land in the same residential use class as the existing site. Accordingly, this is considered to constitute sustainable development.

5.30 ***Density and Size of Dwellings:*** The proposal is for two replacement dwellings, which shall not have any change on the density of the area.

5.31 ***Character and Appearance of the Area:*** CSDPD Policy CS1 states that development will be permitted which makes efficient use of land, and protects and enhances the character of local landscapes and the wider countryside. CSDPD Policy CS2 states that development will be allocated for development on a sequential basis, which includes use of previously developed land, which this site is.

5.32 BFBLP 'Saved' Policy H5 states that the erection of new dwellings outside defined settlements will not be permitted unless it would not cause harm to the character of the area, or to the relationship between the settlement and the surrounding area, and that there is a need for the dwelling in connection with an acceptable use listed in Policy EN8.

5.33 NPPF paragraph 213 states that:

"Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

5.34 However, CSDPD Policy CS9 and BFBLP 'Saved' Policies EN8 and H5 are not fully consistent with the NPPF. The NPPF does not strictly prohibit the erection of new dwellings (or buildings in general) to the same extent as the aforementioned policies, nor does it detail a specific list of the types of development that may be acceptable.

5.35 Most notably in respect of policies CS9 and EN8, the specific wording of 'protecting the countryside for its own sake' is not consistent with the NPPF, as it prevents the necessary balancing exercise and presumption in favour of sustainable development that occupy the fundamental approach of the NPPF. Therefore, when assessing the degree of consistency of these policies with the NPPF, as required by paragraph 213 of the NPPF, significantly reduces the weight that can be afforded to the above policies in determining such applications.

This has been acknowledged in recent applications both by the Council and Inspectors in appeal decisions APP/R0335/W/18/3217574 (Scotlands House) (**Appendix 1**), with appeal decision APP/R0335/W/193228697 & APP/R0335/W/3231875 (Land north of Tilehurst Lane) (**Appendix 2**) going as far as to suggest that the Council's countryside policies are out-of-date due to their lack of consistency with the NPPF.

5.36 The proposal is for a two replacement detached dwellinghouses which shall be set back from the adjacent highway. This is reminiscent of the existing dwellings however they have been designed such that, externally, they are respectful of the existing rural character of the countryside.

5.37 The layout of the proposed dwellings has been designed to maximise the available space at the site and respect the amenity of the proposed dwellings, which is discussed further in the following 'Amenity' sections.

5.38 The proposal is considered to be of high-quality design and in keeping with the existing character of the area. Therefore, the proposed

development is considered to comply with the details and limitations of policy CS7 as well as the LPA's Design Supplementary Planning Document.

- 5.39 **Listed Buildings (Setting and Fabric):** Any listed buildings in the surrounding area are Grade II and all over 200m from the edge of the site curtilage. Since they are not in relative proximity the proposed development is not considered to result in any harm on the setting of listed buildings.
- 5.40 **Residential Amenity – Internal Space:** The internal floorspace of the proposed dwelling would meet and exceed the National Described Space Standards with each dwelling benefitting from generous degree of nature light and space.
- 5.41 **Residential Amenity – External Space:** The proposed dwelling would benefit from a generous degree of private outdoor amenity space, commensurate with the size of the property, with each dwelling well-spaced from the other to ensure maximum privacy and the quality of space/amenity for the occupier which allow for seating and play.
- 5.42 **Residential Amenity – Overlooking, Loss of Light and Overbearing:** Both of the proposed dwellings have been situated and designed such that they are of a size/scale that neither of the two properties shall be materially affected with respect to the loss of light, overshadowing or overlooking. There is also sufficient distance to other existing dwellings in the vicinity to protect their residential amenity in this respect.
- 5.43 **Trees and Landscaping:** In order to suitably consider the impact of this development, in particular the demolition of the existing building,

this statement is accompanied by a Preliminary Tree/Landscape Report prepared by Draffin Associates. This report sets out in further detail recommendations for the proposed development including regarding the proposed layout and the construction process. It denotes that *special tree ground protection details should be agreed subject to final engineering layout to protect prominent trees and hedgerows* and that *appropriate boundary replacement tree and landscape management works should be adopted to ensure the retention and enhancement of boundary screening for residents amenity.*

- 5.44 **Transport and Parking:** As per the accompanying site plan, Plot 1 shall have 3 parking spaces and Plot 2 shall have 2 car parking spaces, which are considered to be ample for the size of the proposed dwellings and satisfies the LPA's parking standards SPD including the domestic garage standards (3.2-2).
- 5.45 Additionally, due to the generous size of the plots, there shall be ample space for safe manoeuvring as well access to and from the proposed dwellings.
- 5.46 There shall also be adequate space at the site for the safe storage of bicycles, either within the proposed garage or within secure cycle sheds that can be erected in the rear gardens of the dwellings.
- 5.47 **Refuse Provision:** Adequate refuse provision is already established for the occupants of the existing dwellings at the site and this is to be maintained for the prospective occupants of the replacement dwellings.
- 5.48 **Drainage and SuDS:** The site falls within Flood Zone 1 and is less than 1-hectare. Therefore, it is not considered that flood risk should limit the



proposed development. Any required details can be secured by planning condition.

5.49 **Contamination:** The site is not on land which is known to be contaminated. This together with the existing and proposed uses being residential follow that this is not considered to be relevant for the proposed development.

5.50 **Sustainability and Energy:** Paragraph 8 of the NPPF supports the transition of development to a low carbon future. The national Code for Sustainable Homes has now been abolished, however it is proposed that the development would conform to Part L of the Building Regulations which as of 2010 requires a 25% reduction in carbon emissions over the 2006 standards. This is equivalent to Code level 3 of the Code for Sustainable Homes. By way of contributing to the reduction in carbon, the proposal would also achieve current building construction standards with added sustainability measures through;

A) The limitation of the amount of inherent material, structure and embodied energy through the employment of good building standards to create an excellent SAP rating;

B) Use of locally sourced, recycled materials and labour where practicable;

C) Maximizing the use of natural light through floor-ceiling windows;

D) Reduced internal water consumption of 110 litres per person per day through the incorporation of water efficient sanitary fittings, including low flow toilets and water efficient taps for wash basins;

E) Refuse, recycling and composting facilities to be provided to work with the Council's existing waste and recycling collection service;

F) Secure cycle provision to encourage sustainable modes of transport;

G) 'A' rated electrical appliances and energy saving light fittings;

H) 'A' rated double glazed windows with natural cross ventilation provision;

I) Recycling of waste construction materials where practicable;

J) Permeable driveway/parking spaces to avoid increase in surface water runoff;

5.51 The proposal is therefore considered to comply with sustainability objectives in this respect. Any further details can be secured by planning condition.

5.52 **Ecology:** In order to suitably consider the impact of this development, in particular the demolition of the existing building, this statement is accompanied by a Preliminary Ecological Appraisal. This report was conducted by Windrush ecology and sets out in further detail recommendations for the proposed development including regarding the existing hedgerow and that the demolition of the Cottage is carried out under a Bat Mitigation Class Licence (BMCL) from Natural England.

5.53 **Special Protection Area:** The site does not fall within the Thames Basin Heath Special Protection Area (SPA) 5km mitigation zone. The proposal is also for two replacement dwellings so there is no net increase in dwellings. Therefore no mitigation measures are considered to be required.

5.54 **Affordable Housing:** This application for two replacement dwellinghouses and therefore it is not considered affordable housing is relevant for this proposal.

5.55 **Community Infrastructure Levy:** The proposed development is CIL Liable. The relevant forms have been completed and submitted with the application.

## 6) Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable in principle and makes an efficient use of land.
- 6.2 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents.
- 6.3 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.

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