

Unrestricted Report

ITEM NO: 9

Application No.
14/01266/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
5 December 2014

Target Decision Date:
30 January 2015

Site Address:

**Woodside Woodside Road Winkfield Windsor
Berkshire SL4 2DP**

Proposal:

**Erection of a detached 4-bed house with part basement, self-contained annexe and detached 4-bay garage; demolition of existing dwelling, outbuildings and other free-standing buildings
(This application is a resubmission of 14/00695/FUL)**

Applicant:

Dr Simon Bellamy

Agent:

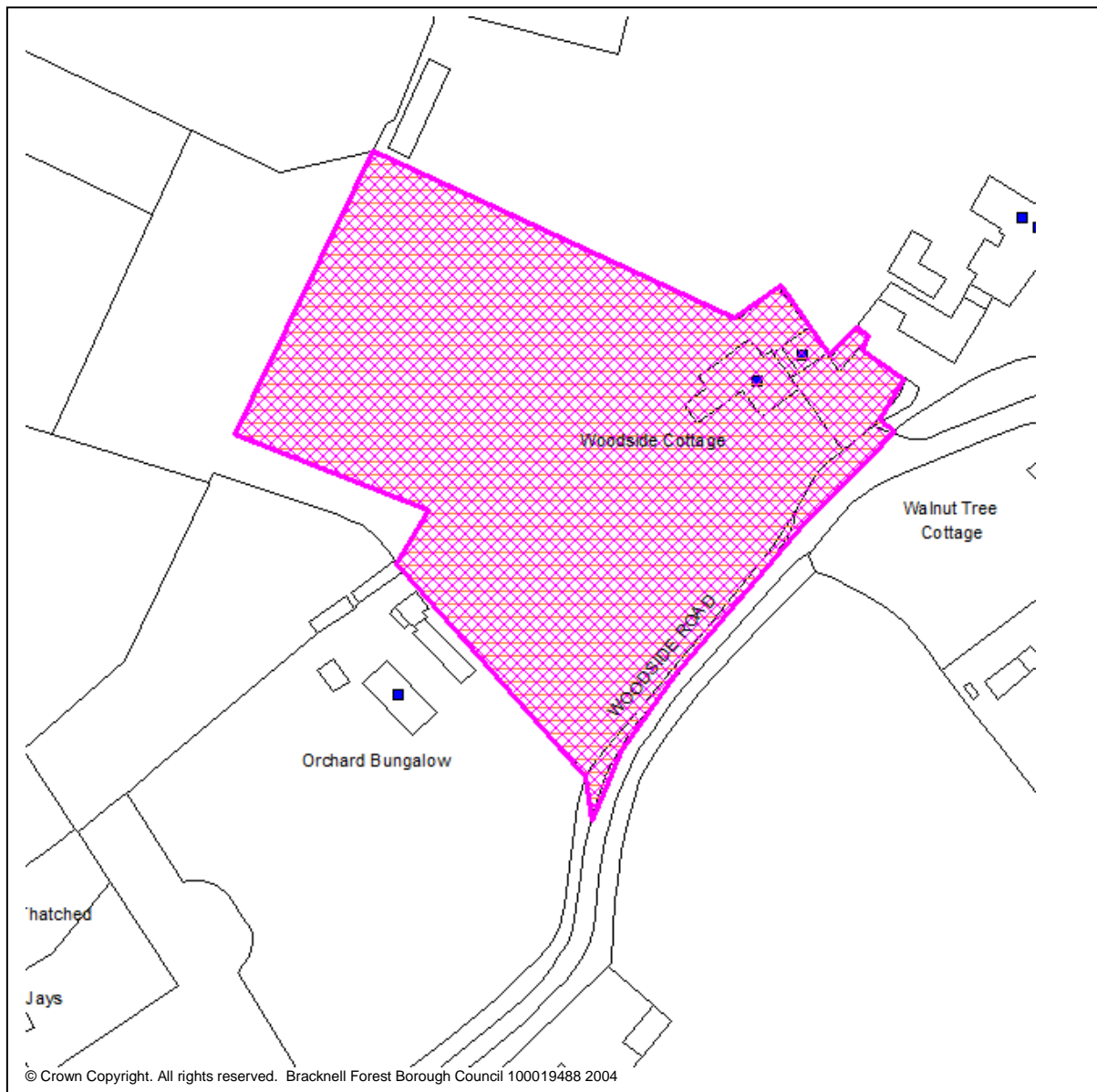
Ridsdale Planning

Case Officer:

Simon Roskilly, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been called in to Planning Committee by Councillor Virgo and Councillor Angell for the following reason:-

There are 'Very Special Circumstances' that outweigh the fact that the application is contrary to policy' and in this case should be approved.

The re-siting of the swimming pool to under the house will not affect our original Committee decision.

2. SITE DESCRIPTION

The site is located to the north-east of Bracknell set within a rural part of the Borough. The site lies south of Lovel Lane and is accessed from Woodside Road. As shown on the Bracknell Forest Borough Policies Map (2013) the site is located on land outside settlements, within the Green Belt. The site covers approximately 0.93 hectares but is part of a larger estate which includes the adjacent dwelling known as Orchard Bungalow, a large forestry/logging area to the rear comprising 12 hectares (also designated as a Wildlife Heritage Site) and fields/paddocks on the opposite side of Woodside Road. There is a belt of Oak and Ash trees running across part of the front of the site which is covered by Tree Preservation order No 706.

The site contains a two storey brick-built dwelling on the north-eastern part of the site including a self-contained annexe and detached garage, and a number of non-residential buildings on the western part of the site adjacent to Orchard Cottage, which were formerly stables and a garage but some of which have more recently been in unauthorised use as offices. The majority of these buildings appear to have been vacant and unused, other than for storage, for some time although it is understood that the current lessee of the paddocks also has access to some of the buildings. The rest of the site comprises extensive gardens and grounds.

The site is located within 500m of ancient woodland, within 7km of the Thames Basin Heaths Special Protection Area and within 2km of a Site of Special Scientific Interest. However due to the nature of the proposals it is not considered likely to have any impact on these designated sites.

3. RELEVANT SITE HISTORY

- 08/01103/FUL, Erection of 7 bedroom detached dwelling, detached garage and detached conservatory following demolition of existing dwellings and outbuildings of Woodside Cottage and Orchard Bungalow. WITHDRAWN.
- 09/00629/FUL, Erection of 5 bedroom detached dwelling with self-contained one bedroom annex and detached garage following demolition of existing dwellings and outbuildings of Woodside Cottage and Orchard Bungalow. REFUSED. .
- 11/00329/FUL, Erection of 4 bedroom detached house including self-contained annex and garage, following demolition of existing dwelling and outbuildings. WITHDRAWN.
- 12/00352/FUL, Erection of two storey rear extension. APPROVED.

- 12/00363/CLPUD, Application for a certificate of lawfulness for the proposed erection of single storey front, side and rear extensions. WITHDRAWN.
- 12/00768/FUL, Erection of 4 bedroom detached house including self-contained annex, detached garage and open-air swimming pool, following demolition of existing dwelling and outbuildings. REFUSED. APPEAL DISMISSED.
- 13/00312/CLPUD, Application for a certificate of lawfulness for the proposed erection of detached 4-bay garage with new access route/hardstanding within site (unaltered access from Woodside Road). APPROVED.
- 13/00317/FUL, Erection of 4 bedroom detached dwelling including self-contained annexe, detached garage and open-air swimming pool, including demolition of existing dwelling and outbuildings and demolition of other free standing buildings. APPROVED.
- 14/00695/FUL, Erection of a detached 4-bed house, including basement, self-contained annexe, detached 4-bay garage and open-air swimming pool, and the demolition of existing dwelling, outbuildings and other free-standing buildings. WITHDRAWN.

Although all the history listed above is relevant to this submission, applications 12/00768/FUL and 13/00317/FUL are considered most important. Application 12/00768/FUL sought permission for a replacement dwelling almost identical to that of the proposal that is the subject of this report, apart from a garage in a different location and the inclusion of an outside swimming pool that is now proposed to be accommodated within a basement. This application was refused by Committee in November 2012 for the following reason:-

The proposed replacement dwelling by virtue of its size and scale would be materially larger than the original dwelling on the site which is not acceptable in principle. Together with the positioning of the replacement house it is considered that the proposal would result in an inappropriate form of development and would adversely affect the rural character, openness and visual amenities of this Green Belt location. The proposal would therefore be contrary to the NPPF, Policy CC6 of the South East Plan, Policies GB1 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document.

Application 13/00317/FUL sought permission for a replacement dwelling almost identical to that of the proposal that is the subject of this report, apart from the inclusion of an outside pool that would now, in the current submission, be housed in the basement. This application was approved by Committee as Members considered there to be 'very special circumstances' that outweighed the harm to the Green Belt. This approval was also the subject of a signed legal agreement.

Following the approval by Committee of application 13/00317/FUL an appeal decision on application 12/00768/FUL was received from the Planning Inspectorate dismissing the appeal. The appeal was dismissed on the grounds that the replacement dwelling would be materially larger in floor area and volume than the dwelling it replaced and that no 'very special circumstances' existed that could outweigh the harm to the Green Belt through the weight the Inspector attached to inappropriate development. A copy of the appeal decision will be appended to this report.

4. THE PROPOSAL

This is a full planning application for the erection of a four-bedroom detached dwelling with a basement swimming pool, including a self-contained annexe, detached four-bay garage and the associated demolition of the existing dwelling with self-contained annexe, detached garage and a number of non-residential buildings across the site. The existing access from Woodside Road, shared with Lovel Dene, would be retained and a new driveway would be constructed across the site to create a new access to Woodside via an existing access adjacent to Orchard Cottage. Orchard Cottage would be retained. The existing dwelling has a maximum ridge height of 8.04m with the replacement dwelling having a maximum ridge height of 9.9m.

As noted above the proposal is very similar to the scheme that was refused under application 12/00768/FUL, and subsequently dismissed as appeal. The size, design and siting of the dwelling above ground itself is identical to the refused scheme. The main difference is the relocation of the detached garage from the eastern to western side of the site, with an associated extension of the proposed driveway, and inclusion of a basement housing a swimming pool.

5. REPRESENTATIONS RECEIVED

A letter has been received from a neighbour saying they have no objection.

6. SUMMARY OF CONSULTATION RESPONSES

Winkfield Parish Council

No objection provided this conforms to Green Belt policy.

Biodiversity

No objection subject to conditions

Environmental Health

No objection subject to conditions

Landscape

No objection subject to conditions

Transportation

No objection subject to conditions

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

- Policy NRM6 of the South East Plan (May 2009)
- Core Strategy DPD (February 2008)
- Site Allocations Local Plan (July 2013)
- Bracknell Forest Borough Local Plan (January 2002)
- Bracknell Forest Borough Policies Map 2013

8. PRINCIPLE OF DEVELOPMENT

(i) Policy context

Site Allocations Local Plan (SALP) Policy CP1 requires planning applications to be considered in a positive manner which reflects the presumption in favour of sustainable development in the NPPF. However the Policy does not require planning applications to be determined in accordance with the presumption in favour of sustainable development where specific policies within the NPPF indicate that development should be restricted - development within the Green Belt is one such area where the presumption does not apply and instead the guidance within Section 9 of the NPPF is the relevant test.

The site is located outside of a defined settlement, in the Green Belt.

Core Strategy Development Plan Document (CSDPD) Policy CS2 is relevant to this proposal. Whilst this Policy primarily relates to land that is to be allocated for development by the Council, the text of the Policy states 'Development will be permitted within defined settlements and Allocated Sites.' As the application site is not within a defined settlement and is not within an allocated site, development on this site is therefore contrary to Policy CS2.

CSDPD Policy CS9 (Development on Land Outside Settlements) states that the Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land. The Council will also maintain the Green Belt boundary and protect the Green Belt from inappropriate development.

BFBLP 'saved' Policy GB1 (Building in the Green Belt) states that 'approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems' and is for one of a specified number of purposes, which includes the replacement of an existing dwelling provided it would not be materially larger than the one it replaces. In the supporting text of the Policy, at paragraph 4.21, it is stated that the inclusion of a use within the potential exceptions list does not mean that planning permission will automatically be given. The supporting text further explains, at paragraph 4.22, that 'proposals should be for buildings which are small and unobtrusive and have no detrimental effect on the open, rural and undeveloped character of the Green Belt'. The introductory text to the Policy also explains, at paragraph 4.10, that 'inappropriate development is, by definition, harmful to the Green Belt. Where inappropriate development is proposed it is for the applicant to demonstrate that very special circumstances exist so that permission should be granted. To justify granting planning permission very special circumstances should clearly outweigh other considerations, such as harm to the open, rural and undeveloped character of the Green Belt.'

No scale parameters are set out in Policy GB1, but the supporting text explains at paragraph 4.35 that when assessing a proposal for a replacement dwelling, a number of factors are taken into account when determining whether the proposed dwelling would be materially larger than the existing dwelling. These factors include: bulk; height; gross floor space; impact on the openness and character of the Green Belt and whether the proposal would enhance the visual character of the site. Paragraph 4.36 states that ancillary buildings are not normally taken into account when considering a one for one replacement of a dwelling. The supporting text also sets out at paragraph 4.37 that additional buildings, including extensions and garages, can cause a

substantial increase in the amount of built form in the Green Belt and the Local Planning Authority should consider removing permitted development rights from new dwellings permitted under Policy GB1 where they could cause adverse impacts on the open, rural and undeveloped character of the Green Belt.

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to protect urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87-89 advise that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. In relation to replacement dwellings, the NPPF says at paragraph 89 bullet point four 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

In view of the above, the quoted Development Plan Policies are considered to be generally consistent with the NPPF in the context that they apply to this proposal. Whilst Policy GB1 contains exceptions to inappropriateness which are more restrictive than the NPPF, it is consistent in relation to assessment for replacement dwellings.

(ii) Inappropriate Development

In accordance with the policies and guidance set out above, the main issue to be dealt with first is whether the proposed dwelling would be materially larger than the one it would replace.

An identical proposal above ground for a replacement dwelling at Woodside, not including the proposed basement, was considered by an Inspector at the appeal of application 12/00768/FUL. (See appended appeal decision). The Inspector took the opportunity to calculate the floor area and volume for both the existing and replacement dwellings. For consistency these figures have been used although the appeal did not involve the creation of a basement.

It will be noted that the Inspector when considering the appeal for a replacement dwelling at Woodside did not consider including an extant planning permission for extensions as contributing to the floor area or volume of the existing dwelling.

The existing dwelling has a floorspace of 588 square metres including the attached garage. The floor space of the proposed dwelling as calculated by the Inspector, when assessing the appeal for 12/00768/FUL, came to 715 square metres. This appeal case did not have a basement. An Inspector, when considering a recent appeal (APP/R0335/A/14/2219044) for a replacement dwelling at Hill Farm Binfield including a basement, confirmed that the floor area created as a result of the basement should be taken into consideration when assessing whether the replacement dwelling would be materially larger than the existing. Therefore if the approximate floor area of the basement (293 square metres) is added to the floor area of the dwelling above ground, the gross floor area of the new dwelling comes to approximately 1008 square metres, which equates to a 71.4% floor area increase. The Inspector went on to calculate the cubic content of the dwelling with the replacement dwelling above ground having a volume of 3060 cubic metres, a 34.8% increase in comparison with the existing dwelling and garage. Having assessed the floor area and cubic content increase

without taking into account the basement, the proposed dwelling would be much greater in overall size and would therefore be materially larger than the existing dwelling.

The Inspector also considered the height of the proposed dwelling under application 12/00768/FUL compared with the existing dwelling. As the current scheme is identical this is also the case. The current plans have been measured with the maximum height of the existing dwelling being 8.04m and the replacement dwelling being 9.9m

Taking into account the form, scale, bulk, massing and greater height of the proposed dwelling compared to the existing, it is considered that the proposed dwelling would be materially larger than the existing. As such the proposal would constitute inappropriate development within the Green Belt. At the appeal of application 12/00768/FUL the Inspector gave substantial weight to the harm that would be caused to the Green Belt by such inappropriate development and the reduction of the openness of the Green Belt (see below).

(iii) Other Harm to the Green Belt

In accordance with CSDPD Policy CS9 and 'saved' BFBLP Policy GB1, together with the NPPF (para 79 and 80), it is necessary to look at impact on openness and the purposes of including land within the Green Belt. The Inspector when dealing with the appeal of application 12/00768/FUL, considered that the much greater size and scale of the proposed dwelling and garage would give rise to a significant loss of the openness to the Green Belt thereby adding to the harm by reason of inappropriateness.

The basement would add volume and floor area to the previously assessed scheme, however as it is under the ground the basement in its own right is not considered to adversely affect the openness of the Green Belt. Again this was the approach an Inspector took when assessing the Hill Farm Binfield appeal.

Overall the proposal is considered to adversely affect the openness of the Green Belt for the same reasons the Inspector stated in the appended appeal decision of application 12/00768/FUL.

9. IMPACT ON CHARACTER AND APPEARANCE OF THE AREA

CSDPD Policies CS7 and CS9 and BFBLP Policies EN20 (i) and the first part of GB1 seek to protect the land outside settlements for its own sake, particularly from development which would adversely affect the character, appearance or function of the land.

The Inspector when assessing application 12/00768/FUL, in paragraphs 12-14 of the appended appeal decision, stated that although the proposed dwelling would occupy a more prominent position within the appeal site, it is well designed and a well-proportioned building, and would complement the parkland in which it would be located, and would therefore not harm the visual amenities of the site.

As such the proposal would not be considered contrary to BFBLP Policies GB1 (first part) and EN20 (i) and CSDPD Policies CS7 and CS9 insofar as it would not adversely affect the visual amenity of the area.

10. RESIDENTIAL AMENITY

Saved BFBLP Policy EN20 proviso (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. This is consistent with the NPPF.

The proposed siting of the dwelling more centrally to the site would increase the separation distance to Lovel Dene and would retain a large separation from Orchard Bungalow, therefore it is unlikely that the proposal would have any adverse impact on neighbours through overlooking, overshadowing, overbearing or increased noise and disturbance. Whilst the proposed garage would be in closer proximity to Orchard Cottage than existing, it would be in approximately the same position as the existing outbuildings and would not generate significant amounts of noise and disturbance, and is therefore considered to be acceptable. The residential amenity of the proposed new dwelling itself would be acceptable.

The proposal is not considered to result in any significant impacts upon residential amenity. As such the proposal is considered to comply with saved BFBLP Policy EN20 proviso (vii) and the NPPF.

11. BIODIVERSITY

Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources including biodiversity. Policy CS7 also requires the design of new development to enhance and promote biodiversity. These policies are consistent with the NPPF.

This site was identified as a roost for Brown Long Eared bats in 2008. A method statement was submitted, dated June 2011, which was based on survey data from 2008, 2009 and 2010. An updated survey was carried out in 2012, but the method statement does not appear to have been updated to reflect this additional survey. These surveys are now considered out of date in line with best practice and these need updating to reflect the current conditions.

In addition a bat roost was identified in a horse chestnut tree (section 5.1. of report 384-02-012R), but no details of the species of bat, the status of the roost or the likely impact of development on this roost has been included.

The submitted method statement does include sufficient information to ensure that sufficient works will be carried out to provide new roosting provision and to mitigate for the loss of the existing roost. However, for the proposed mitigation to be successful, the surveys will need to be updated prior to development commencing. These further surveys could be secured by the imposition of a suitably-worded condition.

As such, with appropriate conditions, the proposal is considered to comply with both CSDPD Policies CS1 and CS7 as overall it would enhance and safeguard existing on-site ecology.

12. TRANSPORT IMPLICATIONS

'Saved' BFBLP Policies M4 and M9 and CSDPD Policies CS23 and CS24 seek to promote or retain safe highway access and suitable off-road parking provisions, thus avoiding highway safety implications. This is consistent with the objectives of the NPPF and can be afforded weight. 'Saved' Policy M9 seeks to ensure that the new development has sufficient car parking. To supplement this policy the adopted Parking

Standards SPD (2007) sets out the advised levels and size of parking spaces for development.

As existing, the site is accessed via a driveway shared with Lovel Dene at the north-eastern end of the site. It is proposed to retain this access but extend a driveway across the site to link to an existing driveway currently serving Orchard Cottage and the adjacent non-residential buildings to the west, and relocate the garage from the north-eastern part of the site to opposite Orchard Bungalow.

The Highway Authority raised concerns that the garage would be located some distance from the new dwelling and would necessitate a much longer driveway than previous proposals, and increased the likelihood that the Orchard Bungalow access would be used more and the existing Lovel Dene access less frequently. The Highway Authority consider the Orchard Bungalow access to have substandard visibility and that the introduction of additional residential traffic to an access used by commercial vehicles would be detrimental to highway safety.

The Orchard Bungalow access is used by traffic accessing the non-residential buildings and the extensive forestry/logging area behind the site as well as by the residents of Orchard Bungalow. The access to the field/paddock on the other side of Woodside Road is also directly opposite this access and the lessee of that site is understood to have access to some of the non-residential buildings behind Orchard Bungalow. The application included a letter from a Highways and Transportation Consultant which advises that the non-residential uses could potentially generate additional traffic movements including larger vehicles and horse-boxes. The Consultant notes that the access to the paddocks is "severely substandard in respect of driver visibility to the north and there is clearly a risk with the simultaneous use of both accesses". Large vehicles connected with the forestry/logging site to the rear also use the Orchard Bungalow access and the Consultant notes that due to the width and alignment of the access, such vehicles need to make multiple manoeuvres on the public highway to access the site, which would "severely compromise the convenience and also safety of other road users".

The Consultant states that the removal of these buildings and their associated traffic activity would benefit road safety. Whilst this may be the case, it is noted that these uses appear to be unauthorised and have not been regularised by a Lawful Development Certificate. Furthermore whilst the application proposes the demolition of the non-residential buildings, the logging operation to the rear would remain therefore the proposal would increase the amount of residential traffic using a substandard road trafficked by large commercial vehicles. The applicant has stated that the logging traffic could cease using this entrance but has not put forward proposals to support this. The applicant has also suggested an 'in/out' operation of the new driveway but this could not be secured or enforced.

However it is acknowledged that this is an existing situation and the applicant would retain the ability to exit the site from the access adjacent to Lovel Dene and is also likely to already benefit from permitted development rights allowing the existing driveway to be extended to meet the Orchard Road access. There are no recorded injury accidents at or in the immediate vicinity of the site in the Council's accident records. Therefore whilst the concerns of the Highway Authority are acknowledged it is not considered reasonable to refuse the application on this basis. However it is considered that the highways implications of the proposals would weigh against the 'very special circumstances' put forward by the applicant as the conflict between residential and non-residential traffic on a substandard access would remain.

The garage would have four bays, although one of the spaces in the garage is marked for cycle and refuse storage. The dwelling size proposed requires three parking spaces as per the Council's adopted Parking Standards SPD. The proposed garage would have clear internal dimension in excess of the minimum requirement of 6m x 3m. Given the nature of the access roads it is considered important that the site can be entered and exited in forward gear. The forecourt and driveway area in front of the garage would provide sufficient turning space.

To conclude, along with suitable conditions, the proposal is not considered to result in any highway safety implications and is therefore considered to comply with 'saved' BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

13. ACCESSIBILITY

As a new-build the proposed dwelling would be designed to meet Part M of the Building Regulations for mobility standards and to achieve Code 3 of the Code for Sustainable Homes, therefore there are not considered to be any access implications arising from the proposals. As such the proposal is considered to comply with the requirements of Policy CS7 of the CS and saved BFBLP Policies EN22 and H14.

14. SUSTAINABLE CONSTRUCTION

CS Policy CS10 requires the submission of a Sustainability Statement demonstrating how the proposals would meet current best practice standards, i.e. Code for Sustainable Homes Level 3. Formal assessment of dwellings against the Code for Sustainable Homes must be carried out by an accredited assessor (accredited by BRE). The assessment has several stages: Pre-assessment Estimator, Design Stage Assessment, and Post Construction Review. All stages should be covered, and the assessments submitted to the Council.

The applicant has submitted a Pre-assessment Estimator demonstrating that the development is likely to meet Code for Sustainable Homes Level 3 and that the principles of sustainable construction have been adequately considered. As such the applicant has met with the requirements of policy CS10.

If planning permission is to be granted then conditions are recommended to ensure that the development is implemented and retained in accordance with the submitted Pre-Assessment Estimator by submission of a Design Stage Report and Interim Certificate and to require the applicant to carry out a Post Construction Review Report and submit a Final Code Certificate to the LPA to demonstrate that the development has been constructed to meet a minimum standard of Level 3 of the Code for Sustainable Homes.

15. VERY SPECIAL CIRCUMSTANCES

(i) Application 13/00317/FUL

In the submission of 13/00317/FUL the applicant considered that 'very special circumstances' existed to allow planning permission to be granted, namely the proposed demolition of the non-residential buildings on the western side of the site.

The applicant stated that the existing buildings are harmful to the Green Belt and their removal would improve openness. The buildings and uses appear to be unauthorised and have not been regularised by a Lawful Development Certificate, and in fact appear

to have been vacant other than for storage use for some time. However such buildings and uses are not considered to be incompatible with the semi-rural location of the site. In your officers' view their demolition would not reduce any existing harm to the Green Belt sufficiently to outweigh the harm that would be caused to the Green Belt by the proposed new dwelling, given that these are small scale buildings clustered towards the edge of the site and the proposed dwelling would be materially larger than the existing dwelling and located more centrally within the site. This argument is also weakened by the proposed siting of the large new garage near to the proposed demolished buildings.

The applicant also suggested that the demolition of the non-residential buildings on the western side of the site allows their floor space and volume to offset the increased size of the replacement dwelling however it is only the dwelling itself as it stands now and not the outbuildings that can be taken into consideration. In the appeal decision for application 12/00768/FUL the Inspector confirmed that outbuildings should not be taken into account when assessing replacement dwellings.

The applicant further argued that the cessation of the non-residential uses would improve highway safety. Whilst commercial vehicle trips to the site would reduce, the logging operation to the rear of the site would continue. The applicant stated that the trips associated with this use could be diverted elsewhere but has not put forward any proposals for securing this. It is therefore possible that the non-residential trips would not cease entirely but, due to the proposal for the new driveway, additional residential traffic from Woodside would start using the same access.

At the time officers recommended that if Members were minded to accept the applicant's case, planning permission should not be granted without a planning obligation secured by s106 agreement to ensure the cessation of commercial traffic on the Orchard Bungalow access.

The applicant also argued that the cessation of the non-residential uses would improve the residential amenity of Orchard Cottage and allow it to be a 'viable independent dwelling'. However it is not clear how the level of activity associated with the non-residential uses would prevent occupation of the dwelling and it is noted that the dwelling is currently occupied. This is also within the applicant's control and he could choose to cease the non-residential uses to improve the amenity of Orchard Cottage completely independently of the proposals to build a new dwelling at Woodside.

At the time of assessing application 13/00317/FUL officers did not consider it correct to refer to the lack of a direct relationship between the 'very special circumstances' claimed by the applicant and the proposed replacement dwelling. The NPPF states at paragraph 88 that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. However it is in the gift of the applicant to cease the non-residential uses and demolish the buildings whether or not planning permission is granted for a new dwelling. Furthermore officers did not consider that such demolition would significantly improve the openness of the Green Belt to such an extent to outweigh the harm that would be caused by the proposed replacement dwelling, particularly given that the new garage would be sited in a similar position to 'The Laundry' and 'Tractor Shed' and would be larger than these buildings.

(ii) Current application (14/01266/FUL)

The applicant states that the consolidation of the open swimming pool, along with any buildings to house essential services and storage, fencing and lighting, to a swimming pool within a basement would greatly reduce the impact upon the openness of the Green Belt. The applicant considers these are 'very special circumstances' that would outweigh the harm inappropriate development would have upon the Green Belt.

Officers are of the opinion that parts of an extant permission, along with buildings and fencing that did not form part of that permission that have not been built, cannot be taken into consideration. The proposed replacement dwelling is considered inappropriate development as it would be materially larger than the one it replaces. These matters are not considered to represent 'very special circumstances' that outweigh the harm to the Green Belt the proposal would have through inappropriate development.

The applicant lists appeal decisions that refer to basements within the Green Belt. However these appeal decisions pre-date the Hill Farm appeal decision referred to above in which the Inspector takes the view that the floor area of basements can be included when assessing whether a replacement dwelling is materially larger than the one it would replace.

The applicant also refers to other Local Planning Authority policies some of which are and some not adopted. However, Bracknell Forest Council, has adopted policies relevant to the assessment of such a Green Belt scheme and now have clear Green Belt appeal decisions that form important material considerations.

16. OVERALL CONCLUSIONS

In summary it is not considered that there are 'very special circumstances' associated with the proposed development that would outweigh its harm to the Green Belt by reason of inappropriateness, and any other harm. The proposed demolition and cessation of the use of these buildings is not considered to outweigh the harm to the Green Belt that would be caused by the proposed new dwelling through its inappropriateness. The consolidation of a swimming pool that has been given planning permission, along with fencing, lighting, plant buildings etc that do not form part of that consent, and which have not been built are not considered to constitute 'very special circumstances'.

Taking into account all of the above, the application is recommended for refusal as the proposed house is materially larger than the one it is proposed to replace and is therefore inappropriate development. This inappropriate development would by its definition harm the Green Belt and would also reduce the openness of the Green Belt. No 'very special circumstances' exist to outweigh this harm. This recommendation is consistent with previous refusals to grant planning permission for replacement dwellings on the site. It is also consistent with the recent appeal decisions at Ash Farm (12/00742/FUL), Binfield Lodge (12/00853/FUL) and Hill Farm (13/00763/FUL) all of which were refused and dismissed on appeal for similar reasons to the current application.

The proposal would therefore be contrary to Policies GB1 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document. The proposal would also be contrary to guidance contained within the National Planning Policy Framework, in particular Section 9.

Whilst other matters relating to the proposals are considered to be acceptable, these would also fail to outweigh the harm to the Green Belt. As such the application is

recommended for refusal as the proposal would be contrary to the Development Plan and the National Planning Policy Framework.

RECOMMENDATION

That the application be **REFUSED** for the following reason(s):-

01. The proposed replacement dwelling by virtue of its size and scale would be materially larger than the original dwelling on the site which is not acceptable in principle and would result in an inappropriate form of development in the Green Belt. This inappropriate development would adversely affect the openness of the Green Belt. It is not considered that 'very special circumstances' exist to outweigh this harm. The proposal would therefore be contrary to Policies GB1 and H5 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document. The proposal would also be contrary to guidance contained within the National Planning Policy Framework, in particular Section 9.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
02. This refusal is in respect of the following plans:
 - 2011 P 026 301 (Dec 2014) - Site plan, inc. schedule of demolition/new buildings.
 - 2011 P 026 302 (Mar 2014) Location plan.
 - 2011 P 026 505 (Sep 2014) Proposed elevations.
 - 2011 P 026 406 (Nov 2014) Proposed floor plans.
 - 2011 P 026 407 (Sep 2014) Basement section.
 - 2011 P 026 104 (Jan 2011) Proposed garage.
 - 2011 P 026 109 (Apr 2011) Bat roosts.
 - 2011 P 026 002 (Mar 2012) Existing floor plans.
 - 2011 P 026 003 (Mar 2012) Existing elevations.
 - 2011 P 026 214 (Aug 2012) Section through proposed columns on facade
 - 2011 P 026 006 (Jun 12) - Existing/proposed elevation overlay
 - 2011 P 026 007 (Jun 12) - Existing/proposed footprint overlay
 - 2011 P 026 008 (Mar 12) - Front elevation comparison
 - 2011 P 026 009 (Mar 12) - Side elevation comparison

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk