



Appeal Decision

Site visit made on 24 March 2026

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Appeal Ref: APP/N0410/W/25/3376692

Boveney Court Farm, Boveney Road, Dorney, Windsor, Buckinghamshire, SL4 6QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for [outline] planning permission
- The appeal is made by Eton College against Buckinghamshire Council.
- The application Ref is PL/25/0354/FA.
- The development proposed is demolition of open sided barn, conversion, alteration and change of use of existing buildings from Use Class B8 to Use Class C3 to provide 7 residential units and construction of 5 new residential units, to provide a total of 12 residential units (2 x 2 bedroom; 6 x 3 bedroom; and 4 x 4 bedroom) including hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.

Decision

1. The appeal is allowed and planning permission is granted for demolition of open sided barn, conversion, alteration and change of use of existing buildings from Use Class B8 to Use Class C3 to provide 7 residential units and construction of 5 new residential units, to provide a total of 12 residential units (2 x 2 bedroom; 6 x 3 bedroom; and 4 x 4 bedroom) including hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works at Boveney Court Farm, Boveney Road, Dorney, Windsor, Buckinghamshire, SL4 6QG in accordance with the terms of the application, Ref PL/25/0354/FA and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Eton College against the council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal proposal is functionally unchanged from that previously dismissed on appeal in July 2024¹. Since that time additional information has been provided in relation to the effect on bats or other protected and important species.
4. The site is in the Green Belt. In determining the previous appeal on this site in July 2024 the Inspector found that the proposal was not inappropriate development as it comprised the redevelopment of previously developed land which would not cause substantial harm to openness. That appeal was assessed against the December 2023 National Planning Policy Framework (the Framework), but the most recent Framework update in December 2024 contains essentially the same exception to what constitutes inappropriate development at paragraph 154(g).

¹ PINS ref: APP/N0410/W/23/3335905

There are no changes to the scale or siting of the proposed development from that earlier decision. It would be contained principally within the bounds of the existing built form and hardstanding within the site. While there would be some loss of openness from the new houses due to their siting and height, I agree with my colleague that this would amount to no more than moderate harm. Consequently, the proposal would accord with the exception at paragraph 154(g) of the Framework.

5. Like cases should be determined in like manner, unless material considerations indicate otherwise. In this case the December 2024 revisions to the Framework state at paragraph 156 that major housing development in the Green Belt should provide affordable housing that reflects local or national policy, necessary improvements to local or national infrastructure, and the provision of new, or improvements to existing, green spaces that are accessible to the public. These are known as the Golden Rules and are a material consideration in the determination of this appeal.
6. A separate application for listed building consent² was submitted to the council for works to a Grade II listed barn on the site. Consent was granted in September 2025 for those works, and therefore this is not a consideration in this appeal.

Main Issues

7. There is no dispute between the main parties about the proposed improvements to local infrastructure. The main issues are therefore:
 - Whether the appeal proposal would provide sufficient affordable housing,
 - Whether it would make acceptable provision of open space,
 - The effect of the proposal on protected and important species and habitats, with particular regard to bats; and,
 - Given local concerns about safe access in the event of flooding, I have also elevated this to a main issue having sought the views of the main parties.

Reasons

Affordable housing

8. The Framework states that major housing development in this location must contribute 50% affordable housing. National Planning Practice Guidance states that for development which is subject to the Golden Rules a site specific viability assessment should not be undertaken for the purpose of reducing developer contributions, including affordable housing. It is not disputed that the development would not provide 50% affordable housing, with a contribution equating to 21% towards offsite housing instead proposed.
9. Core Policy 3 of the South Bucks Core Strategy requires at least 40% in schemes of 5 units and above to be affordable. The policy allows both for off-site provision and for a lower contribution where it is clearly demonstrated that this is not economically viable. The appeal proposal does not therefore conflict with Core

² Council ref: PL/25/0355/HB

Policy 3, as the council have accepted that a fully compliant scheme would not be economically viable.

10. Nonetheless, the development would fail to provide sufficient affordable housing, contrary to the Framework.

Open space

11. The Framework further requires that the development provide new green spaces that are accessible to the public, or improvements to the same. The council have identified a requirement for 0.11 hectares of open space to be provided as part of this development, including a Local Area of Play of at least 100 square metres. The appellant does not dispute this requirement.
12. No public open space would be provided as part of the development. Furthermore, no contributions are included in the submitted unilateral undertaking towards the improvement of existing public green space.
13. Consequently, the development would also fail to make acceptable provision for open space, contrary to the requirements of the Framework.

Bats and protected species

14. The previous appeal on this site was dismissed as the Inspector found that the bat surveys for the site were out of date and therefore it was unlikely that Natural England would grant a mitigation licence for the proposed works. Subsequently new surveys have been conducted which provide an updated position statement for bats on the site.
15. I have had regard to my duties under Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2017 in relation to nature conservation. In this instance the presence of bats within the buildings has been established by the provided surveys. These have been reviewed by Natural England alongside their grant of a licence for works to a neighbouring building. Natural England has indicated that it would likely accept the mitigation methods described.
16. The council's ecology consultee has also reviewed the additional information and advised that the development would be acceptable, subject to conditions. Conditions securing suitable care and mitigation measures are set out in the attached schedule. The proposed mitigation measures would minimise the disturbance to bats from a development that would deliver new housing in a district where there is a recognised shortfall of housing land through the redevelopment of redundant buildings. The development would therefore successfully meet the tests for receiving a European protected species licence from Natural England, subject to compliance with the proposed conditions. There would consequently be no unacceptable impacts to bats arising from the proposed development.
17. The appeal proposal would therefore accord with Core Policy 9 of the Core Strategy, which requires biodiversity resources to be conserved and enhanced.

Flooding

18. The appeal site lies within Flood Zones 2 and 3. A flood risk assessment has been provided. While not a concern raised by the council or its internal consultees, there

is public interest in the possibility of flooding causing a loss of access from the appeal site. The Environment Agency noted in a consultation response that the development would result in a situation of danger to most people in the event of flooding with a danger of loss of life for the general public. The main parties' comments were sought on this point.

19. The appeal site lies between the River Thames and the Jubilee River. This latter watercourse was constructed as a flood relief channel for the River Thames. However, subsequent flooding has shown that the design of the Jubilee River was inadequate to handle higher levels of overflow. Residents and the Parish Council have therefore expressed concerns that in the event of further flooding occupiers of the proposed houses would be at risk due to being unable to evacuate.
20. Flooding of a scale that would affect access to the appeal site would occur in a 1 in 100 flood event. Such an event would affect the wider Thames Valley, and any effect on the access to the site would be preceded by several days of flood effects in the wider area. This would provide advance warning to residents of a potential need to evacuate, with updates available should the water level continue to rise.
21. The risk to residents of being unable to evacuate is therefore slight, considering the slim possibility of a flood event of sufficient magnitude occurring and the considerable lead time before the evacuation route would be affected. Paragraph 181 of the Framework states that in areas at risk of flooding development should only be allowed where, amongst other considerations, safe access and escape routes are included where appropriate. Given the low level of risk, the development would accord with this requirement.

Other Matters

22. The appeal site lies within the Boveney Conservation Area, and I have a duty to pay special attention to the desirability of preserving its character or appearance. There is also a Grade II listed building on the site, identified as building B on the submitted plans, and I must have special regard to the desirability of preserving its setting. The Conservation Area is characterised by scattered properties of varying ages set in spacious gardens and other open spaces. The listed building is a 17th or 18th century timber-framed building finished partly in weatherboarding and with a tiled roof. The farmyard provides the setting within which the barn is principally experienced. In determining the previous appeal on this site my colleague concluded that the proposal would result in a slight enhancement to the character and appearance of the Conservation Area. The appeal proposal is identical to that scheme, and there is no evidence before me to lead me to find otherwise. It would also therefore preserve the setting of the listed building.
23. The development has been proposed despite concerns over its viability. However, a contribution towards affordable housing would be provided and the unilateral undertaking allows for a further viability review as part of the development. This could secure additional revenue if the return on the development exceeds that which is expected. It also secures contributions towards the provision of NHS services. I see no reason to doubt that the contributions would be used as identified in the undertaking. The council has asked for the undertaking to be varied to take account of different figures. However, given the lack of viability of the development I am content that the undertaking as submitted is acceptable.

24. My attention has been drawn to a recent decision made by the council to refuse permission for the residential redevelopment of a site elsewhere in Dorney. I note that this other development was found to fail the sequential test for flooding and the site was found to not be in a sustainable location. Given these significant differences the council's decision does not lead me to alter my conclusions on this development.
25. A neighbouring occupier has queried the accuracy of the red line on the application drawings. However, the appropriate ownership certificate was served on the neighbour advising of the development before the application was submitted.
26. A neighbour expressed concerns about windows facing into their property over the shared boundary. These windows are existing and at a high level in the walls, but would serve habitable rooms and bathrooms in units C and D. Where these windows would serve habitable rooms these would be dual-aspect or open plan rooms with other windows to provide outlook. Accordingly, a suitably worded condition could ensure that these windows are retained as non-opening with obscured glazing to preserve the privacy of the neighbouring occupiers. While the neighbour also expressed concern about light from these windows there would be no change to their size or siting. This would therefore not result in unacceptable harm to neighbour living conditions.
27. Interested parties raised concerns about the council's handling of the application in relation to public consultation and the extent to which they sought the views of consultees on the matter of flood risk. However, it is not within the scope of this appeal to address these concerns.
28. The site is located outside the built-up areas of the surrounding settlements. Occupiers would be dependent to an extent on private vehicles but no more so than those in neighbouring properties, and there are some amenities in the nearby settlements within walking or cycling distance. While the road into the main built-up area of Dorney does not have a footpath along it, it is fairly wide and visibility along it is good. I am therefore satisfied that the site is not an unsustainable location for residential development.
29. The development makes provision for wildlife habitats which would be secured by condition. This is supported by the council, and there is no detailed evidence before me to suggest that such measures would not be effective. The construction environmental management plan would detail the existing biodiversity features of the site, and explain how harm would be avoided during construction.

Planning balance

30. The appeal proposal would not comply with the Golden Rules set out in the Framework for major housing development in the Green Belt. As the proposal complies with one of the exceptions set out in paragraph 154 of the Framework this would not make it inappropriate development in the Green Belt, but a failure to comply does weigh against the proposal.
31. The council can only demonstrate a housing land supply of 0.91 years, which is an acute shortfall against the minimum requirement of 5 years. Accordingly, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

32. The development would make a contribution towards affordable housing, albeit not a policy-compliant one. The shortfall therefore attracts moderate negative weight in the overall balance.
33. The appeal site is next to Dorney Common, a large area of public green space. Given the proximity to existing public space the lack of provision of, or contribution to, public space therefore also attracts moderate weight against the proposal.
34. Given the council's housing land supply position, the harm arising from the failure to comply with the Golden Rules would not significantly and demonstrably outweigh the considerable benefits that would result from the proposed development. Planning permission should therefore be granted.

Conditions

35. The council has recommended conditions. I have considered these against national planning practice guidance and, where necessary, amended the wording.
36. I have imposed conditions relating to the commencement of development (1) and confirming the approved plans (2) for the sake of certainty. I have omitted from the list of approved plans those which are not to scale as these are informative but cannot be considered enforceable.
37. Conditions requiring the approval of materials (3) and compliance with the approved arboricultural method statement (4) are reasonable to secure an acceptable finished appearance for the development.
38. Conditions 5, 6 and 7 ensure that development does not proceed on site if the land is found to be contaminated unless that contamination is remediated. Conditions 8 and 9 secure the access to and within the site, together with parking. Condition 10 ensures that reasonable archaeological investigations are carried out on site as part of the approved development.
39. Conditions 11 to 15 would prevent any undue effect to biodiversity from the development and provide certainty about the protection of bats in particular.
40. Flood risk at the site and surface water management would be controlled by conditions 16 to 20. These would include compliance with the submitted flood risk assessment, agreement of a flood risk management plan which would include evacuation plans and information for future occupiers, agreement of surface water management measures and agreement of details of maintenance for the site's drainage system.
41. A condition requiring that obscured glazing be fitted to windows in Units C and D that face onto a shared boundary (21) is reasonable to prevent loss of privacy to the neighbouring occupiers.

Conclusion

42. For the reasons set out above the appeal is allowed.

M Chalk

INSPECTOR

Schedule of planning conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

5540-1100-REV-I	Proposed Residential Development Location Plan
5540-1101-REV-E	Existing Site Block Plan
5540-1102-REV-K	Proposed Site Block Plans
5540-1103-REV-H	Development Footprint Comparison Plan and Table
5540-1104-REV-E	Lighting Strategy
5540-1200-REV-E	Existing Plans – Unit B
5540-1201-REV-E	Existing Plans – Units C,D,E,F1,F2 and G
5540-1202-REV-D	Existing Roof Plan – Units C,D,E,F1,F2 and G
5540-1210-REV-H	Proposed Plans – Unit B
5540-1211-REV-H	Proposed Plans – Units C,D,E,F1,F2,G
5540-1212-REV-H	Proposed Plan – Units H-J and K-L-M
5540-1213-REV-E	Proposed Roof Plans – Units C,D,E,F1,F1 and G
5540-1233-REV-E	Ground Floor Demolition Plan and Current Condition – Unit B
5540-1234-REV-D	First Floor Demolition Plan and Current Condition – Unit B
5540-1235-REV-D	Roof Demolition Plan and Current Condition Unit B
5540-1236-REV-E	Ground Floor Demolition Plan and Current Condition – Unit C and D
5540-1237-REV-D	Roof Demolition Plan and Current Condition – Unit C and D
5540-1238-REV-D	Ground Floor Demolition Plan and Current Condition – Unit E
5540-1239-REV-D	Roof Demolition Plan and Current Condition – Unit E
5540-1240	Existing Open Sided Barn – To Be Demolished
5540-1301-REV-B	Existing Elevations and Section – Unit B
5540-1302-REV-C	Existing Elevation and Sections – Units C,D,E,F1,F2,G
5540-1303-REV-D	Existing Elevations and Sections – Unit C,D,E,F1,F2,G
5540-1311-REV-D	Proposed Elevations and Sections – Unit B
5540-1312-REV-G	Proposed Elevations – Units C,D,E,F1,F2,G (1/2)
5540-1313-REV-H	Proposed Elevations – Units C,D,E,F1,F2,G (2/2) and Sections
5540-1314-REV-F	Proposed Elevations and Section – Units H – J
5540-1315-REV-H	Proposed Strip Elevations
5540-1320-REV-A	Proposed Elevations and Sections – Units K-L-M
5540-1321	Proposed Bin Store Floor Plans and Elevations
5540-1322-REV-A	Existing and Proposed Strip Elevations
5540-1335-REV-A	External Current Condition and Demolitions-Unit B
5540-1336-REV-B	Internal Current Condition – Unit B
5540-1337-REV-A	Externals Current Condition and Demolition – Units C-D-E
5540-1338-REV-A	Externals Current Condition and Demolition – Units C-D-E
5540-1355-REV-B	Unit B – Elevations as Proposed
5540-1356-REV-B	Unit B – Sections as Proposed
5540-1357-REV-B	Units C-D-E – Front and Rear Elevations as Proposed
5540-1358-REV-B	Units C-D-E – Side Elevations as Proposed
5540-1401-REV-C	Barn B – Proposed Typical Section and Details
5540-1402	Units C & D – Proposed Typical Section

5540-1403	Unit E – Proposed Typical Section
5540-1404-REV-C	Barn B – Proposed Typical Connection Detail
5540-1405-REV-A	Barns C & D – Typical Conservation Roof light Detail

20102-SFK-B-GF-DR-S-0100 T1 as Existing	Barn B Plans, Section and Elevations
20102-SFK-B-XX-DR-S-0200 T2	Barn B Demolition
20102-SFK-B-GF-DR-S-0300 T1	Barn B Ground Floor Plan as Proposed
20102-SFK-B-1F-DR-S-0301 T2	Barn B First Floor Plan as Proposed
20102-SFK-B-R-DR-S-0302 T2	Barn B Roof Plan as Proposed
20102-SFK-B-XX-DR-S-0303 T1	Barn B Section as Proposed
20102-SFK-B-XX-DR-S-0304 T2	Barn B Steelwork Plan and Details
20102-SFK-A-XX-DR-S-0407 Rev B	Detail 7
20102-SFK-B-XX-DR-S-0411 Rev B	Detail 11 – Rafter Repairs
20102-SFK-CDE-GF-DR-S-0300 P1 as Proposed	Buildings C, D & E Ground Floor Plan
20102-SFK-CDE-GF-DR-S-0301 P1 Proposed	Buildings C, D & E First Floor Plan as
20102-SFK-Gen-XX-DR-S-0412	Detail 12 – Wall / Soleplate Repairs

- 3) Prior to any works above ground floor slab level, a detailed schedule of works and materials to be used to for the development shall be submitted to, and approved in writing by, the local planning authority. The details to be submitted shall include the following:

- a) Elevational materials to be used on existing and proposed buildings;
- b) Matching brick bond to plinth of listed building and mortar mix;
- c) All internal and external new joinery details (doors and windows) at an appropriate scale, including sections and glazing bars;
- d) Details of contemporary glass framing system;
- e) Details of insulation to be provided for listed building and curtilage listed buildings;
- f) Metal rainwater goods;
- g) Details of roof lights and lanterns
- h) Details of hard surfacing to be used throughout the site
- i) Details of any new external flues, vents, grills, or external pipework

The development shall thereafter proceed in accordance with the approved details.

- 4) The development shall be implemented in accordance with the document titled Tree condition survey, Arboricultural Implications Assessment and protection recommendations with descriptions of landscape enhancements dated 7 January 2025, and the plans contained within it, submitted and approved as part of the planning application. The works shall be carried out under the supervision of a retained arboricultural specialist to ensure that the phasing of the development accords with the stages detailed in the method statement, and that the correct materials and techniques are employed.

- 5) Prior to any below ground works commencing on site, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i) A site investigation, based on the Phase 1 Ground Condition Assessment prepared by Stantec and dated January 2025, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- 6) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the local planning authority for approval. The approved monitoring and maintenance programme shall be implemented and continued in accordance with the approved details.
- 7) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 8) No part of the approved development shall be occupied until the existing means of access has been sited and laid out in general accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".
- 9) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall be retained thereafter.
- 10) No development shall take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation, including details of how any findings shall be recorded, which has been submitted to, and approved in writing by, the local planning authority.

- 11) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved biodiversity metric calculation and its supporting documents, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved metric;
 - (d) the management measures to maintain habitat in accordance with the approved biodiversity metric calculation for a period of 30 years from the completion of development has been submitted to, and approved in writing by, the local planning authority.
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- 12) Prior to the commencement of development above ground level, an ecological enhancements scheme to detail bat roost replacement features, such as bat boxes, bat tiles/access features and bat lofts, swift boxes and sparrow boxes, reptile hibernacula/log piles, stag beetle log piles, wildlife kerbs, and gaps at ground level of boundary fences for the movement of hedgehogs, shall have been submitted to, and approved in writing by the local planning authority. The development shall proceed in accordance with the ecological enhancements, which shall be installed prior to the first occupation of the development and retained thereafter.
- 13) Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the local planning authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:
- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
 - b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;
 - c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
 - d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
 - e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
 - f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;

- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
- k) Temporary management of existing wildlife features during construction / implementation.

The development shall be carried out in accordance with the approved details.

- 14) Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 15) The development shall be implemented in strict accordance with the agreed reptile mitigation plan (Reptile Mitigation Strategy, Davidson Watts-Ecology, 12 January 2023).
- 16) The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference 332612015, dated January 2025 by Stantec), Stantec letter dated 7 May 2025, reference Project/File: J:32612015 Boveney Court Farm and the Stantec Technical Note dated March 2026, including the following mitigation measures:
- Finished floor levels shall be set no lower than 21.49 metres above Ordnance Datum (AOD)
 - Compensatory storage shall be provided as set out in Stantec Drawing 49209/4001/002, Revision C named 'Floodplain Storage Analysis'

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 17) No works (other than demolition) shall begin until a Flood Risk Management Plan based on the draft submitted with the March 2026 Stantec Technical Note has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter proceed in accordance with the approved Management Plan.
- 18) Prior to the commencement of development above ground level a scheme showing details of boundary treatment within the 1% annual exceedance probability plus 35% allowance for climate change floodplain, shall be submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be permeable to floodwater.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements.

- 19) No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on the Location Plan (drawing no. 1100, rev. I, Phase 1 Ground Condition Assessment prepared by Stantec and dated January 2025. Flood Risk Assessment (332612015, 07 February 2025, Stantec), Surface Water Drainage Strategy (332612015/100/DSR, 07 February 2025, Stantec) and Response to LLFA Surface Water Drainage Strategy Comments (332612015/RMF/EE-PL/25/0354/FA, 07 May 2025, Stantec) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
 - Demonstrate that water quality, ecological and amenity benefits have been considered
 - Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
 - Undertake the clearance of overgrown vegetation within the second length of ditch to ensure water can flow unimpeded
 - Discharge from the site should be limited to 4.3l/s
 - Ground investigations including:
 - Infiltration in accordance with BRE365
 - Groundwater level monitoring over the winter period (from November until April)
 - Subject to ground investigations demonstrating that infiltration is viable, the applicant shall amend the surface water drainage scheme to dispose of surface water runoff via infiltration
 - SuDS components agreed within the Proposed Surface Water Drainage Layout (drawing no. 49209/4001/003, rev. B)
 - Full construction details of all SuDS and drainage components
 - Detailed drainage layout with pipe numbers, gradients, and pipe sizes complete, together with storage volumes of all SuDS components

- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites
- 20) Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.
- 21) Prior to first occupation of the dwellings identified as Units C and D on drawing reference 5540-1211-REV-H the ground floor windows in those dwellings marked as HL on that drawing shall be fitted with obscured glazing in accordance with details submitted to and approved in writing by the local planning. Once installed the obscured glazing shall be retained thereafter.

End of schedule



Costs Decision

Site visit made on 18 March 2026

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Costs application in relation to Appeal Ref: APP/N0410/W/25/3376692 Boveney Court Farm, Boveney Road, Dorney, Windsor, Buckinghamshire, SL4 6QG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Eton College for a full award of costs against Buckinghamshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for demolition of open sided barn, conversion, alteration and change of use of existing buildings from Use Class B8 to Use Class C3 to provide 7 residential units and construction of 5 new residential units, to provide a total of 12 residential units (2 x 2 bedroom; 6 x 3 bedroom; and 4 x 4 bedroom) including hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The applicant's case

3. The applicant contends that the council acted unreasonably through its planning committee deferring a decision on the planning application due to the failure to meet the Golden Rules and a lack of information on bat protection.
4. National planning practice guidance states that where development is subject to the Golden Rules site specific viability assessment should not be undertaken for the purpose of reducing developer contributions, including affordable housing. The applicant therefore considers it was not necessary to provide more information regarding the viability of the appeal proposal, and that the scheme was supported by the council's own viability consultant.
5. The applicant further notes that the council's ecology consultant found the proposal to be acceptable in terms of their impact on existing wildlife including protected species.
6. The applicant subsequently lodged an appeal against non-determination of the application. A later meeting of the council's planning committee concluded that planning permission would have been refused due to the failure to meet the Golden

Rules. The applicant states that at both committee meetings members referred to the applicant's financial background in discussions about affordable housing and other suggested contributions, together with other comments which they contend amounts to unreasonable behaviour. The members also disputed technical matters in relation to flooding and ecology issues without technical evidence to support the discussions, and chose not to pursue the ecology issue as a reason for refusal at its second meeting in spite of no new evidence being presented.

7. The applicant considers that the committee's resolution to afford a failure to meet the Golden Rules attracted substantial weight was not appropriate nor substantiated as it was not supported by evidence or justified, in spite of the development being supported by officers, delivering various benefits and the council's housing land supply resulted in a presumption in favour of sustainable development.
8. Overall, the applicant contends that the council's behaviour in relation to viability and bats was unreasonable and resulted in unnecessary and wasted expense in having to prepare and pursue the appeal.

The council's response

9. The council responds that at the first meeting the viability of the development had not been fully tested as only informal advice had been sought from its viability consultant. Members also felt that, given the importance of bats and their protected status, additional information was required.
10. The council sought to engage with the applicant to progress the scheme from that point but the applicant chose to submit an appeal against non-determination. The application was then reported back to the committee for members to determine the council's position on the appeal.
11. The council asserts that the committee members assessed the proposal against national planning policy. They considered that the proposals did not meet 2 of the 3 Golden Rules, and that this weighed against the development. Members considered that a failure to meet the Golden Rules carried equal weight to that indicated in national planning practice guidance for those developments which do meet them.
12. It is for the decision maker to assess a proposal and attribute the level of harm to the various matters as they see fit. The council considers that national policy has been applied correctly, and the putative reason for refusal was clearly substantiated. The council does not consider that unreasonable behaviour occurred.

Reason

13. The council acted unreasonably in their initial deferral of the application in part on ecological grounds when there was no evidence to dispute the applicant's case. The development was supported on this ground by their own officers and consultants. This ground was not pursued by the council at appeal stage but did contribute to the appellant making the appeal. However, the applicant has not detailed any additional expense specifically tied to this point.

14. The Golden Rules introduced in the December 2024 revision of the National Planning Policy Framework are a material consideration that was not before the Inspector who determined the previous appeal on this site for this development. It was clearly correct for the council to review the question of viability given this change in circumstances. While members were advised that the development complied with Core Policy 3 of the council's core strategy, that the development would fail to meet the Golden Rules is not disputed. Members were entitled to decide how much weight that failure attracted in determining the council's position. That I have reached a different conclusion in allowing the appeal is a matter of planning judgement.
15. I reviewed each of the highlighted sections of the committee meetings. Members discussed elements of the development and surrounding concerns, some of which were raised by residents or consultees. The members at times referenced the aims to ensure that the development delivered suitable contributions towards infrastructure or affordable housing. Such discussions are not, in my experience, uncommon at committee meetings as members seek to understand often complex matters of planning policy and properly represent residents. Members took advice from officers on several of these points and did not pursue any of the specific points to an unreasonable degree. As these discussions did not lead to the council raising additional reasons for refusal, I do not consider that they amount to unreasonable behaviour on the part of the council.
16. Overall, while some unreasonable behaviour did occur this did not directly result in the applicant incurring unnecessary or wasted expense in the appeal process. The application for an award of costs is therefore refused.

M Chalk

INSPECTOR