



Appeal Decisions

Inquiry held between 18 - 27 November 2020

Site visit made on 26 November 2020

by Joanna Gilbert MA(Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal A Ref: APP/T0355/W/20/3249117

Ridgeway, The Thicket, Cannon Lane, Maidenhead SL6 3QE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Claires Court School Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 17/04018, dated 18 December 2017, was refused by notice dated 17 September 2019.
 - The development proposed is detailed planning permission for the development for a new all-through school comprising Nursery and Junior Building; Central Building; and Senior Building. Provision of landscaping, amenity area, sport/running track, environmental garden and MUGA. Provision of staff and visitor car parking, parent drop off, and coach parking area.
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Appeal B Ref: APP/T0355/W/20/3249119

Ridgeway, The Thicket, Cannon Lane, Maidenhead SL6 3QE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Claires Court School Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 17/04026, dated 18 December 2017, was refused by notice dated 17 September 2019.
 - The development proposed is outline planning permission for the development of two new artificial grass hockey pitches, two artificial grass practice areas, a new pavilion building for shared use by the hockey club and school together with an artificial grass rugby pitch together with associated other recreation grass pitches.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. At the Inquiry, it was clarified in writing that the multi-use games area (MUGA) within Appeal A would no longer be covered. I have amended the description of development for Appeal A in the banner heading to remove the word 'covered'.
3. The proposal for Appeal B is in outline, with all matters reserved apart from access. The masterplan ADP-XX-00-DR-L-1910 S1 P10 (ID15) and accompanying plans for

the pavilion¹ are for indicative purposes only and I have considered them accordingly.

4. When Appeals A and B were first submitted to the Council, three other planning applications² were submitted for Claires Court School's (the school) existing sites at Ray Mill Road East (RMRE) and College Avenue (CA), and adjacent to the sites for Appeals A and B at the Ridgeway. The residential planning applications were refused by the Council and are not before me for determination.
5. Discrepancies were identified prior to and during the Inquiry in respect of the red line boundaries for Appeals A and B. Some land had been included east of Cannon Lane on adjoining residential properties which were not part of the proposed highway works. Additionally, the appellant confirmed that allotments were no longer proposed within Appeal B; there was a minor error on car parking in Appeal A; and that the masterplan required minor amendments to explanatory text and alteration to remove reference to the residential application 18/00130/OUT. A further alteration to Appeal A was made to ensure that sufficient space be made available for landscaping on Cannon Lane's western side around the proposed access, north of the proposed access road to the proposed school buildings, and east of the proposed car park. Plans were also tabled during the Inquiry to set out the relevant party's preferred replacement open space provision.
6. The proposed changes to plans and provision of plans were discussed during the Inquiry and it was agreed by the main parties that they would not result in any prejudice. I am satisfied that no party would be prejudiced by my taking the amended plans (ID15; ID16; ID18; ID19; and ID22) into account. Accordingly, the Inquiry went on to consider the revised proposals as set out above.
7. After the Inquiry, a signed and executed planning obligation in the form of a legal agreement under Section 106 of the Town and Country Planning Act 1990 dated 15 December 2020 was submitted on 15 December 2020. I have had regard to it in reaching my decision.
8. The third reason for refusal for Appeal B made reference to the need for a legal agreement to a) restrict development and use of sports facilities by the school until Appeal A is delivered, b) to ensure that housing development subject to 17/04002/OUT comes forward, and c) the provision of a Toucan Crossing. It has been agreed that a condition would address a) and that no legal agreement is required for Appeal B. With regard to b), this is no longer relevant. For c), this matter is addressed by the legal agreement for Appeal A and is discussed below.

Main Issues

9. Prior to the Inquiry and during my opening remarks, I set out main issues based on the information before me. Based on all I have heard, seen and read during and since the Inquiry, including the testing of evidence, I have altered the main issues as set out below. These main issues make specific reference to inappropriate development as it is clear that there is not agreement on this matter. Furthermore, it was previously unclear whether there were any other substantive infrastructure concerns beyond highways due to the overlapping representations on the two

¹ Floor and roof plans ADP-00-00-DR-A-1000 S2 T1; ADP-00-01-DR-A-1001 S2 T1; and ADP-00-02-DR-A-1002 S2 T1.

² 17/04001/OUT for 53 dwellings at CA; 17/04002/OUT for 11 dwellings at RMRE; and 18/00130/OUT for 157 dwellings at Cannon Lane.

appeals and three other planning applications which are not at appeal. It has been clarified that the focus of this main issue is highway safety for Appeal A.

10. The main issues in Appeals A and B are:

- a) Whether or not the proposed developments would be inappropriate development in the Green Belt and the effect of the proposed developments on the purposes and openness of the Green Belt;
- b) The effect of the proposed developments on the character and appearance of the area;
- c) Whether any harm to the Green Belt and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposed developments.

11. For Appeal A only, there are two further main issues:

- d) Whether the proposed development would have an acceptable effect on highway safety; and
- e) The effect of the proposed development on the provision of open space.

Reasons

The sites and proposals

12. Situated within the Metropolitan Green Belt, the appeal sites lie west of Maidenhead's built-up area. The appeal site in Appeal A comprises an existing school site at the Ridgeway and part of an adjacent field west of Cannon Lane, while the site for Appeal B comprises part of the same field. The field is large and generally open when viewed from the north, south and west. It appears relatively flat across much of its extent, but drops away to the east and south-east. Two electricity pylons are located on or directly adjacent to the field, with overhead cabling traversing the field from Cannon Lane towards fields to the south. Close to the field's eastern edge, there is a line of Pine trees which adjoins a narrow area of grassland and scrub close to Cannon Lane. There are gaps in the tree line which allow views through to the large field. Beyond the narrow section of grassland, there is a hedgerow adjacent to the footway along Cannon Lane.
13. Both sites for Appeals A and B are bounded by the private drive along the Ridgeway and the heavily wooded Maidenhead Thicket to the north. To the east, the field adjoins the road along Cannon Lane and the rear boundaries of residential properties which front Cannon Lane. Beyond the road along Cannon Lane lie suburban residential streets.
14. The existing school site directly adjoins the large field's western boundary. The southern boundary of both the field and the existing school site are partly vegetated and treed and adjoin Firs Lane, a short residential street with houses mainly on its southern side, the public right of way which runs from Firs Lane towards Woolley Green, and fields and the business park at Foundation Park beyond. The existing school site's western boundary comprises hedging and trees and bounds a paddock and residential garden.
15. The proposed development in Appeal A would comprise the development of part of the existing school site at the Ridgeway and a portion of the neighbouring field for a school serving children from nursery age through to sixth form. It would provide

a new co-located school, which is presently located on three sites across Maidenhead, with senior boys at RMRE; nursery, junior and senior girls, and sixth form at CA; and junior boys at the Ridgeway. It would include a 284-space car park and a 16-bay coach park.

16. The proposed development in Appeal B would provide artificial and grass sports pitches and a pavilion. The pavilion, sports pitches and practice areas would be for shared use by the school and by Maidenhead Hockey Club (MHC). The site for Appeal B would share the parking provision within the site for Appeal A.
17. Access to the sites within Appeals A and B would be via a new sinuous access road which would connect the school and sports pitches to Cannon Lane at a new roundabout at Farmers Way. Off-site highway works would include works at the Highfield Lane/Cannon Lane junction, the Cannon Lane/Farmers Way junction, and at the existing roundabouts at Altwood Road/Cannon Lane and A4 Bath Road/Cannon Lane/Henley Road.

Policy context

18. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the children shall be a primary consideration in all actions by public authorities concerning children. Article 3(1) applies to decisions made by Inspectors and others. To be a 'primary consideration' means that no other consideration can be inherently more important than the best interests of the children, but their interests can be outweighed by other factors when considered in the context of the case.

National policy

19. Paragraph 133 of the National Planning Policy Framework (the Framework) confirms that the Government attaches great importance to Green Belts. Paragraph 134 of the Framework sets out the purposes of Green Belt. Paragraph 141 of the Framework advises that local planning authorities should plan positively to enhance Green Belt land's beneficial use, providing opportunities for outdoor sport and recreation.
20. Paragraph 143 of the Framework confirms that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except for in very special circumstances. Paragraph 144 of the Framework states 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 resulting from the proposal, is clearly outweighed by other considerations. The Framework at paragraphs 145 and 146 sets out exceptions where development in the Green Belt would not be inappropriate.
21. The Framework at paragraph 94 confirms the importance of a sufficient choice of school places to meet the needs of existing and new communities. It asserts that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through plan preparation and decisions on applications; and work with promoters, delivery partners and statutory bodies to identify and resolve key planning issues before submission of applications.

22. Additionally, paragraph 97 of the Framework deals with protection of existing open space, sports and recreational buildings and land, including playing fields, unless it would be surplus to requirements; would be replaced by equivalent or better provision; or the development is for alternative sports and recreational provision which clearly outweighs the loss.
23. Furthermore, paragraph 108 of the Framework requires, amongst other things, safe and suitable access to be achieved for all users; and that any significant impacts on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be refused where there would be an unacceptable impact on highway safety, or the residual cumulative effect on the network would be severe, while paragraph 111 of the Framework requires development generating significant movement to provide a travel plan and be supported by a transport assessment.
24. Paragraphs 124 and 127 of the Framework deal with design, respectively requiring the creation of high quality buildings and places and providing developments which function well and, amongst other things, are sympathetic to local character and history, including the landscape setting.

Local policy

25. The Development Plan includes The Royal Borough of Windsor and Maidenhead Local Plan (Adopted 1999) with incorporated alterations (Adopted 2003) (LP). The Council considers that the most important LP Policies for determining the appeal are saved LP Policies GB1, GB2(a), DG1 and T5.
26. LP Policy GB1 reflects a number of elements of national Green Belt policy in terms of paragraphs 145 and 146 of the Framework. However, it is not entirely consistent with the Framework, particularly where it deals with essential facilities for outdoor sport and recreation. LP Policy GB2(a) deals with new development or the redevelopment, change of use, or replacement of existing buildings within the Green Belt. However, LP Policy GB2(a) is more prescriptive than the Framework. Only limited weight should therefore be afforded to LP policies GB1 and GB2(a).
27. LP Policy DG1 requires the Council to have regard to a range of guidelines in assessing new development proposals. In this instance, the relevant criterion refers to harm not being caused to the character of the surrounding area through development which is cramped or which results in loss of important features which contribute to that character. I find that this is not inconsistent with the Framework and afford it full weight. LP Policy T5 states that all development proposals will be expected to comply with the Council's adopted highway design standards.
28. There is limited coverage of independent schools in the adopted LP. LP Policy CF1 resists the loss of community facilities, including schools, but the supporting text offers support for relocation. Independent schools' economic importance is not expressly noted, although the school is a major employer. Though there is some recognition of the importance of boarding schools in Ascot, Eton is given limited recognition. The LP's implementation chapter focusses on state school provision.
29. The reasons for refusal for Appeals A and B refer to the Royal Borough of Windsor and Maidenhead's Borough Local Plan 2013 - 2033 Submission Version 2017 (BLPSV). The BLPSV was submitted to the Secretary of State for examination in January 2018. Proposed Changes to the BLPSV (October 2019) were the subject of public consultation. Further hearings have taken place, but the Inspector's Report

for the BLPSV has not yet been issued. Having had regard to paragraph 48 of the Framework, the main parties consider that BLPSV policies can only be attributed limited weight in my decision-making. I concur with this assessment.

30. BLPSV Policy SP1 sets out the borough's spatial strategy and confirms that the Green Belt will be protected from inappropriate development, while BLPSV Policy SP2 addresses sustainability and placemaking. BLPSV Policy SP3 deals with the character and design of new development, including amongst other things, respecting and retaining high quality landscapes. BLPSV Policy SP5 addresses development within the Green Belt and confirms that permission will not be given for inappropriate development, unless very special circumstances are demonstrated. BLPSV Policy IF2 addresses sustainable transport, including parking standards, minimising vehicle trips and negative effects on the environment. BLPSV Policy IF4 deals with re-provision of open space. There is no specific reference to the needs of independent schools within the BLPSV. I understand this is a matter which the appellant has sought to address through the current examination.

Whether or not the proposed developments would be inappropriate development in the Green Belt and the effect of the proposed developments on the purposes and openness of the Green Belt

Inappropriate development

31. It is not disputed by the parties that the proposed development within Appeal A would constitute inappropriate development as none of the exceptions in paragraphs 145 and 146 of the Framework or in LP Policy GB1 would apply.
32. Appeal B would provide facilities for outdoor sport and recreation, a matter addressed by both paragraphs 145 b) and 146 e) of the Framework. The proposed facilities within Appeal B would constitute appropriate facilities for outdoor sport and recreation within the Green Belt. However, paragraph 145 b) of the Framework also requires consideration of whether the facilities would preserve Green Belt openness and not conflict with the purposes of including land within Green Belt. While LP Policy GB1 refers to essential facilities for outdoor sport and recreation, it also involves assessment in terms of openness and Green Belt purposes. My findings on Green Belt openness and purposes will therefore determine if the Appeal B scheme would be inappropriate.

Openness of the Green Belt

33. The Appeal A site adjoins the existing school buildings at the Ridgeway. However, the part of Appeal A's site currently used for school sports and recreation is generally open apart from small outbuildings, trees and vegetation, as buildings are concentrated to the north-west beyond the red line boundary. The field adjacent to the school site is largely open grassland with limited trees and scrub.
34. While there is no question that the quantum of buildings would be necessary for the delivery of a single co-located school, a significant amount of development is proposed across the Appeal A site. The massing, height and built form of the proposed nursery and junior, central, and senior buildings, taken together with car and coach parking, associated paraphernalia, and the roundabout and access road would give rise to a significant, harmful, and extensive reduction in spatial and visual openness. Introducing such a volume of development where there is currently little or no built development would unavoidably harm openness.

35. Although the Appeal A site would be screened by landscaping including the retained tree belt, there would be views into the site from the public rights of way along its northern and southern boundaries, parts of the access road, and long views through vegetation from Firs and Cannon Lanes. Additionally, there would be transient views of cars and coaches on the access and at the roundabout during the day and into the evening. Whilst the extent of the visual effect on openness would be localised, it would nevertheless be clearly perceived as a reduction in openness as existing open views across and into the site would be lost.
36. Comparing the Appeal A scheme to the appeal site's existing openness, there would be a significant loss of openness. This would be additional to the harm by reason of its inappropriateness, and in accordance with paragraph 144 of the Framework, together these carry substantial weight against the Appeal A proposal.
37. The Appeal B site can be viewed from Firs and Cannon Lanes and the public rights of way off Firs Lane and Maidenhead Thicket. While there is existing residential development south and east of the Appeal B site along Firs and Cannon Lanes, employment development at Foundation Park beyond Firs Lane, and school buildings and houses to the west, the Appeal B site is presently open in character and without buildings or structures, with the exception of a pylon.
38. Although the proposed development within Appeal B is in outline, indicative plans have been provided which illustrate how it might come forward. The details provided alongside the description of development indicate that the Appeal B scheme would introduce grass and artificially surfaced pitches with an associated pavilion, fencing, lighting and other sports-related paraphernalia.
39. The Appeal B scheme would result in the introduction of a pavilion building, which would markedly reduce spatial openness. While the pavilion's size remains a matter to be dealt with under reserved matters, it would be a relatively large building given the necessary building footprint and height to accommodate the school's and MHC's requirements. A reduction in spatial openness would occur wherever the pavilion was sited within the field as the field is presently open in nature. Furthermore, the pavilion, sports pitches and associated fencing, sports lighting and paraphernalia would have a visual effect on openness.
40. The tree belt and vegetation cover along the site boundary, changes in levels through earth mounding, and proposed landscaping would restrict some views of the Appeal B development. However, there would be a permanent and considerable change to the site's openness, which would be perceived spatially and visually by users of adjacent highways and footpaths, and from Firs and Cannon Lanes.
41. Due to the scale of the proposed development in Appeal B relative to the site's existing openness, there would be a significant loss of openness. While the sports and recreation facilities proposed would represent appropriate facilities keeping paragraph 145 b) in mind, the effect on openness would indicate that the facilities proposed would not preserve the Green Belt openness. I shall now consider any conflict with the purposes of including land within the Green Belt.

Purposes of the Green Belt

42. As defined by paragraph 134 of the Framework, the Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and spatial character of

historic towns; and e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

43. The appellant's case is that Appeals A and B would affect only purpose c). The Council meanwhile contends that in addition to Appeals A and B having an effect on purpose c), Appeal A would also give rise to an effect on purpose a). Cox Green Says No (CGSN) has highlighted concerns about Appeal A's effect on purposes a), b) and c). For Appeal B, CGSN considers that it would conflict with purpose c) and that, when taken with Appeal A, it would have a negative effect on purpose a).
44. Reference was made throughout the Inquiry to the Council's Edge of Settlement Part 1 Green Belt Purpose Assessment (July 2016)(GBPA), which was produced as part of developing a new Local Plan. It considers how Green Belt land performs against the Green Belt purposes defined in the Framework by analysing parcels of land. It also identifies those parcels of land which perform least well against Green Belt purposes. While reference is made in the GBPA to paragraph 141 of the Framework in terms of beneficial use of land in the Green Belt, there is no further discussion of this matter in the document.
45. The GBPA excluded 'hard constraints' such as educational facilities, explaining why the existing school site at the Ridgeway does not form part of a GBPA parcel. While the GBPA does not appear to consider specific types of potential development when assessing parcels, this is not uncommon when considering how parcels of existing Green Belt land perform against the Green Belt purposes. It is to be expected that initial assessment would focus on the extent to which parcels meet Green Belt purposes, prior to any assessment of land for the suitability, availability and achievability of development, whether for sports pitches, education facilities, or other development. This is addressed by the Council's Edge of Settlement Part 2 Green Belt Purpose Assessment (July 2016) for some parcels of Green Belt land.
46. While the appellant questions its reliability, the GBPA was undertaken as a desk-top study firstly and then refined following on-site inspections of parcels. I give significant weight to the GBPA. I have not referred in detail to the findings of the Council's Housing and Employment Land Availability Assessment 2019 as this relates to the analysis of sites for residential rather than Green Belt purposes.
47. GBPA Parcel M10 – Land west of Cannon Lane, Maidenhead comprises the land bounded by the private driveway to the school to the north; the rear boundaries of houses on Cannon Lane and Cannon Lane itself; the public right of way and Firs Lane to the south; and the existing school to the west. The Appeals A and B sites form over half of Parcel M10. Notwithstanding that only part of the parcel would be developed, the GBPA's findings on this parcel serve as a helpful assessment.
48. Turning to purpose a) of checking unrestricted sprawl of large built-up areas, GBPA paragraph 3.16 confirms that its definition of sprawl is development "spread out over a large area in an untidy or irregular way." In considering this purpose, assessment in the GBPA includes consideration of the parcel's relationship with the adjoining settlement and any others proximate to the parcel, and the extent to which the parcel serves as a barrier to development. Parcel M10 was assessed within the GBPA as making a strong contribution to checking the unrestricted sprawl of Maidenhead.

49. With regard to Appeal A, while it could be contended that development that is well designed with good masterplanning would not constitute sprawl³, Appeal A would provide a new sinuous access road across the large field, linking the expanded school site and parking areas with a new roundabout within the Green Belt. The irregularly shaped access road and increase in school development within Appeal A would form a block of built development which would relate poorly to the proximate part of Maidenhead's built-up area. This would have a significant negative effect in relation to checking urban sprawl.
50. The appellant contends that sprawl has already occurred with two small groups of houses located on Cannon Lane's western side, further housing along Firs Lane and employment uses at Foundation Park. However, Foundation Park is outside the Green Belt and is contained neatly between Firs Lane and the railway line. Foundation Park's presence along with the limited amount of housing present within the Green Belt in this location would not justify the built form associated with the proposed development within Appeal A. Furthermore, consideration of sprawl would not constitute double-counting in this instance as it is possible for land to be assessed against and be important for the maintenance of one or more Green Belt purposes.
51. With regard to Appeal B and its effect on purpose a), I consider that, if delivered alone, it would not in itself increase the sprawl of a large built-up area. However, when viewed in the context of Appeal A and with the pavilion in its indicative location, it would be likely to contribute further to the extent of sprawl in this location.
52. In respect of purpose b) of preventing neighbouring towns merging, it is evident that there is no large town close to Maidenhead in proximity to the sites of Appeal A and B. Notwithstanding this, the GBPA makes reference to the degree to which land prevents the coalescence of settlements, including consideration of ribbon development and existing sporadic development. Parcel M10 was assessed within the GBPA as making a moderate contribution to this purpose, as it forms part of a gap between Maidenhead and Littlewick Green, and bounds the Woolley Green area. The gap is largely open and affords long distance views including into and out of the parcel. The GBPA also asserts that development in this parcel would significantly reduce the actual and perceived distance between settlement areas.
53. As the Appeals A and B schemes would reduce the generally open and undeveloped nature of their sites and introduce development between the sporadically developed and isolated settlement of Woolley Green and Maidenhead's built-up area, they would visually and physically extend development from Maidenhead. This would have a moderate negative effect on the purpose of preventing neighbouring towns from merging into one another.
54. Moving onto purpose c) of assisting in safeguarding the countryside from encroachment, the GBPA states that Parcel M10 makes a very strong contribution to this purpose. The main parties agree that the Appeals A and B schemes would conflict with this purpose, but there are differing views on the extent of conflict.
55. The Appeals A and B schemes would introduce built form, including buildings, fencing, parking areas, the access road, roundabout, and sports pitches onto the generally open, verdant and undeveloped part of the existing school site and part of the large, open field to the east. The proposed developments would significantly

³ As at paragraph 2.15 of the GBPA.

urbanise land which presently has a strong rural character. This would therefore have a significant detrimental effect in terms of encroachment into the countryside.

56. With regard to the land between the belt of Pine trees and Cannon Lane where the proposed roundabout and access would be situated, the 2014 predecessor⁴ document to the GBPA suggests that this land “might be interpreted as making a lower contribution to preventing encroachment due to its limited depth.” The Council confirmed during the Inquiry that the GBPA was undertaken because its 2014 predecessor document was not sufficiently robust. Having seen the land during the site visit, I concur with the Council’s view that the narrow area of land is not visually contained and retains a strong connection to the wider countryside and Green Belt.
57. It is agreed that there would be no harm to Green Belt purposes d) and e). If Appeal A were to come forward, this would provide scope for the urban sites at CA and RMRE to be recycled for development as addressed below.
58. The appellant has referred me to paragraph 2.16 of the GBPA about areas which might be seen to make a relatively limited contribution to or have least harmful effects on the overall Green Belt. However, it will be seen from the paragraphs above that I disagree with the appellant’s conclusion in this regard.
59. In taking account of the above, I find that Appeals A and B would result in harm to purposes a), b) and c) of paragraph 134 of the Framework. With regard to paragraph 145 b) of the Framework, although the proposed development within Appeal B would represent appropriate facilities within the Green Belt, it would not preserve Green Belt openness and would conflict with a number of Green Belt purposes. The proposed development within Appeal B would therefore constitute inappropriate development.
60. The proposed developments in Appeals A and B would result in a significant loss of openness and would conflict with some of the purposes of the Green Belt. I attach substantial weight to this conflict and the harm arising to the Green Belt and its purposes by virtue of the proposed developments’ inappropriateness and the effect on openness.

Character and appearance

61. There is no dispute regarding the design or architecture of the proposed development within Appeal A, or the extent to which it would provide high quality buildings and spaces for learning. Furthermore, it is noted that the proposed development within Appeal B would be of similarly high quality design.
62. Appeals A and B sites lie within the national Thames Valley Countryside Character Area 115 and within the Open Chalk Farmlands Character Area (5a – Littlewick Green) (OCFCA) as described by the Council’s Part 1 Landscape Character Assessment 2004. The Part 1 document was supported by a Part 2 - Landscape Strategy and Guidelines 2004 document. Both documents were subject to public consultation and I give them moderate weight.
63. The OCFCA is described as having key characteristics, including a flat and open landscape which is sometimes expansive; simple rural landscape with a remote and expansive feel; panoramic long distance views with wooded horizons; large arable

⁴ The Royal Borough of Windsor and Maidenhead Edge of Settlement Analysis Draft Borough Local Plan January 2014

fields; mixed field boundary types of varying condition; newly planted woodland belts; isolated farmsteads with vernacular styled buildings; minor roadways running north to south; and remnant hedgerows and hedgerow trees.

64. The existing school site falls within the OCFCA, but is not mentioned specifically and does not appear typical of the OCFCA. However, the field which forms part of Appeal A and the whole of Appeal B site is more consistent with the OCFCA as it is a fairly flat, open and simple rural landscape with an expansive and remote feel, and comprises a large arable field with remnant hedgerows and trees.
65. The appellant has produced a Landscape and Visual Impact Assessment (LVIA) which accords with relevant methodology. Its scope was agreed with the Council during pre-application discussions. It takes a finer grained approach than that provided for the OCFCA and identifies eight local character areas (LCAs). No comparable LVIA was produced by the Council, though the Council has commented on the LVIA's findings. During my site visit, I saw the appeal sites from many of the LVIA viewpoints and from additional viewpoints identified by CGSN.
66. The remaining issues relate to the effects of the proposed developments in Appeals A and B on LCA 1; LCA 2; LCA 5 and LCA 8; and the visual effects of the schemes from years 0 - 15 post-development; the portrayal of views; effects of loss of hedgerow; and the height of the proposed pavilion. I will consider these in turn.
67. Area LCA 1 – School Amenity within the LVIA is characterised by external amenity space for schools, whether that be open playing fields, hard playing surfaces, all weather pitches or grassland. Looking across to LCA 1 from Cannon Lane and the field adjacent, I saw from my site visit that the existing sports hall can be seen for some distance. However, the existing school buildings are not dominant given their location in the north-western corner of their site. With the introduction of the Appeal A scheme, the nature of LCA 1 here would be fundamentally altered from its present unobtrusive school amenity role to a much more formal institutional development. The form, size and bulk of buildings would intrude into the LCA. There would therefore be some harm to character and appearance.
68. The large field presently falls within LCA 2 – Open Chalk Farmland (Cultivated/Arable). The proposed developments would, if implemented, remove a large part of this area of the LCA and would instead form part of a much larger character area for LCA 1 – School Amenity. This would result in this part of LCA 2 losing its cultivated arable character and much of its expansive feel and panoramic views. It would instead comprise the access road with supporting landscaping which forms part of Appeal A, and a sports pavilion and formally laid out sports pitches with fencing within Appeal B. Even though part of the existing field would remain undeveloped adjacent to Maidenhead Thicket and the location of the sports pitches and the pavilion's design and location would be determined as part of reserved matters, the undeveloped remainder of the field would be isolated and would no longer be seen as part of a wider open rural arable landscape.
69. This part of LCA 2 would therefore lose its perceived remote character and would instead be strongly influenced by the more formal institutional character of the neighbouring school, the pavilion and the artificially surfaced sports pitches. Furthermore, the proposed access road would not follow either the general width or alignment of minor roadways. It would wind sinuously from east to west. It would also by necessity result in some remnant hedgerow being removed. While the majority of LCA 2 would not be directly affected by the proposed developments,

there would be a significant, though localised, erosion of the essential character and appearance of this part of the LCA.

70. Area LCA5 – Woodland/Plantation is mainly made up of Maidenhead Thicket, which is within the Settled Wooded Chalk Knolls Character Area (9b - Cookham Dean) in the Council's Part 1 Landscape Character Assessment 2004. Having visited the sites and their surroundings, I am of the view that the open chalk farmland within LCA 2 provides an important rural setting for the heavily wooded Maidenhead Thicket. The introduction of development within the Appeal A and B sites would alter the appreciation of open space on the edge of the Thicket. Therefore, there would be some harm to character and appearance in this respect.
71. LCA 8 – Urban/Settlement refers to the established suburban area of Cox Green on the edge of Maidenhead. The sites for Appeals A and B provide the rural backdrop for this area. Cannon Lane is a relatively strong boundary, which would be broken by the appeal proposals, thereby diluting the division between urban and rural. This would have a harmful effect on character and appearance.
72. The appellant proposes mitigation which would have differing effects over the period of 0 – 15 years post-development. The Council has questioned the accuracy of the portrayal of that mitigation in situ, including tree size and whether the pavilion has been included in images. While it is difficult to see the pavilion in View 6 Winter in the LVIA, this is due to its pale colour on the image. It is depicted in Year 1 with mitigation. As Year 15 with mitigation indicates that tree growth would be considerable, it is likely that the proposed pavilion is simply located behind the trees. In terms of the pavilion's height, this matter would be determined by reserved matters.
73. The mitigation planting proposed would have a softening effect on the Appeals A and B schemes. However, by introducing a significant level of tree cover in this way, the character and appearance of the area would experience a fundamental change from expansive openness to a more enclosed environment.
74. The partial removal of the hedgerow along Cannon Lane would be necessary for delivery of the proposed access. Hedge planting would be replaced along the proposed footways. However, this would take time to establish, with a commensurate effect on views through to the Appeals A and B sites.
75. In conclusion, the Appeals A and B schemes would have a significant harmful effect on the character and appearance of the area in conflict with LP Policy DG1, BLPSV Policies SP2 and SP3, and paragraphs 124 and 127 of the Framework set out above.

Highway safety

76. Prior to the Inquiry, the Council confirmed in writing⁵ that any significant impact on the highway network in terms of capacity and congestion would be effectively mitigated to an acceptable degree and would not have such a severe effect to warrant objection. The Council took no part in discussions about highway safety during the Inquiry.
77. A Statement of Common Ground on Highways Matters has been completed by the appellant and CGSN. This confirms that there are no highways matters of

⁵ Royal Borough of Windsor and Maidenhead Highway Comments in Response to Appellant's Highways Proof of Evidence November 2020

disagreement between them in respect of Appeal B. Matters of disagreement are confined to Appeal A and relate to traffic surveys; school trip generation; proposed mitigation measures including concerns over highway safety and congestion; and air quality from any increase in congestion. I shall deal with these issues in turn.

78. Cannon Lane is a single carriageway, two lane, local distributor road which runs north to south and bounds Maidenhead's built-up area. It connects with the A4 Bath Road to the north after travelling underneath the A404 (M) overbridge and past a mini roundabout at Altwood Road. Cannon Lane is a fairly straight road which rises to the north and has a 30 mph speed limit. There are a number of side roads off Cannon Lane close to the two appeal sites, including Firs Lane to the west, and Highfield Lane, Bramble Drive, Farmers Way and Barley Mead to the east. Beyond the Highfield Lane junction, Cannon Lane passes Foundation Park and continues through traffic lights to a narrow bridge under the railway line.
79. The existing access to the school site at the Ridgeway is taken from a mini roundabout on Cannon Lane. The access then passes houses and turns a tight bend before straightening and continuing alongside Maidenhead Thicket.
80. Cannon Lane is close to a number of existing schools. It is evident from local residents' photographic and video evidence that the roads surrounding the appeal sites and Cannon Lane itself are busy and that vehicles queue at busy times.
81. It was confirmed during the Inquiry that the proposed development in Appeal A would accommodate 1,190 pupils, rather than the 1,500 referred to in documentation highlighted by CGSN. This would represent the maximum capacity of the school, which it presently operates beneath on the three existing sites.
82. The appellant's traffic flow survey data was collected in February 2014 by an independent professional traffic survey company over two days with the day with the highest traffic flow counts used to inform the appellant's Transport Assessment (TA). These surveys took place on weekdays during the school term. The Council requested checking of the 2014 flows against February 2016 traffic flows taken from the Council's fixed traffic survey loop on Cannon Lane between Farmers Way and Bramble Drive. I saw the location of this during my site visit. This showed a good correlation between the 2014 and 2016 data, confirmed by the appellant's GEH statistical analysis⁶.
83. The appellant has referred to a planning permission 19/01661/OUT permitted in November 2019 for additional B1 office space at Foundation Park which included 2018 traffic survey data at Cannon Lane/Highfield Lane. Further GEH analysis indicates that the 2014 and 2018 flows also have a good correlation. The appellant's TA was based on a design year of 2021 and TEMPro⁷ modelling was used to identify growth factors to adjust observed traffic flows to that design year. Prior to the Inquiry, the appellant undertook further TEMPro modelling for a new design year of 2026.
84. While CGSN carried out manual survey counts in 2017 and 2018, there is limited evidence of whether these surveys were carried out in a comparable manner to the appellant's survey approach. Based on the comparative testing of the appellant's

⁶ This statistical approach compares two sets of traffic flows in order to identify if traffic flows need to be updated within a traffic model.

⁷ TEMPro is Trip End Model Presentation which is produced by the Department for Transport. It incorporates National Traffic Model growth factors based on predicted Local Plan growth.

original survey data and the updates for growth to 2021 and 2026, the appellant's data provides an appropriate basis for the TA.

85. With regard to the trip generation for Appeal A, there is concern that it would be considerably higher than identified by the appellant. CGSN's concerns on trip generation relate to CGSN counts carried out at the Ridgeway in 2017 and 2018; comparability of TRICS data; and estimates for AM Peak journeys for Appeal A.
86. It is apparent that CGSN's count figures differ markedly from those of the third party survey company employed to carry out traffic counts at the mini-roundabout at the Ridgeway. CGSN's data is closer to the appellant's data for a three hour count period over and above the AM Peak than the appellant's count for the one hour AM Peak for the school from 0800 – 0900. In the absence of confirmation that CGSN used standard methodology to carry out their surveys, I find that the appellant's evidence is likely to be more reliable in this regard.
87. The school trip generation was calculated using trip rates extracted from the TRICS database based on the 85th percentile trip rates for similar sites selected using an industry standard approach. This uses a worst case scenario and includes school staff and students and other vehicles visiting the site.
88. Questions have been asked of the school's trip generation rates due to comparability of TRICS database locations. The school is a diamond model co-educational all-age school from nursery through to sixth form. Such schools are rare and suitable TRICS data for similar schools is not available. To reflect likely trip generation, the appellant chose nursery school, primary school and secondary school sites. The school sites within TRICS were chosen on the basis of criteria to best represent the proposed development and its context. Prior to the Inquiry, the appellant completed an alternative TRICS assessment with different sites and more up-to-date survey data which indicates lower trip rates than the earlier TRICS data. The Highway Authority did not raise concerns about the trip generation rates or the locations chosen, and I see no reason to disagree with their findings.
89. Some school traffic would inevitably be displaced by the school moving to a single site and this could alter some traffic movements, including for pupils who presently walk and/or use the train to reach CA or RMRE. However, the CGSN estimates do not allow for car sharing; divergence from peak travel due to attendance at wraparound care; walking and cycling; or enhanced school bus usage. The school provides nine bus routes to other towns and villages, with eight services terminating at RMRE and one at CA. A connecting bus service links the school's three sites. This is seen as a deterrent to bus use as junior pupils would need to transfer buses. Where there is a strong existing focus on bus services at RMRE, the increased take-up is evident, with some 60% of pupils using bus services.
90. The proposed development within Appeal A would provide 16 coach parking spaces, which would be used by the school and by users of the sports pitches within Appeal B. The proposed provision would provide for expansion of coach provision to assist the school in meeting the requirements of the travel plan and would support the use of the sports pitches in Appeal B by visiting teams. With the emerging travel plan being committed to by means of planning obligation, I find that the CGSN figure of 833 trips in the AM Peak would be likely to significantly overestimate trip generation.
91. I now turn to the effect of proposed mitigation measures and how these impact upon the concerns over highway safety and congestion. CGSN and others,

including Cox Green and White Waltham Parish Councils, are concerned about wider impact on the transport network due to congestion, including longer queuing times at junctions leading to risk-taking behaviour by drivers; 'rat-running' along Farmers Way; and risk to pedestrians crossing Cannon Lane, particularly at Highfield Lane and close to the doctors surgery.

92. The baseline data such as traffic counts and trip generation rates put into modelling for TA purposes will affect the end result. I have found that the appellant's data provides a reasonable basis for the TA. The proposed development within Appeal A would provide for a range of mitigation measures including off-site junction improvements; enhancement of pedestrian and cycle access including provision of a Toucan crossing; and implementation of a travel plan so increasing pupil travel to and from school by non-car modes.
93. The appellant's Highway Impact Assessment⁸ considers congestion on the local transport network in a number of eventualities and indicates that the operation of the junctions within the assessed area would see improvement with the Appeal A scheme in place in 2026 with its mitigation measures compared to the '2026 without development' scenario. Furthermore, the appellant's sensitivity testing found that an increase in traffic of 40% from the proposed development in Appeal A would provide nil detriment to the worst junction at Cannon Lane/Altwood Road, with a severe impact resulting from an increase to 50% over and above anticipated traffic flows.
94. Given that the school has committed to a travel plan to alter travel behaviour; that safety audits and mitigation measures form part of the ongoing design process; and that the co-location of the school also offers opportunity for a reduction in trips for both staff and pupils, I find that the proposed mitigation measures would have a positive effect in addressing highway safety and congestion.
95. The appellant's updated Environmental Statement⁹ (October 2020) confirms that air quality effects associated with the proposed developments would be negligible to minor beneficial effects for nitrogen dioxide and particulate matter, due to re-alignment of Cannon Lane at Farmers Way. In the absence of any alternative data which indicates that air quality would be detrimentally affected, the Appeal A scheme would not have a harmful effect on air quality.
96. Concluding on this main issue, I find that the proposed development within Appeal A would have an acceptable effect on highway safety. It would therefore accord with LP Policy T5, BLPSV Policy IF2, and with paragraphs 108, 109 and 111 of the Framework as outlined above.
97. The fourth reason for refusal for Appeal A and the third reason for refusal for Appeal B both refer to LP Policies GB1 and GB2(a), BLPSV Policies SP1 and SP5 and paragraphs 133, 134, 143, 144, and 145 of the Framework. However, these do not appear to be directly relevant to this main issue, though they are addressed with regard to Green Belt. I have not concluded on these policies here for that reason.

Provision of open space

98. The provision of open space formed one of the Council's reasons for refusal for Appeal A as it would result in the loss of existing open space within the Ridgeway school site. The Council considered that it had not been demonstrated that the

⁸ Appendix A to Mr Gell's Proof of Evidence

⁹ Appendix 1 to Mr Black's Proof of Evidence

open space was surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. If allowed alone, Appeal A would result in a reduction of 1.3ha of open recreational space and playing fields.

99. It is agreed by the Council and the appellant that both Appeals A and B would, if allowed, provide replacement sports facilities and open space for the school's use. However, the re-provision made through Appeals A and B is considered by the Council to exceed both the quantity and quality of re-provision necessary in terms of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) to make the development acceptable in planning terms and to be fairly and reasonably related in scale and kind to the development. Sport England does not object to the provision of the proposed sports facilities.
100. The main areas of difference between the Council and the appellant relate to the environmental garden and an ecological habitat area within Appeal A and other grass pitches within Appeal B. The allotments within Appeal B are no longer being proposed and I have therefore not dealt with them further.
101. The environmental garden would provide appropriate informal recreational space for the school, supporting the education of its pupils. The ecological habitat area is necessary to avoid harm to protected species. I consider that the provision of such informal open spaces would not be excessive and would enhance management and maintenance of biodiversity within the Appeal A site.
102. The other grass pitches proposed within Appeal B would provide flexibility for sports use by the school and other community users as the artificial pitches would be of a type most suited to the sports specified. Furthermore, the Council's Playing Pitch Strategy and Action Plan 2016 confirms that the existing provision for rugby and cricket at the Ridgeway is either of poor quality or exhibits evidence of overplay. A greater quantity and quality of provision on the Appeal B site would assist in mitigating these issues. In addition to this, if Appeals A and B were allowed and implemented, there would likely be a loss of open space at the CA site as it would be surplus to the school's requirements. This would be appropriately compensated for by the provision proposed within Appeal B.
103. In conclusion, the proposed development in Appeal A would make appropriate provision for open space per Option A shown on plan ADP-XX-00-DR-L-1906 S1 P1 (ID18). This would be compliant with the requirements of BLPSV Policy IF4, paragraph 97 of the Framework and Regulation 122 of the CIL Regulations.

Other matters

104. LP policy GB2(b) asserts that planning permission will not be granted for new development within the Green Belt if it would harm the character of the countryside through the permanent loss of Grade 1, 2 or 3a agricultural land. This is not consistent with the requirements of the Framework and therefore has limited weight. However, paragraph 170 of the Framework confirms that planning decisions should recognise the wider benefits from natural capital including the economic and other benefits of the best and most versatile agricultural land.
105. Some 13.5ha of the Appeal A and B sites is classified as Grade 2 agricultural land, which lies within the overall classification of best and most versatile agricultural land set out in the Framework. Appeals A and B would result in the permanent loss of this agricultural land. When considered in the context of the

wider amount of best and most versatile agricultural land available, there would be limited harm in terms of the loss of 13.5ha of Grade 2 agricultural land in both appeals.

106. Concern was raised about the effect of the proposed developments on living conditions of neighbouring residents, including those west of the existing school site and along Firs Lane, with particular regard to noise during construction and operation and light pollution. Some noise during construction is to be expected and would be subject to conditions restricting working practices. Even with the imposition of conditions though, disruption would be likely to occur as the Appeals A and B schemes are substantial and construction is likely to last for some 21 months. I afford this limited weight in my decisions.
107. With regard to noise during operation, any social functions taking place within the pavilion within Appeal B would be likely to be subject to licensing control. While use of the sports pitches in Appeal B would generate some noise until late evening most days, the appellant's Environmental Statement confirms that monitoring of comparable pitches indicates that no adverse noise effects are anticipated. With regard to light pollution, the sports lighting proposed within Appeal B would be addressed through reserved matters and light spillage would be restricted to mitigate any effects on residents and biodiversity. This matter is neutral.
108. In terms of ecology, there are protected species on site. The effect of the proposed developments within Appeals A and B on protected species, particularly badgers and bats have been assessed as part of the application and appeal processes. Mitigation can be secured by means of condition.
109. The sites lie within 5km and within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (SAC). There is no suggestion from any other party that an appropriate assessment would be necessary. Having had regard to its designation and the nature of the Appeals A and B schemes, I consider that Appeals A and B would not, alone or in combination, have a significant effect on the SAC and therefore an appropriate assessment is not required.

Other considerations

110. I turn now to the other considerations advanced by the appellant, that they consider would collectively amount to very special circumstances. Much was said during the Inquiry about the overall viability and deliverability of the proposed developments with particular reference to Appeal A. The Council has suggested that different weighting should be afforded to other considerations dependent on the likelihood of the proposed developments coming forward.
111. Doubt has been cast by the Council on the appellant's ability to deliver the co-located school as the three aforementioned residential planning applications did not gain permission and have not been appealed. I make no comment on the substance of those residential applications, beyond noting that they cannot be given weight as material considerations in this instance. Notwithstanding the lack of enabling residential development to support the delivery of Appeals A and B, the appellant has confirmed that alternative sources of finance can be obtained and that the appeal proposals remain viable and deliverable. Having had regard to case law (ID1) and in the absence of material considerations being identified that could warrant refusal of permissions on the grounds that the proposals could not be implemented, I afford weight to the other considerations on the basis that if I allowed Appeals A and B they would be deliverable.

112. Although they are addressed in the appellant's Very Special Circumstances Report December 2017, CIL and New Homes Bonus monies do not form relevant other considerations for the purposes of Appeals A and B as the proposed developments would not provide residential accommodation and, though CIL liable, fall within a category which has a charge of £0 per square metre within the Council's adopted CIL Charging Schedule. These do not have any weight in my decisions.

The need to alter the school

113. The main parties agree that the school performs extremely well and is the equivalent of an Ofsted 'outstanding' school within the independent school sector. Indeed, many representations supported the proposed developments and Mrs Williamson, Mr Spanswick and Mr Miller all spoke passionately at the Inquiry about the school's positive approach to education and its beneficial effects on its pupils.

114. The delivery of this high quality education provision takes place within a range of buildings of different ages across three sites. This is recognised by the main parties as being sub-optimal for the school. Issues relating to the need to alter the school include inequalities in social and educational provision for boys and girls; inefficiencies of split sites; condition and layout of existing buildings; the sequential assessment of alternative sites; the provision of other schools in the Green Belt; and the effect of not allowing Appeal A on the provision of school places.

115. The appellant and the Council have drawn my attention to the Al-Hijrah Court of Appeal judgment¹⁰. The Al-Hijrah School was a voluntary aided faith school for boys and girls from four to 16 years old. It operated on a single site and separated boys and girls from Year 5 onwards. While both boys and girls had access to the same curriculum and facilities, both boys and girls lost the opportunity to socialise, interact and learn with, or from, the opposite sex. The Court held that viewed from the perspective of an individual pupil, a girl pupil was treated less favourably than a boy pupil and vice versa and that discrimination was based on the protected characteristic of their sex, contrary to the Equality Act 2010.

116. Following the Al-Hijrah judgment, the Department for Education (DfE) issued guidance on gender separation in schools (ID13). The Secretary of State for Education assured the Court of Appeal in the Al-Hijrah case that the DfE would work with affected schools. Furthermore, the Court of Appeal considered that the schools affected should be given time to put their houses in order in the light of the judgment's conclusion. There remain some statutory exceptions which allow for admission restrictions for single sex schools and for only small numbers of the opposite sex in single sex schools to be admitted to particular courses or classes, such as girls being admitted to sixth form within what is otherwise a boys' school.

117. The school is the only school in the borough which provides an all-through education for boys and girls from nursery through to sixth form. The school does not select pupils based on academic ability and has pupils with a broad range of ability. It operates on a diamond model basis, whereby children of different sexes are taught together at nursery and sixth form, but separately for the majority of their primary and secondary education. This classroom gender-separated education is unique in the region. The DfE has indicated that diamond model educational provision may be considered 'positive action' where the school makes a clear case

¹⁰ HM Chief Inspector of Education, Children's Services and Skills v The Interim Executive Board of Al-Hijrah School and Others [2017] EWCA Civ 1426

that it is addressing disadvantage connected to sex (Paragraph 145, ID12). The DfE make no reference in the aforementioned document as to whether such educational provision must take place on a single site.

118. As the school admits both boys and girls, it is therefore required to treat those pupils equally. On the basis of its current operations, it is evident that junior and senior boys and girls have very little opportunity to socialise during the school day as they are based on three separate sites. With regard to educational equality, the main considerations here are the range of subject choices and quality of facilities for boys and girls.
119. However, as the letter¹¹ from the DfE notes, a diamond school operating on separate sites would need to ensure that none of the sites had facilities which were superior or inferior to the other sites. Furthermore, the same letter highlights that moving pupils between sites would present operational difficulties, including time, money, transport costs, and effects on the environment. The DfE letter also notes the imbalances present in education with senior boys having to be transported to other sites for sports provision due to lack of provision at RMRE; less access to outdoor areas for forest school activities for early years and junior girls at the CA site, and an imbalance in access to materials technology education for girls or textiles and food education for boys. The DfE letter concludes that all the evidence provided to them by the school constitutes very strong support that in order to comply with the law the schools must co-locate to a single site.
120. Without doubt, the school being split across three sites leads to inefficiencies. These inefficiencies relate to a number of issues including the need for school staff to travel between sites to teach different classes; the need for pupils to travel between school sites or between their current school site and other sports facilities on sites such as those at Taplow and Braywick; the cost of operating different sites; the disruption to social engagement between different parts of the school; effect on the quality and quantity of education; and additional effects on the environment due to travel between sites. Such inefficiencies form part of the overall weighting within the need for the school to be altered.
121. I visited all three school sites as part of the Inquiry site visit. With regard to the CA and RMRE sites, I saw that the complexes of buildings on both sites have been adapted to address changing needs over time, by extending or providing new buildings, including portacabins, and by altering existing buildings where possible. Notwithstanding the attempts made by the school to adapt in order to continue to deliver high quality education, there are a range of deficiencies in the accommodation. These include complicated floorplans with narrow corridors in places; changes in levels; under-sized teaching spaces; and lift access only to parts of the CA and RMRE sites. I observed during my site visit that the CA and RMRE sites are not entirely accessible to pupils, staff and visitors with mobility difficulties.
122. Furthermore, the Temple Acoustics Report 2017 indicates that the CA and RMRE sites have poor acoustic conditions and sound insulation between rooms and floors, with some failures of the standards when considered against the non-statutory Department for Education Building Bulletin 103 (2014) and the Education (Independent School Standards) Regulations 2014 (ID9).

¹¹ Letter dated 15 July 2019 from Peter Swift, Head of Independent Education and School Safeguarding Division, Department for Education to Hugh Wilding, Principal/Bursar, Claires Court School, Appendix 3, Very Special Circumstances Addendum

123. While the 2014 (ID7) and 2018 (ID8) Independent Schools Inspectorate (ISI) Reports do not comment negatively on the subject of building condition, they did not involve either an exhaustive health and safety audit or an in-depth examination of the structural condition of the school, its services or other physical features. It is noted that the 2020 ISI commentary (ID12) may herald more detailed requirements at future inspections.
124. Furthermore, in 2013, officers from the Council's Children's Services and Property Services teams assessed CA and RMRE for potential acquisition for a new state primary school to serve the east of Maidenhead. This confirmed that the buildings at CA and RMRE would not be suitable for state school use. The appellant has confirmed that the same standards are applied to independent schools.
125. It is clear that the school maintains the sites and their buildings. However, the buildings' condition and layout at CA and RMRE is such that both sites would only be able to be brought up to required standards by means of considerable refurbishment or demolition, requiring complete or partial decanting of that part of the school from the relevant site for a lengthy period of time. This would be likely to involve years of disruption. It is unknown as to whether funding would be available to undertake such works as it represents a different proposition from that proposed in Appeal A. Moreover, it is unclear whether the school would be able to properly address the consequences of the Al-Hijrah judgment through CA and RMRE's refurbishment or rebuilding alone.
126. The appellant has undertaken an assessment of alternative sites, which involved consideration of sites which could accommodate the school, sports facilities and some enabling development. The Council's committee report in relation to Appeal A confirms that despite a site search, there are no suitable, alternative sites for the proposed school and sports facilities.
127. Both the appellant and the Council have referred to a legal judgment¹² with regard to the possibility of 'death by a thousand cuts' for the Green Belt. However, in this instance, there is no information before me which indicates that Appeals A and B would give rise to other development coming forward to the west of Maidenhead.
128. The appellant has also provided numerous examples of schools which have been granted planning permission for development within the Green Belt locally and nationally by local planning authorities, by Inspectors¹³ or by the Secretary of State¹⁴. Indeed, there are 16 state schools and eight independent schools in the borough and within the Green Belt. Some schools pre-date the Green Belt, some were washed over by Green Belt, and some were established once Green Belt had been defined. While very special circumstances can exist for school development in the Green Belt, each case is site-specific in relation to its effect on the Green Belt and relates to the particular circumstances of that school. Although I note that there are some similarities, they are not directly comparable to Appeals A and B.
129. Additionally, there is a clear tension between the need for development and the Green Belt in respect of plan-making. Reference has been made during the Inquiry to the release of Green Belt land and to school provision within the emerging Local

¹² ID14 Turner v SSCHLG [2016] EWCA Civ 466

¹³ APP/T0355/W/19/3225689, decision issued 16 December 2019; and APP/X0415/W/15/3089719, decision issued 2 February 2016.

¹⁴ APP/T0355/V/15/3011305, decision issued 4 August 2016; APP/M5450/W/18/3208434, decision issued 31 October 2019; APP/H0738/A/13/219538, decision issued 26 September 2013.

Plan. Site AL13: Desborough, Shoppenhangers and Harvest Hill Roads, South West Maidenhead within the emerging BLPSV incorporating proposed changes October 2019 would provide for approximately 2,600 residential units and a range of other facilities, including a four-form entry primary school and seven-form entry secondary school as well as early years and nursery provision. There was some discussion during the Inquiry about the scope for Site AL13 to provide space for development of the school, but it was apparent that the Council had not approached the school about this possibility. In any event, it appears likely that the education provision on Site AL13 would be state provision.

130. In summing up on the need to alter the school, there is a need to consider what would be likely to happen to the school if Appeals A and B were dismissed. It is certainly possible that the school's sites at CA and RMRE would close. Even if they did not close, there would be a need to refurbish or remodel provision there, which may or may not be able to be funded. If the school does not do so, it could well become less attractive to parents and future pupils than other schools. It is not clear when it would be required to close in light of the Al-Hijrah judgment.
131. If the school were to close its CA and RMRE sites or diminish its offer in terms of the breadth of its education available, this would obviously first and foremost detrimentally affect the school's pupils and its staff. It would also have a corresponding effect on the Council's duty as local education authority to increase opportunities for parental choice. In real terms, the independent school sector in borough provides over 20% of all the school places and the school accounts for 19% within that sector in the borough. It would also potentially affect state and independent schools within and outside the borough due to the need to find school places for the school's former pupils. It remains possible that the CA and RMRE sites could come forward for other forms of development if they were vacated by the school.
132. Drawing together the various issues which form part of the need to alter the school, I recognise the very real concerns of the school in securing its long-term future against a picture of seeking to provide equality of education for boys and girls; address the inefficiencies of split sites and the existing condition and layout of the CA and RMRE sites; the challenges faced in finding alternative sites; the provision of other schools in the Green Belt; and the effect of not allowing Appeal A on the provision of school places. In terms of the need to alter the school within Appeal A, I afford this matter great weight.

Economic and employment opportunities

133. The main parties recognise that the school is a significant local employer. Indeed, according to the local Chamber of Commerce, the school is the tenth largest employer within the borough. It directly employs 345 staff and has a further 50 peripatetic tutors. Many of the school's staff live within the borough. The Council and the appellant are in agreement that this factor attracts significant weight in respect of Appeal A and moderate weight for Appeal B. I see no reason to disagree with this weighting.

Teacher training and other training

134. I do not doubt the contribution that the school has made and continues to make to the training of teachers, apprentices and others in a range of subjects. However, it remains unclear what difference Appeals A and B would make to alter such training undertaken by the school across its current three sites. Looking at

such training on a practical level, enhanced school and sporting facilities on a single site would perhaps allow trainees to easily experience a wider range of teaching environments and to meet to share experiences and learning. In light of the great weight to be afforded to the need to alter the school, I afford this issue limited weight in Appeals A and B.

Wraparound and holiday care

135. The school provides wraparound care for its pupils, in terms of both breakfast and after-school provision, and holiday clubs for pupils and other children from other schools. When assessed in 2017, the holiday club provision represented the largest provision of its type within the borough. Furthermore, a significant proportion of children at the holiday club were not pupils at the school and lived within the borough. Indeed, the school's involvement with the wider community was recognised by a 2014 ISA National Community Award.
136. The wraparound care is a fundamental part of the school, offering flexibility for pupils and their parents. As such, this forms part of the overall benefit of the relocation of the school to a single site, which has been discussed above. The enhanced holiday club care would provide an additional benefit, but this would be relatively small given that the school already offers good quality holiday club care with high take-up from the wider community. This has limited weight for Appeal A.
137. The contribution of the proposed development within Appeal B to wraparound and holiday club care is less clear. It is certainly possible that sports pitches could be used by children as part of that wraparound or holiday club care. However, in the absence of more information, I find this to be neutral in respect of Appeal B.

Nursery provision

138. The school's existing nursery provision for three and four year olds is based at CA, with approximately a quarter of its children living within walking distance of the CA site. The nursery's overall capacity is for 40 full time equivalent places, though the nursery is operated in morning and afternoon sessions with the potential for children to attend part-time. The proposed development within Appeal A would increase the number of nursery places by 20 full time equivalent places delivered on a sessional basis as for existing provision. This would represent a significant increase in provision in an area of Maidenhead where the Council's Early Years team has confirmed that there is presently no physical provision. I therefore give this proposed nursery provision moderate weight for Appeal A.

Sports facilities for the school

139. Appeal B would provide the school with additional high quality sports facilities on site and would allow for community use of those facilities. While this would no doubt be of benefit in terms of ease of access and would support the general wellbeing of the school's pupils, there is limited evidence as to how significant the change in access to sports facilities would be for the pupils of the school. I therefore give it moderate weight in Appeal B.

Provision for Maidenhead Hockey Club

140. The provision of sports facilities within Appeal B would also allow for the consolidation of MHC on site. MHC is a longstanding part of the local sporting environment with teams of a range of ages competing locally and regionally. It has over 450 adult members and junior members from approximately 22 schools

playing on a regular basis, and has members who have achieved national and international success. MHC is primarily run by volunteer coaches and also provides its own holiday camp. In terms of facilities, MHC presently uses astro turf pitches based at Altwood School and Braywick Park and a further pitch at Windsor Boys School on an ad-hoc basis. The clubhouse for MHC is not co-located with any of the pitches currently used by MHC. This is viewed by MHC as representing a poorer level of provision than other hockey clubs.

141. During the Inquiry, Mr Davenport and Mrs Todd provided their assessment of how MHC operates on a regular basis, including the challenges faced by MHC due to the distance between the clubhouse and pitches, the number of pitches available for both matches and training, and the inherent quality of the playing surfaces and facilities presently available to MHC. They painted an eloquent picture of a very active club which seeks to provide access to a sport, team spirit, and camaraderie for both adults and children. It is readily apparent that a co-located pavilion and pitches would benefit MHC's activities.
142. The Council and the appellant are in agreement with regard to the moderate weight they attach to the consolidation of provision for MHC. I concur with this weighting for Appeal B.

Biodiversity enhancements

143. Furthermore, the proposed developments would result in biodiversity net-gain. The Council and the appellant are in agreement with regard to the moderate weight they attach to the biodiversity enhancements for Appeals A and B. I concur with this weighting.

Planning Obligation

144. The purpose of the planning obligation for Appeal A is to provide and monitor a travel plan for the proposed school development, and to make provision of replacement open space as a result of the loss of open space through the scheme proposed in Appeal A. As it formed a reason for refusal for Appeal A, I have addressed the matter of replacement open space above. The provisions contained in the planning obligation in respect of the travel plan and its monitoring would be necessary to mitigate the effects of the proposed development in Appeal A. They would therefore meet the tests set out in the Framework and the CIL Regulations. However, given my findings below, it has not been necessary to examine the planning obligation any further.

Whether any harm to the Green Belt and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposed developments

145. The Framework confirms that harm to the Green Belt should be afforded substantial weight. For Appeals A and B, harm would arise from inappropriateness, the very significant reduction in openness, and conflict with three of the five Green Belt purposes. A Court of Appeal judgment¹⁵ has confirmed that the interpretation given to any other harm in what is now paragraph 144 of the Framework is such that it is not restricted to harm to the Green Belt. There would be significant harm to the character and appearance of the area and limited harm in terms of Grade 2 agricultural land and noise during construction for both Appeals A and B. I have not

¹⁵ Redhill Aerodrome Ltd v Communities Secretary (CA) [2015] PTSR

found harm in respect of highway safety or the provision of open space for Appeal A.

146. Great weight is attached to the identified need for the proposal within Appeal A. Significant weight is attached to economic and employment opportunities offered through Appeal A, while such benefits are moderate in respect of Appeal B. Attracting moderate weight are the biodiversity enhancements for Appeals A and B, the nursery provision for Appeal A, and the sports facilities and provision for MHC in Appeal B. I attach limited weight to teacher training and other training for Appeals A and B, and wraparound and holiday care for Appeal A.
147. Case law confirms that a number of factors, none of them “very special” when considered in isolation, may when combined together amount to very special circumstances¹⁶. Notwithstanding the considerable importance of the other considerations set out, for very special circumstances to exist, the other considerations would need to clearly outweigh the harms identified above. In this case, I find that those other considerations, including the best interests of the children, are not sufficient to clearly outweigh the harms.
148. Despite the merits of the proposed developments within Appeals A and B, the very special circumstances necessary to justify the proposed developments within Appeals A and B have not been demonstrated. Therefore, the proposals would conflict with LP Policies GB1 and GB2(a), BLPSV Policies SP1 and SP5, and paragraphs 133, 134, 143, 144 and 145 of the Framework, as set out above.

Conclusions

149. For the reasons set out above and having had regard to all other matters raised, I conclude that Appeals A and B should be dismissed.

Joanna Gilbert

INSPECTOR

¹⁶ Basildon DC v First Secretary of State and Temple [2004] EWHC 2759 Admin

APPEARANCES

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Helen Craddock	Ecologist, Royal Borough of Windsor and Maidenhead
Antonia Liu	Principal Planning Officer, Royal Borough of Windsor and Maidenhead

FOR COX GREEN SAYS NO:

Phil Haseler	Ward Councillor
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FOR THE APPELLANT:

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INTERESTED PARTIES:

Mark Davenport	Interested party
Mike Miller	President, Maidenhead and District Chamber of Commerce
Bob Sharples RIBA MRTPI	Principal Planning Manager – South Team, Sport England

Justin Spanswick	Executive Head, Claires Court School
Helen Todd	Director, Maidenhead Hockey Club
Gabrielle Williamson	Interested party

DOCUMENTS SUBMITTED AT AND AFTER THE INQUIRY

- Inquiry Document 1: Satnam Millenium Ltd v SSHCLG & Warrington BC [2019] EWHC 2631 (Admin)
- Inquiry Document 2: Redhill Aerodrome Ltd v Communities Secretary (CA) [2015] PTSR
- Inquiry Document 3: Parking Provision Clarification
- Inquiry Document 4: Consultation Response for 17/04026/OUT (Appeal B) from Council's Ecology Officer dated 27 February 2019
- Inquiry Document 5: Excerpt of the Windsor and Maidenhead Infrastructure Delivery Plan – Consultation Version October 2019
- Inquiry Document 6: Email dated 21 November 2019 from Councillor Haseler regarding audio recording of the Royal Borough of Windsor and Maidenhead's Development Management Panel
- Inquiry Document 7: Independent Schools Inspectorate: Integrated Inspection Claires Court Schools 2014
- Inquiry Document 8: Independent Schools Inspectorate: Regulatory Compliance Inspection Report Claires Court School January 2018
- Inquiry Document 9: The Education (Independent School Standards) Regulations 2014
- Inquiry Document 10: Independent Schools Inspectorate: Handbook for the inspection of schools, The Regulatory Requirements, September 2013
- Inquiry Document 11: Independent Schools Inspectorate: Handbook for the inspection of schools, Inspection Framework, January 2017
- Inquiry Document 12: Independent Schools Inspectorate: Commentary on the Regulatory Requirements, September 2020
- Inquiry Document 13: Department for Education: Gender separation in mixed schools – Non-statutory guidance, June 2018
- Inquiry Document 14: Turner v SSCLG & Others [2016] EWCA Civ 466
- Inquiry Document 15: ADP-XX-00-DR-L-1910 rev S1 P10 Masterplan

- Inquiry Document 16: S106 Replacement Open Space Option B ADP-XX-00-DR-L-1911 rev S1 P3
- Inquiry Document 17: Draft S106 Legal Agreement for Appeal A received 26 November 2020
- Inquiry Document 18: S106 Replacement Open Space Option A ADP-XX-00-DR-L-1906 S1 P1
- Inquiry Document 19: S106 Replacement Open Space Option B ADP-XX-00-DR-L-1903 S1 P4
- Inquiry Document 20: Amended Schedule of Conditions dated 27 November 2020
- Inquiry Document 21: Official copies of title plans and register of title for BK31924 and BK358831
- Inquiry Document 22: Site Plan ADP-XX-00-DR-L-1903 S1 P3
- Inquiry Document 23: Completed and executed S106 Legal Agreement for Appeal A dated 15 December 2020