

PLANNING STATEMENT

**ON BEHALF OF
WESTBOURNE HOMES**

**LAND AT OAKLEY GREEN LODGE OAKLEY GREEN,
WINDSOR**

**PROPOSED ERECTION OF 4 X DWELLINGS, WITH
ACCESS ALTERATIONS, PARKING, LANDSCAPING
AND ANCILLARY WORKS, FOLLOWING DEMOLITION
OF EXISTING BUILDINGS AND REMOVAL OF
HARDSTANDING AND COMMERCIAL USES**

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WOOLF BOND REF: DB/7955

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1. INTRODUCTION

- 1.1. This statement has been prepared in support of a detailed planning application by Westbourne Homes to develop land at the rear of the above site, with four detached dwellings.
- 1.2. The submission follows the decision of the Council to grant planning permission on 9 June 2016, under reference 16/00395, for three dwellings on the site, following demolition of the existing buildings and removal of hardstanding and commercial uses.
- 1.3. A second certificate of lawful use for the servicing and repair, storage and re-sale of commercial vehicles was approved for a larger area which was issued on 2 May 2019.
- 1.4. An additional Certificate of lawfulness to determine whether the existing 3no. dwellings, with garages and curtilages, access alterations, parking, landscaping and ancillary works following demolition of existing buildings and hardstanding is lawful has been submitted (Council reference 23/02831/CLD) in November 2023 and approved in January 2024. This confirms that the permission for 3 dwellings (16/00395) has been implemented and remains extant.
- 1.5. Detailed reference is made to the site history in the next section of this statement.
- 1.6. The applicant proposes to offer a S106 Agreement to remove all commercial activities from the land holding, thereby providing an improved environment for the residential development, as well as the opportunity to improve the visual amenity and openness of the Green Belt, through 'greening'.

Summary Position

- 1.7. The site lies within the Green Belt, one of the essential characteristics of the Green Belt is its openness. Development of land that replaces existing development (buildings and uses) that either maintains or enhances the openness of the Green Belt can be supported. These proposals achieve this aim, in addition to enhancing the visual appearance and character of the site and surrounding area.
- 1.8. The Council in the determination of the most recent planning application accept that the structures on the site do impact upon the openness of the Green Belt. Secondly, in justifying the approval of the original planning permission for three dwellings on part of the current application site, certain types of structures were counted in the Council's comparative assessment between existing development and the proposed dwellings. An identical exercise has now been carried out counting these same structures that lawfully exist on the site established by the certificates of lawful use and compared these with the proposed quantum of

development. When this exercise is carried out, the proposals do not have a greater impact upon the openness of the Green Belt than the existing development. This comparative exercise does not include the HGV lorries and containers that were previously not counted in the consideration of the original three-unit scheme, even though these have an impact on the openness of the Green Belt, a point accepted by the Council. If these structures are counted, then the marked improvement on the openness of the Green Belt is significantly improved. Nevertheless, the quantum of development by comparison to just the “countable buildings” still results in no greater impact on the openness of the Green Belt. Accordingly, either way the proposals comprise appropriate development within the Green Belt. This point is also reinforced by the acknowledgement by the delegated report into the last application (20/00694 paragraph 7.25) that “*the current commercial use on the land has a negative impact on the openness of the Green Belt*”. This is clearly correct. Therefore, the removal of the uses (a form of development) that currently have a negative impact on the openness of the Green Belt with a development that has no greater impact on the openness of the Green Belt regardless of whether the lorries and containers are counted or not reinforces the merits and justification for the proposed residential development. The development will also improve the character and appearance of the site which is currently unattractive and degraded as a result of the current lawful use. The introduction of the residential use is a far more compatible one with the character of the surrounding area which is also residential. Moreover, the proposed redevelopment scheme will result in less activity on and around the site which is a further improvement to the openness of the Green Belt, a factor acknowledged in the PPG at paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019. This too reinforces the merits and case for the grant of planning permission.

2. SITE AND SURROUNDINGS and PLANNING HISTORY

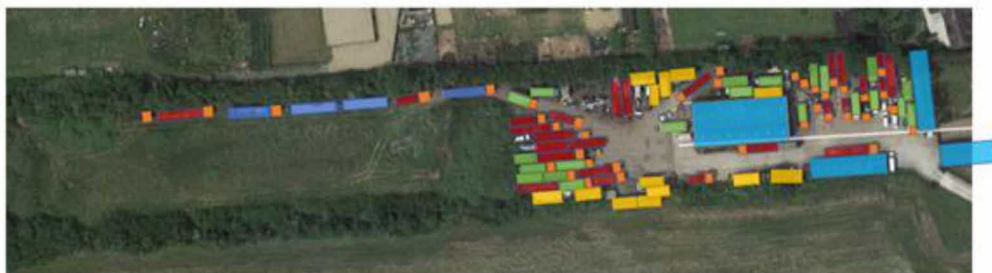
- 2.1. The application site lies to the south of Oakley Green Road and is shown on the plan below, which is followed by an aerial photograph, showing buildings, areas of hardstanding and vehicles associated with the current lawful uses of the site.








Site Plan



- 2.2. Certificates of lawful use application for the servicing and repair, storage and re-sale of commercial vehicles, on land the subject of this pre-application submission have been approved by the Council on 5 March 2003 and 2 May 2019 (Applications 00/35347 and 19/00535/COU).
- 2.3. The extent of the lawful commercial uses on the site is evident from the aerial photograph above and the plan highlighting the variety of structures on the site and illustrations of these in the three photographs below.



40 FT Containers 
20 FT Containers 
Drives Cabs 
Semi-Permanent Buildings, Portacabin etc. 
Flat Bed Lorries (Not Included in volume calculations) 

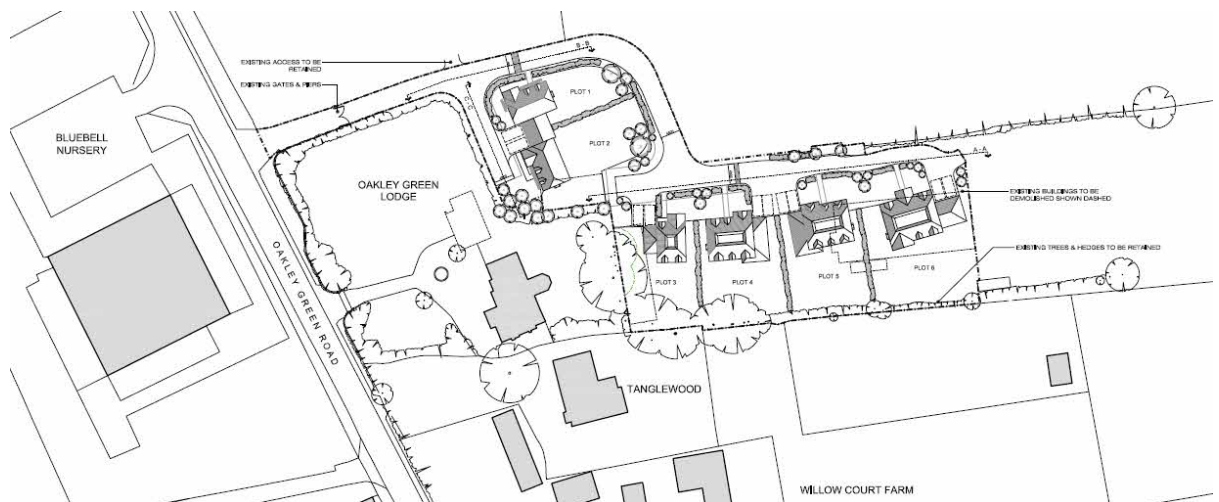


Visual impacts of the lawful commercial uses



Extent of existing Lawful Development on and adjoining the application site

- 2.4. The various buildings and structures on site are identified and quantified on the above plan. This illustrates the quantum of the existing lawful development on the site.
- 2.5. On 22 April 2015, the Council refused planning permission for six dwellings on the site, the subject of the certificate of lawful use, under reference 14/03994. The layout is reproduced below.



- 2.6. The application was refused for four reasons. Two of these related to harm to the Green Belt caused by the sprawl of the development and its greater impact on the openness of the Green Belt, one, to the design and layout of the scheme (considered to be too suburban for this location) and another related to potential harm to protected bats.

- 2.7. Following this refusal, the applicant sought pre-application advice and the application for three dwellings that was subsequently approved, again proposing development on the site the subject of the 1st certificate of lawful use, was based on the discussions with planning officers.
- 2.8. The layout for the planning permission for three houses (Plots 1, 2 and 3), granted in June 2016, is reproduced below. This shows the scheme served by the existing access, with Plot 3, at the southern end, positioned at right angles to the other two plots, facing north/south.



- 2.9. Part of the Summary of the officer's report reads as follows:

“The application seeks planning permission to redevelop an existing commercial site in the Green Belt to provide three detached houses and garages. The proposal would not have a greater impact on the openness of the Green Belt nor be contrary to any of the purposes of the Green Belt. The principle of the proposed development is therefore acceptable.

In addition, the individually designed three houses on spacious plots would be in keeping with the character and appearance of the residential development in the area. Having regard to the separation distances involved, it is not considered that the proposal would harm the living conditions of any neighbours.”

- 2.10. The planning permission establishes the principle of redeveloping part of the site, the loss of the existing commercial uses and the acceptance that a residential development scheme on the site would not be contrary to any of the purposes of the Green Belt.
- 2.11. The previous issue of encroachment highlighted in the Council's refusal of the first application for six dwellings on the site has also been resolved by ensuring that development remains within the confines of the existing extent of lawful development on the site.

- 2.12. Since the planning permission for three dwellings on the site, the extent of lawful development on the site has been extended following the approval of the certificate of lawful use 19/00535/COU.
- 2.13. Applications for five dwellings were submitted in October 2019 and February 2020 but refused by the Council. The reasons for refusal related to impact on the Green Belt with a suggestion that the proposal represented inappropriate development in the Green Belt contrary to paragraph 149 (now 154) of the NPPF due to the proposal having a greater impact on the openness of the Green Belt than the existing level of development.
- 2.14. A second reason for refusal related to a harmful impact on the character of this rural area due to a tight grain and contrived suburban layout of large houses with relatively small plots with limited space between and to the front of the dwellings for meaningful landscaping and separation.
- 2.15. The new proposal for less dwellings and less floorspace the subject of this application is within the confines of the extended area of lawful commercial development established by the most recent certificate approved in May 2019.



EXISTING SITE SETTING



PROPOSED SITE SETTING

Comparison plan between existing development on site and the proposed residential scheme



Comparison between existing built structures and proposed dwellings



Existing site coverage



Proposed site coverage

3.3. The Plots are in broadly similar locations to the approved three-unit scheme when taking into account the larger area of now confirmed PDL area¹. The fourth plot is also aligned in a similar way to the approved third plot. The additional units between plots 1 and 4 lie in a similar location to approved plot 2.

3.4. Despite the increasing number of dwellings from 3 to 4, the proposal has the following underlying characteristics:

The scheme lies within the confines of the extent of lawful development on the site.

¹ CLU Applications 00/35347 and 19/00535/COU

The proposed development (1,342m²) is 16m² less than the existing development counted on the site by the Council² (1,358m²). A 1.19% reduction. If the open sided car ports are included, which the Council's last officer report confirmed are not particularly dominant or prominent from outside of the site³, the proposed development floorspace figure increases to 1,400m². The marginal increase (42m²) is more than compensated by the removal of 40 or so parked HGV lorries and other structures not counted in the Council's 1,358m² total.

Existing building footprints counted by the Council⁴ (916m²) reduced to 690m². A 25% reduction.

Existing hardstanding areas will be significantly reduced from 6,467m² to 1,546m². A 76% reduction.

Existing volume of buildings (not the stored lorries) counted by the Council⁵ (4,298.5m³) will change to 4,546m³, a marginal increase of only 247.5m³, an increase of 5.75%.

Proposed building heights 7.8 -8.0m. Approved scheme buildings 8m high.

A significant improvement to the character and appearance of the site and wider surrounding area.

- 3.5. The applicant is offering, in relation to this subsequent planning application, a Section 106 Agreement to the effect that all the commercial activities on the entire site including these in the more recent, larger, certificate of lawfulness ceasing and being removed from the red line planning application site and adjoining blue land area. Section 106 agreement obligations can relate to blue land areas, namely land within the control/ownership of the applicant or vendor.

² Previous officers' report on application no. 19/02952/FULL paragraph 7.12

³ Previous officers' report on application no. 20/00964/FULL paragraph 7.34

⁴ Previous officers' report on application no. 19/02952/FULL paragraph 7.12

⁵ Previous officers' report on application no. 19/02952/FULL paragraph 7.12

4. PLANNING POLICY

4.1. The Development Plan against which this proposal should be considered is the Borough Local Plan. The most important Local Plan policies for determining this application are set out in the Table below.

4.2. The Council are at the advanced stage of the new Borough Local Plan. The relevant policies are:

Policy	Policy subject
SP1	Spatial Strategy
QP1	Sustainability and placemaking
QP3	Character and design of new development
HO1	Housing development sites
HO2	Housing mix
ED3	Other sites and loss of Employment Floorspace
SP2	Climate Change
QP5	Rural Development and the Green Belt
NR2	Nature Conservation and Biodiversity
NR6	Trees, Woodlands and hedgerows
IF2	Sustainable Transport

4.4. Of particular significance and weight is that the Plan makes provision for at least 14,240 new dwellings over the plan period from 2013 to 2033.

4.5. The Plan proposes development of a number of sites in the Green Belt to help meet the identified housing need, and to provide a greater mix of housing types. In this context, the Plan notes that there are exceptional circumstances for the release of Green Belt land, namely, the pressing need for new housing and because relying on sites located in settlements excluded from the Green Belt would not provide sufficient land to meet the identified housing need without compromising the character and appearance of existing towns and villages.

4.6. Although the site the subject of this application submission is in the Green Belt, it is previously developed land which should be considered, as a matter of principle, a more appropriate option for redevelopment than green field land. This principle is also supported in the NPPF (2023), paragraph 142.

National Planning Policy Framework

- 4.7. The National Planning Policy Framework (December 2023), in its entirety, is relevant to the consideration of this application.
- 4.8. Section 2 is concerned with achieving sustainable development and paragraph explains that there are three overarching objectives in relation to this, economic, social and environmental.
- 4.9. Section 5 is concerned with delivering a sufficient supply of homes. Paragraph 60 still refers to the Government's objective of significantly boosting the supply of homes.
- 4.10. The Council is currently unable to demonstrate a five-year housing land supply. Whilst this may not trigger the tilted planning balance the need for new homes still exists. Owing to the appropriateness of the scheme in Green Belt terms there is no need to trigger the tilted balance to justify the grant of planning permission.
- 4.11. Section 13 of the NPPF is concerned with Green Belt and paragraphs 154 and 155 set out the forms of development considered to be not inappropriate. The proposal is considered in relation to these paragraphs in the next section of this statement.
- 4.12. Finally, having regard to the fact that the Borough is meeting its housing needs by releasing greenfield Green Belt land, NPPF paragraph 147 states:

“Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport”.

- 4.13. Clearly the application site and the proposed form of development, in place of existing development and comparable to approved development and involving previously developed land, should be preferred and approved before releasing green field Green Belt land, consistent with the NPPF. In this context, the proposal would provide an additional dwelling, over and above the approved scheme.
- 4.14. This updated policy context not only supports these new proposals but also represents material changes in circumstances since the previous approval.

5. MAIN ISSUES

- 5.1. The certificates of lawful development issued in January 2004 and May 2019 established that the site, the subject of this application proposal, is previously developed land.
- 5.2. This, in turn, established that residential development was acceptable, in principle and the Council granted planning permission for the three houses, because there would be no greater impact on the openness of the Green Belt or on the purposes of the Green Belt.
- 5.3. National planning policy has changed since the planning permission for three houses was granted. Under the provisions of the updated NPPF (paragraph 154 g), there is no requirement, when considering schemes for the partial or complete redevelopment of previously developed land, to make any assessment as to whether or not the proposal conflicts with the purposes of including the site concerned within the Green Belt. That issue is therefore not part of the consideration of this application proposal.
- 5.4. As indicated earlier in this statement, a further certificate of lawful use application, concerning land to the rear of the original lawful previously developed land, has been approved.
- 5.5. The aerial photograph below, which dates from 2019, clearly shows the land beyond the application site for the 3 dwelling scheme being used for the storage of vehicles, as part and parcel of the commercial use of the wider site as a whole. The area is indicated with a yellow arrow.



- 5.6. The implication of the further certificate of lawful use is that previously developed land extends over a larger area than originally assumed when approving the 3-unit application. As a result of the substantial and significant increase in the currently authorised commercial uses on the site, including, in particular, the number of stored lorries the case for a replacement development is made relating to a larger existing development envelope.

- 5.7. Owing to the location of the site within the Green Belt, and the Green Belt's essential characteristics being its openness⁶, the fundamental issue in relation to this application relates to the impact of the proposals on the openness of the Green Belt.
- 5.8. Recent changes to National Planning Practice Guidance (NPPG) confirm that to assess the impact of a proposal on the openness of the Green Belt, both spatial and visual impacts should be considered:

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?”

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation.”

(Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019)

- 5.9. Two High Court decisions are relevant to how openness of the Green Belt should be considered, when assessing the impact of proposed development schemes. Firstly, *John Turner v Secretary of State and East Dorset District Council*, dated 7 October 2015, in which it was noted, at paragraph 26 that:

“Openness” is not defined in the NPPF. The Inspector, at paragraph 11, described it as “essentially freedom from operational development”. I agree with the Claimant that the meaning of openness is freedom from any development, not just operational development. However, in my view, this was a slip by the Inspector which did not materially affect his reasoning, so as to give rise to an arguable ground of appeal. It is apparent from paragraph 79 of the NPPF that openness is an “essential characteristic” of the Green Belt which the policy protects. (My underlining)

- 5.10. Secondly, also *John Turner v Secretary of State and East Dorset District Council*, but dated 18 May 2016, in which it is noted, at paragraphs 14-15 that:

The concept of “openness of the Green Belt” is not narrowly limited to the volumetric approach suggested by Mr Rudd. The word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now

⁶ NPPF paragraph 133

and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.

The question of visual impact is implicitly part of the concept of “openness of the Green Belt” as a matter of the natural meaning of the language used in para. 89 of the NPPF. I consider that this interpretation is also reinforced by the general guidance in paras. 79-81 of the NPPF, which introduce section 9 on the protection of Green Belt Land. There is an important visual dimension to checking “the unrestricted sprawl of large built-up areas” and the merging of neighbouring towns, as indeed the name “Green Belt” itself implies. Greenness is a visual quality: part of the idea of the Green Belt is that the eye and the spirit should be relieved from the prospect of unrelenting urban sprawl. Openness of aspect is a characteristic quality of the countryside, and “safeguarding the countryside from encroachment” includes preservation of that quality of openness. The preservation of “the setting ... of historic towns” obviously refers in a material way to their visual setting, for instance when seen from a distance across open fields. Again, the reference in para. 81 to planning positively “to retain and enhance landscapes, visual amenity and biodiversity” in the Green Belt makes it clear that the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt.

5.11. Finally, *Petter & Harris v Secretary of State for Environment [2000] 79 P&CR 214 at pp. 223-4* confirms that it is necessary not to overlook the purpose and objective of policy that is being applied, and to consider that purpose when applying the policy to the individual facts of the case. Here the objective of the policy is to ensure that redevelopment of previously developed land will not have a greater impact on the openness of the Green Belt than the existing situation thereby preserving the openness of the Green Belt, one of its essential characteristics. If that objective is secured through the replacement of all of the buildings and other forms of development that the Council has accepted impact on the openness of the Green Belt, then that further reinforces the merits and correct approach being adopted in the justification for the proposed scale and form of the development in this case.

5.12. Various key messages are evident from all the above, as follows:

Existing areas of hardstanding for storage and vehicle parking should form part of the assessment of whether or not a particular proposal would have a greater impact upon openness.

The meaning of openness is freedom from any development, not just operational development (or just permanent buildings).

A number of factors are capable of being relevant when considering openness, not just volumetric matters.

The visual dimension of the Green Belt is an important part of the point of designating land as Green Belt.

- Securing the purpose and objective of the Green Belt policy.

5.13. Given this context the existing development on the site comprises:

- extensive hard surface areas;
- large buildings;
- extensive storage containers; and
- largely permanently parked HGV and other commercial vehicles.

5.14. The areas of existing development accepted by the Council in 2016 when approving the 3-unit scheme are relied upon for the purposes of this application submission. This excludes a significant amount of lawful development.

5.15. The extent and form of this existing development has visual as well as spatial impacts on the character and appearance of the site and the openness of the Green Belt. This is evident from the Plan and images below.



40 FT Containers ■
20 FT Containers ■
Drives Cabins ■
Semi-Permanent Buildings, Portacabin etc. ■
Flat Bed lorries (Not included in volume calculations) ■



Visual impacts of the lawful commercial uses

5.16. The Council's most recent planning officer report on application 20/00694 at paragraph 7.25 confirmed that the lawful commercial use on the site has:

“a negative impact on the ‘openness’ of the Green Belt,”

5.17. Furthermore, the planning officers report confirmed at paragraph 7.43 that:

“the removal of commercial activity together with associated buildings, structures and vehicles and hard surfacing to the rear of the site, would have been considered to be a material consideration, weighing in favour of the proposed development”.

- 5.18. In light of this, the **“commercial activity together with associated buildings, structures and vehicles”** is relevant to some extent, moreover, given the proposed redevelopment scheme will result in the loss of these forms of development with a residential redevelopment scheme.
- 5.19. The Council's consideration of the approved 3-unit scheme counted as existing buildings the 4 main buildings and 4 additional smaller outbuildings shaded blue and red respectively on the 3-unit scheme plan number 13 – P 895–15. The following comparisons arise:

The scheme lies within the confines of the extent of lawful development on the site.

The proposed development (1,342m²) is 16m² less than the existing development counted on the site by the Council⁷ (1,358m²). A 1.19% reduction. If the open sided car ports are included, which the Council's last officer report confirmed are not particularly dominant or prominent from outside of the site⁸, the proposed development floorspace figure increases to 1,400m². The marginal increase (42m²) is more than compensated by the removal of 40 or so parked HGV lorries and other structures not counted in the Council's 1,358m² total.

Existing building footprints counted by the Council⁹ (916m²) reduced to 690m². A 25% reduction.

Existing hardstanding areas will be significantly reduced from 6,467m² to 1,546m². A 76% reduction.

Existing volume of buildings (not the stored lorries) counted by the Council¹⁰ (4,298.5m³) will change to 4,546m³, a marginal increase of only 247.5m³, an increase of 5.75%.

Proposed building heights 7.8 -8.0m. Approved scheme buildings 8m high.

A significant improvement to the character and appearance of the site and wider surrounding area.

- 5.20. These existing buildings totals (1,358m² / 4,298.5m³) referenced variously in the last planning officers report exclude similar smaller outbuildings in the recently extended certificate of lawful use area approved in May 2019 and the static lorries. Ignoring the other structures on the site that impact on the openness of the Green Belt (last officers report paragraph 7.25), is misleading. Nevertheless, the proposal results in a significant improvement to the visual appearance of the Green Belt and have no greater impact on the openness of the Green Belt than the existing development. As a result, the proposal comprises appropriate development within the Green Belt consistent with the NPPF paragraph 154g.

⁷ Previous officers' report on application no. 19/02952/FULL paragraph 7.12

⁸ Previous officers' report on application no. 20/00964/FULL paragraph 7.34

⁹ Previous officers' report on application no. 19/02952/FULL paragraph 7.12

¹⁰ Previous officers' report on application no. 19/02952/FULL paragraph 7.12



Existing Setting-Aerial Photograph dated 2019 showing extent of Lawful Commercial Vehicle Storage Area In red



Proposed Setting - 4 Dwellings on a similar footprint within area of Lawful Commercial Development replaced with planting, resulting in improved appearance in the Green Belt and no greater impact on the openness of the Green Belt

- 5.21. In addition, the replacement of this nonconforming character wise and unsightly lawful commercial operation with four sensitively designed, high-quality residential properties clearly has significant benefits in relation to the character and appearance of the site and surrounding area.
- 5.22. The result is a redevelopment scheme that visually and spatially has significant benefits such as:
1. No greater impact on the openness of the openness of the Green Belt;
 2. Improvement to the appearance of the Green Belt;
 3. Enhancement of the function of this part of the Green Belt;
 4. Enhancement to the character and appearance of the site;
 5. Enhancement to the setting of adjacent residential dwellings; and
 6. Enhancement to the setting of the wider rural area.
- 5.23. In these terms the proposals are entirely acceptable in Green Belt policy terms.

Character Issues

- 5.24. The Council raised concerns with the previous five-unit application scheme owing to concerns regarding the cramped and contrived suburban form of the proposed development which was considered to be out of character with this rural location.

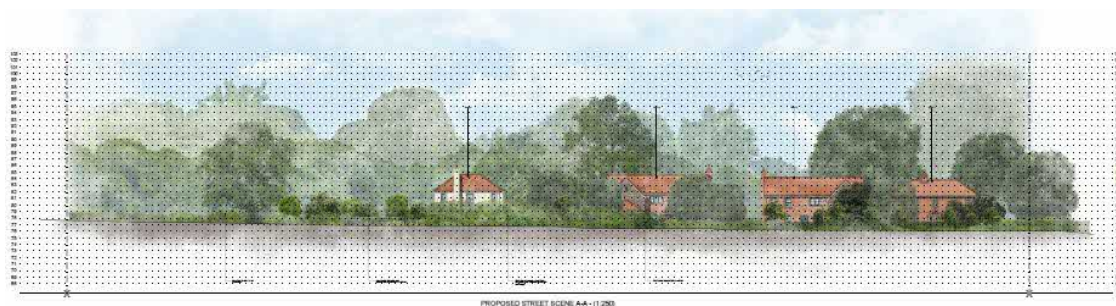


Existing Site



Proposed site plan.

5.25. Firstly, as evident from the existing site plan above, the existing use is totally out of character with this rural location representing a discordant and plainly unattractive use. The proposed new residential development, in the second image above, will represent a significant enhancement. Secondly, the application scheme has been amended since the last application in order to create a layout that is more open with characteristic gaps between the proposed buildings. These gaps are commensurate with those in the neighbouring residential area such that the proposal is representative of the grain of development that characterises this area. This is evident from the street scene plan and context plans reproduced below.



Street Scene Plan

- 5.26. In addition, and with reference to plan and photographs of the lawful commercial development on the site, where the intensity of development on the site is self-evident with little or no visual permeability between the various structures, the proposed redevelopment scheme is a significant improvement. Thirdly, the layout has been amended to create more space around and between the buildings by comparison to the earlier schemes. The setting to the south of the host dwelling house will be significantly enhanced by the removal of buildings and hardstanding areas.



Context Plan

- 5.27. Fourthly, the development is not out of character with the spatial pattern of development in the immediate area which is characterised by development in depth to the west as evident from the above Context Plan. Finally, the designs of the new dwellings have a more sensitive rural character to them by reference to the more appropriate use of materials and forms to the buildings and landscaping on site. Moreover, the single dwelling at the rear of the site is very much similar to the approved plot 3 dwelling. The proposed dwelling heights (7.8 - 8.0m) are similar to the approved scheme (8m). In earlier refused schemes the houses were up to 8.5m high.
- 5.28. The amended design and layout of the proposal now ensures that these proposals comply with NPPF paragraphs 131 and 135 and the borough local plan design policies. The proposed development in terms of both the sensitive layout and design of the dwellings ensures that the

proposal will now function well and add to the overall quality of the area not just for the short term but over the lifetime of the proposed development. Secondly, the scheme will be visually attractive as a result of the good architecture proposed that, as noted, very much reflects a rural scene commensurate with the location of the site. The layout in terms of generous spaces between and around the buildings, a farmyard type courtyard layout in addition to high-quality and appropriate hard and soft landscaping ensures that the proposal will be visually attractive and appropriate to this area. Moreover, the layout now allows for appropriate landscaping on the edge and within the site thereby being sympathetic to the rural setting of the site and wider area. Finally, for similar reasons, the proposal is sympathetic to the local character and history of the surrounding built environment and the landscape setting.

- 5.29. Taking into account the loss of all of the previously developed land components, both visually and spatially, the overall effect of the development on the site would be no greater impact of the openness of the Green Belt thereby comprising appropriate development within the Green Belt, consistent with NPPF paragraph 154g.
- 5.30. Finally, given the proposal lies within the confines of the existing, intensive and unattractive commercial uses on the site the proposal is also acceptable and compliant with countryside policy and its objectives that seek to have regard to the intrinsic character and beauty of the countryside.

Affordable housing

- 5.31. The application is supported by a viability assessment which confirms that an affordable housing contribution could not be justified on viability grounds. Accordingly, and consistent with development plan policy, no affordable housing contribution is justified as part of this scheme.

Ecology

- 5.32. The S106 agreement will secure the creation and management of a land at the rear of the site edged as blue land on the application site plan. Access rights through plot 4 will be retained in order to manage this area. The ecological surveys of the application site confirm that there are no ecological interests.
- 5.33. All of the redline site is hardstanding where the proposed development is located whilst the infrastructure associated with a new mitigation area is being provided in the unlikely event there are newts, despite the onsite surveys confirming there are none. Accordingly, Natural England's request for a license is, in this instance, unnecessary.
- 5.34. Given the existing characteristics of the site, the proposal will result in significant net biodiversity gains. The biodiversity metric calculation results in 222.95% net gain in habitat units and 214,29% net gain in hedgerow units. These are substantial gains underlying the

character and nature of the site and its transformation through these proposals. This represents a further merit and significant justification for the scheme.

Other issues

- 5.35. The application is supported by accompanying supporting reports in respect of ecology and trees. These confirm no insurmountable issues. In this context, in assessing the previous two applications, the Council has found the scheme to be acceptable in relation to:

Highway and parking issues;

Trees;

Design of the buildings; and

Residential amenities.

- 5.36. There should be no reason why this reduced proposal should not be regarded as being equally acceptable in these terms.

Summary Position/ Conclusion

- 5.37. The site lies within the Green Belt, one of the essential characteristics of the Green Belt is its openness. Development of land that replaces existing development (buildings and uses) that either maintains or enhances the openness of the Green Belt can be supported. These proposals achieve this aim, in addition to enhancing the visual appearance and character of the site and surrounding area.

- 5.38. The Council in the determination of the most recent planning application accept that the structures on the site do impact upon the openness of the Green Belt. Secondly, in justifying the approval of the original planning permission for three dwellings on part of the current application site, certain types of structures were counted in the Council's comparative assessment between existing development and the proposed dwellings. An identical exercise has now been carried out counting these same structures that lawfully exist on the site established by the certificates of lawful use and compared these with the proposed quantum of development. When this exercise is carried out, the proposals do not have a greater impact upon the openness of the Green Belt than the existing development. This comparative exercise does not include the HGV lorries and containers that were previously not counted in the consideration of the original three-unit scheme, even though these have an impact on the openness of the Green Belt, a point accepted by the Council. If these structures are counted, then the marked improvement on the openness of the Green Belt is significantly improved. Nevertheless, the quantum of development by comparison to just the "countable buildings" still results in no greater impact on the openness of the Green Belt. Accordingly, either way the proposals comprise appropriate development within the Green Belt. This point is also

reinforced by the acknowledgement in the delegated report into the last application (20/00694 paragraph 7.25) that “the current commercial use on the land has a negative impact on the openness of the Green Belt”. This is clearly correct. Therefore, the removal of the uses (a form of development) that currently have a negative impact on the openness of the Green Belt with a development that has no greater impact on the openness of the Green Belt regardless of whether the lorries and containers are counted or not reinforces the merits and justification for the proposed residential development. The development will also improve the character and appearance of the site which is currently unattractive and degraded as a result of the current lawful use. The introduction of the residential use is a far more compatible one with the character of the surrounding area which is also residential. Moreover, the proposed redevelopment scheme will result in less activity on and around the site which is a further improvement to the openness of the Green Belt, a factor acknowledged in the PPG at paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019. This too reinforces the merits and case for the grant of planning permission.

- 5.39. The proposal is acceptable in all other respects.
- 5.40. For all the reasons set out in this statement, the planning application has significant merit such that it can be approved.