

WINDSOR DEVELOPMENT CONTROL PANEL

5 August 2009

Item: 6

Application No.:	09/01259/FULL
Location:	40 Wharf Road Wraysbury Staines TW19 5JQ
Proposal:	Change of use of agricultural land to the rear of 40 Wharf Road into residential curtilage
Applicant:	Mr Gates
Agent:	Not Applicable
Parish/Ward:	Wraysbury Parish

If you have a question about this report, please contact: Sarah Ellison on 01628 796070 or at sarah.ellison@rbwm.gov.uk

1. SUMMARY

- 1.1 The application seeks permission to change the use of a piece of a field at the rear of the garden of no. 40 Wharf Road to be used as part of the extended residential curtilage. Due to the location of the site, in the corner of the field and adjacent to an electricity sub-station, it is not considered that the proposal would harm the purposes of including land within the Green Belt generally, or significantly harm the openness of this part of the Green Belt. The proposal is therefore considered to amount to appropriate development in the Green Belt and comply with Policies GB1, GB5 and GB2 of the Local Plan and is recommended for approval.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The application has been called in to Panel at the request of Cllr. Lenton because: **“The land forms part of the Worby land sales whereby two fields are being divided into numerous small plots being marketed at high prices as having development potential although they are Green Belt and very high flood risk.**

It is important that a clear policy is established to avoid any ambiguity in the minds of purchasers and prospective purchasers concerning the likelihood of planning permission for these plots.”

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site forms part of a field which it is understood is being sold in small plots. The field lies within the Green Belt. The field is currently overgrown. The site is immediately adjacent to an electricity sub-station. Other houses fronting Wharf Road and their rear gardens lie to the south.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission to extend the rear garden of no. 40 Wharf Road.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Green Belt
	✓
Local Plan	GB1, GB2,

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the proposal; and
- ii the impact on amenities of nearby residents.

The appropriateness of the development in the Green Belt and the impact on the openness of this part of the Green Belt

- 6.2 The piece of land is only visible from within the field and when standing in an apparently unadopted/informal pathway that crosses the field. It is not visible from any public vantage point.
- 6.3 Policy GB5 of the Local Plan advises that the Council will not approve proposals to convert non-residential land into a private garden unless it is satisfied that no harm would be caused to the open or rural character of the landscape and that the applicant has agreed to the removal of any permitted development rights that might accrue to such land (although Member's are reminded that even though an applicant may agree to a condition, this does not make such a condition 'reasonable' in terms of the application of the guidance in Circular 11/95 on the use of conditions).
- 6.4 Due to the location of the site in the corner of the field and immediately adjacent to the electricity sub-station, and that the site is not visible from any public vantage point, it is considered that incorporating this particular piece of land into the garden area of no. 40 Wharf Road would not harm the openness or rural character of the landscape in this part of the Green Belt. In accordance with Policy GB5 a condition should be imposed to remove the right to erect outbuildings under 'permitted development' rights. Details of the boundary treatment could be conditioned if the application is approved, although given the existing situation along the rear boundaries and the absence of public views this is not considered to be necessary.

Impact upon amenities of nearby residents

7. Due to the location of the land there would be no adverse impact upon the amenities of nearby residents.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

No letters were received supporting the application

No letters were received objecting to the application

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this

permission.

2 Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990. Notwithstanding the provisions of Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended October 2008 (or any order revoking and re-enacting that Order with or without modification) no ancillary building(s) shall be erected on the land the subject of this permission without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is within the Green Belt and control over the erection of outbuildings, to protect the openness of the Green Belt is required. Relevant Policies - Local Plan GB1, GB2, GB5