



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

Please ask for: devcon@aylesburyvaledc.gov.uk;  
Switchboard: 01296 585858  
Text Relay Prefix your telephone number with 18001  
29 October 2019

### DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm on Thursday 7 November 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: devcon@aylesburyvaledc.gov.uk;

**Membership:** Councillors: T Mills (Chairman), A Bond (Vice-Chairman), J Brandis, M Collins, P Cooper, N Glover, R Khan, S Morgan, M Rand, Sir Beville Stanier Bt, D Town and P Strachan (ex-Officio)

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES** (Pages 3 - 4)

To approve as a correct record the Minutes of 27 September 2019 (Copy attached as an Appendix)

**4. DECLARATION OF INTEREST**

Members to declare any interests.

**5. QUARTERLY PERFORMANCE REPORT - QUARTER 2** (Pages 5 - 26)

To note the Workload and Performance Review for quarter 2 - July to September 2019.

Contact officer: Hazel Hutt ([hhutt@aylesburyvaledc.gov.uk](mailto:hhutt@aylesburyvaledc.gov.uk) )

### **NOT BEFORE 1.15 PM**

**6. 19/01900/APP - 16A CRAFTON LODGE ROAD, CRAFTON** (Pages 27 - 36)



Retention of the existing barn and the operation of a dog home boarding and day care business from parts of the site (Retrospective)

Case officer: Janet Mullen ([jmullen@aylesburyvaledc.gov.uk](mailto:jmullen@aylesburyvaledc.gov.uk) )

- 7. SITE VISIT ARRANGEMENTS**
- 8. HUMAN RIGHTS ACT** (Pages 37 - 38)

## DEVELOPMENT MANAGEMENT COMMITTEE

27 SEPTEMBER 2019

**PRESENT:** Councillor T Mills (Chairman); Councillors A Bond (Vice-Chairman), J Brandis, M Collins, N Glover, R Khan, S Morgan, Sir Beville Stanier Bt and D Town. Councillors C Branston and A Waite attended also.

**APOLOGIES:** Councillors P Cooper, M Rand and P Strachan.

### 1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 5 September, 2019, be approved as a correct record.

### 2. 18/04264/APP - TITTERSHALL LODGE, KINGSWOOD LANE, WOTTON UNDERWOOD

RESOLVED –

That the application be **Approved** as per the Officer's report.

### 3. 18/04581/APP - EDISON POWER, LAND REAR OF PHOENIX HOUSE, RABANS LANE INDUSTRIAL AREA, SMEATON CLOSE, AYLESBURY

RESOLVED –

That the application be **Approved** as per the Officer's report and subject to the following:-

- An Additional condition regarding landscaping be included as follows:-
  - “No development shall take place on the building(s) hereby permitted until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include new trees showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved within the first planting season following the substantial completion of the development.”

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
  - “Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.”

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
  - “Prior to the installation of the flues and exhaust chimneys on the roof of the containers hereby approved, details of their finish and colour shall be

submitted to and approved in writing by the Local Planning Authority and the agreed finish and colour applied.”

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- Condition 4 be amended to read, “The total noise produced by each generator set installed shall not exceed 75dBLAeq, T at 1m above the height of the installation, unless a revised acoustic assessment has first been submitted to and agreed in writing by the Local Planning Authority. Reason: To protect the amenity of the occupiers of nearby properties, particularly the residents during the night time period at the closest residential receptors in accordance with Saved Policy GP.8 and the NPPF.”
- To include a new informative regarding highway matters, to read, “The applicant is advised to ensure that during construction, measures are put in place to prevent mud being deposited on the highway from vehicles leaving the site; parking and turning for vehicles of site personnel, operative and visitors are provided within the site and mitigation is put in place to prevent dust suppression into the atmosphere.”

**4. 19/00528/APP - 5 ROSEBERY MEWS, MENTMORE**

RESOLVED –

That the application be **Approved** as per the Officer’s report.

## Report to Development Management Committee

### Workload and Performance Review for Quarter July to September 2019

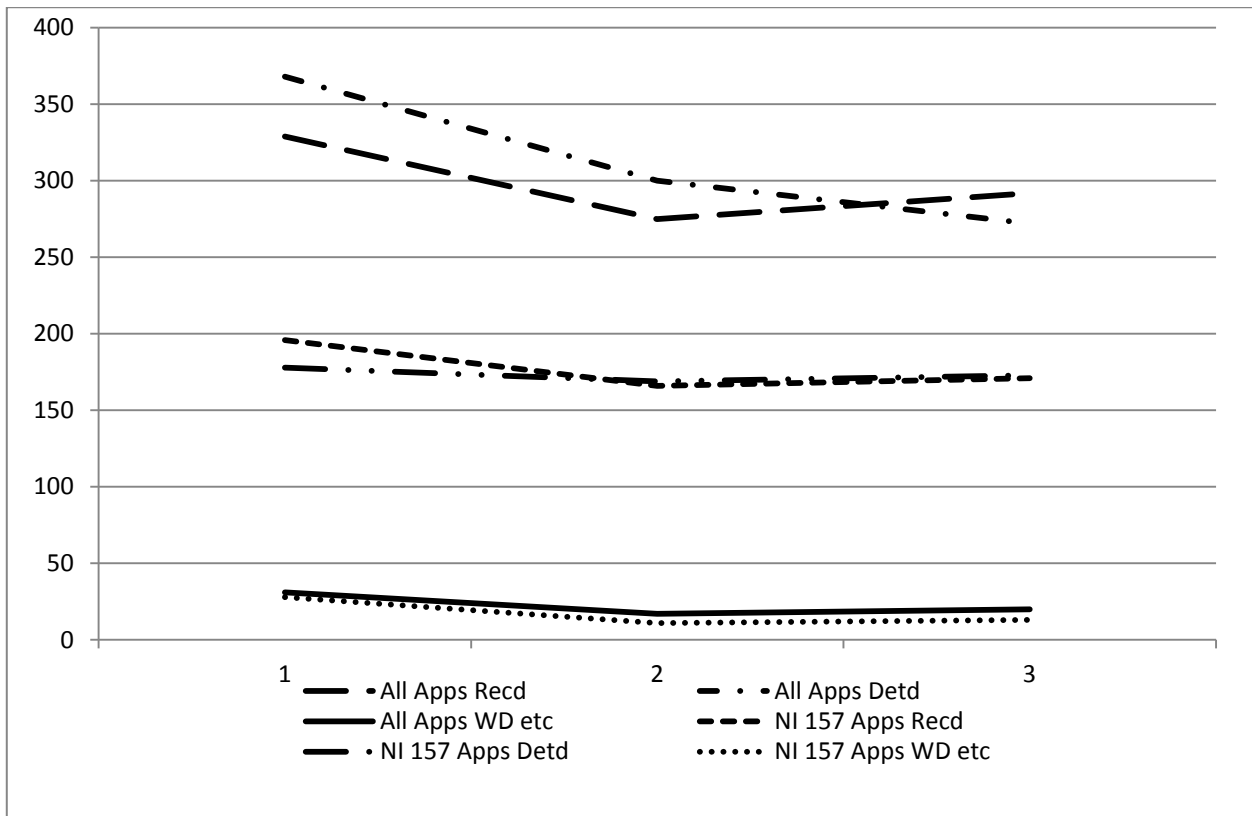
#### Introduction

This is a report to the Development Management Committee which provides a summary of performance in four key areas of work, planning applications, appeals, enforcement and informal enquiries, together with a brief commentary on each section.

#### Section 1: Applications received and determined

Our application caseload comprises applications which form the basis for our performance measured against the Government performance target NI157 and other applications which are excluded from these categories and relating to proposals amongst which are applications from the County Council, Notifications for Agricultural, Telecommunications and works to trees. This is set in the context of the rolling 12 month period.

#### *Applications Received and Determined*



	Jul	Aug	Sept
All Apps Recd	329	275	292
All Apps Detd	368	300	272
All Apps WD etc	31	17	20
NI 157 Apps Recd	196	166	171
NI 157 Apps Detd	178	169	173
NI 157 Apps WD etc	28	11	13
All O/Standing			
NI 157 O/Standing	898	884	867

Major Applications Received: 21  
 Minor/Other Applications Received: 512

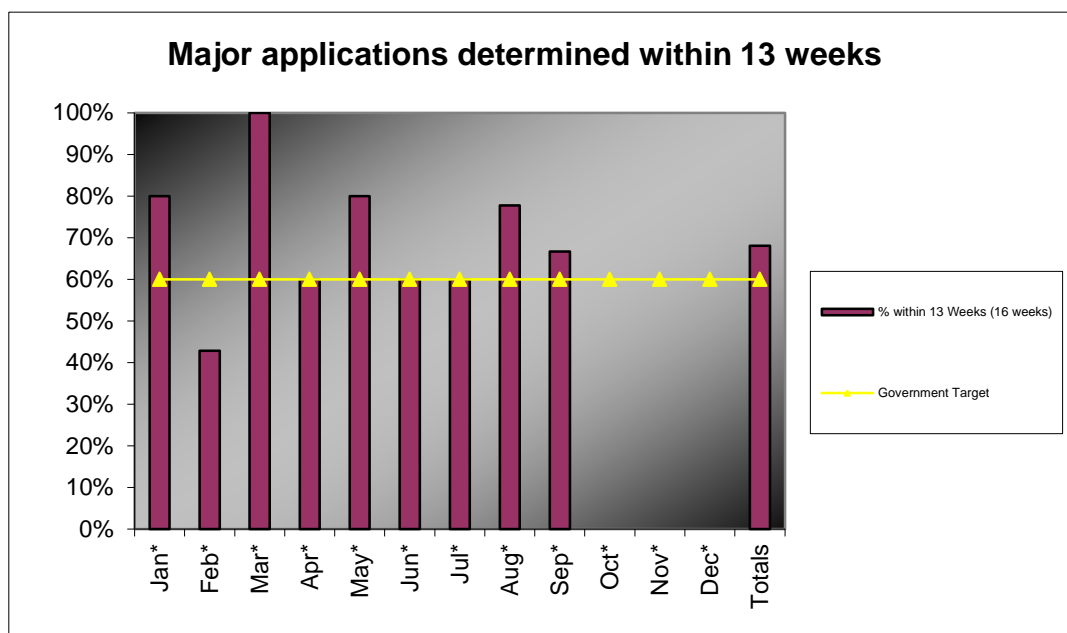
Major Applications Determined: 17  
 Minor/Other Applications Determined: 503

Major Applications Outstanding: 124  
 Minor/Other Applications Outstanding: 743

**Section 2: NI 157 – Speed of Determination of applications**

Introduction

This section sets out information regarding our performance in speed of decision for each of the 3 categories of applications, which are measured against the performance target – NI157 (a) major, (b) minor, and (c) other.



	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Totals
Number of Major Applications Decided	2	5	5	5	7	3	5	5	5	5	9	3	59
Number within 13 Weeks (16 weeks) inc. Ext of time*	2	3	5	4	3	3	3	4	3	3	7	2	42
<b>% within 13 Weeks (16 weeks)</b>	<b>100%</b>	<b>60%</b>	<b>100%</b>	<b>80%</b>	<b>43%</b>	<b>100%</b>	<b>60%</b>	<b>80%</b>	<b>60%</b>	<b>60%</b>	<b>78%</b>	<b>67%</b>	<b>71%</b>
Government Target	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%

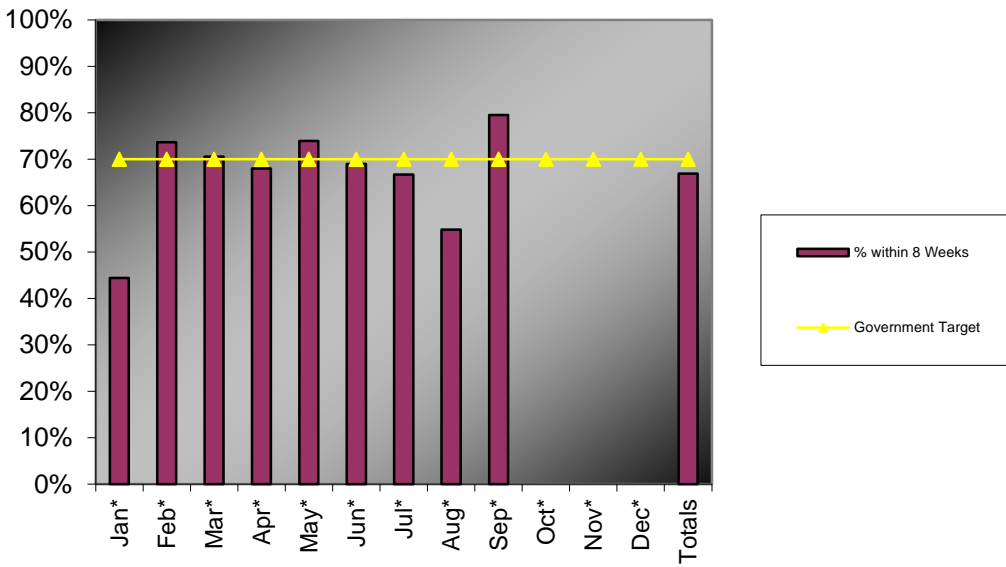
\*Including extensions of time & PPAs

The quarterly performance achieved are:

July to September: 71%

Rolling 2 year average: 75%

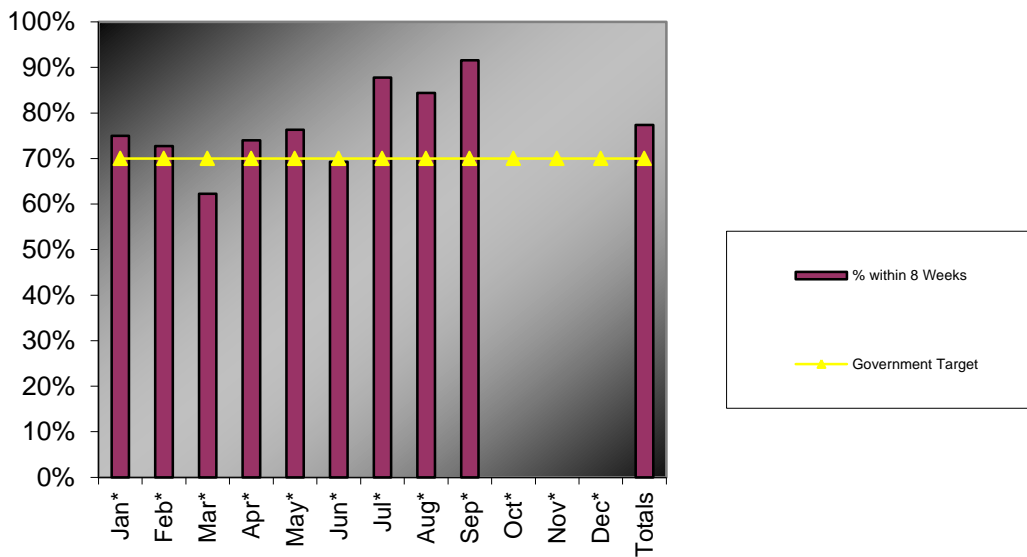
### Minor applications determined within 8 weeks



	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Totals
Number of Minor Applications Decided	40	36	29	27	19	34	25	23	29	42	31	39	374
Number within 8 Weeks inc. Ext of time*	25	17	18	12	14	24	17	17	20	28	17	31	240
<b>% within 8 Weeks</b>	<b>63%</b>	<b>47%</b>	<b>62%</b>	<b>44%</b>	<b>74%</b>	<b>71%</b>	<b>68%</b>	<b>74%</b>	<b>69%</b>	<b>67%</b>	<b>55%</b>	<b>79%</b>	<b>64%</b>
Government Target	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%

\*Including extensions of time

### Other applications determined within 8 weeks



	Oct*	Nov*	Dec*	Jan*	Feb*	Mar*	Apr*	May*	Jun*	Jul*	Aug*	Sep*	Totals
Number of Other Applications Decided	121	105	66	108	121	106	123	131	140	131	128	131	1411
Number within 8 Weeks inc. Ext of time*	87	77	44	81	88	66	91	100	97	115	108	120	1074
<b>% within 8 Weeks</b>	<b>72%</b>	<b>73%</b>	<b>67%</b>	<b>75%</b>	<b>73%</b>	<b>62%</b>	<b>74%</b>	<b>76%</b>	<b>69%</b>	<b>88%</b>	<b>84%</b>	<b>92%</b>	<b>76%</b>
Government Target	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%

From 1 April 2018 a government target of 70% has been set for minor and other applications.

For the quarter July to September we achieved

Minors: 68% within the time period against a target of 70%  
Others: 88% against a target of 70%  
Joint minors and others: 83% against a target of 70%  
Joint rolling 2 year average: 73% against a target of 70%

Appendix 1 details the Major applications determined in the quarter.

Outstanding applications beyond determination date and without or an expired PPA/extension of time in place as at 10 October 2019.

Majors: 90  
Minors and Others: 376

The first planning authorities subject to the Government's "special measures" regime for under-performing authorities were designated in October 2013, and performance data was published by the Department for Communities and Local Government (DCLG). Designations will be reviewed annually. Poorly performing authorities will be "designated" based on speed and quality:

- \* Speed: less than 60% of majors determined within 13 weeks averaged over a two year period; or within such extended period as has been agreed in writing between the applicant and the local planning authority.
- \* Quality: 10% or more of major applications that have been overturned at appeal (appeals allowed) over a two year period.

Authorities could be designated on the basis of either criteria or both. The current performance over this 2 year period exceeds the threshold for speed and is less than the threshold for quality and thus does not fall within the poorly performing designation.



### **Section 3: Appeals against refusal of planning permission**

#### **Introduction**

This section deals numerically with our performance in relation to appeals against refusal of planning permission. Whilst the government performance target is 10% or more of major applications that have been overturned at appeal (appeals allowed) over a two year period, a benchmarking measure is that we should seek to achieve success in 65% or more of appeals against planning decisions.

Determined	Dismissed	14
	Allowed	12
	Withdrawn/NPW	1
	Split	0
	Turned Away	0
	Varied	0

Costs                      Against AVDC  
                                    For AVDC  
                                    \*Split decisions are counted as an Allowed appeal

In the quarter between July and September a total of 37 appeals were determined, 27 of which were against refusals of planning permission. Of the 27 appeals against refusals of planning permission which are used for reporting purposes 44% were allowed which is above the Council's target of not more than 35% appeals allowed. The small number of appeals means that performance can fluctuate over time. There were a number of very successful major appeals affecting our smaller villages during this time including 65 dwellings at Long Crendon, 8 dwellings at Buckland both of which with neighbourhood plans and 14 dwellings at Shabbington all of which were dismissed.

Attached at Appendix 2 is a list of all of the appeal(s) which are used for reporting purposes against refusals of planning permission that were allowed. As there are a large number of appeals a summary on all has not been provided. There is a summary on some highlighted for awareness and learning points.

The government statistics published in March 2018 for quality show that the percentage of major applications that have been overturned at appeal is 4.8% and that for minor and other developments overturned at appeal is 1.1% for AVDC during the period of 24 months from July 2014 to June 2016. This is well below the governments threshold of 10% overturned for quality.

### **Section 4: Enforcement**

#### **Introduction**

This section details statistics relating to Enforcement matters and details the numbers of complaints received, cases closed together with the number of cases which have led to Enforcement action. Enforcement appeals are also dealt with separately and performance can be assessed accordingly.

Cases on hand at beginning of quarter	520	Cases on hand at end of quarter	502
Cases Opened	193	No of Cases closed	215
No. of Enforcement Notices Served	0	No. of Temporary Stop Notices Served	0

No. of Stop Notices Served	0	No. of Breach of Condition Notices Served	0
		No. of Planning Contravention Notices Served	0

**In the 3 month reporting period 215 cases were resolved as follows:**

Performance Figure	Notes
28% of complaints were resolved within 14 days	Generally more straightforward cases where a yes/no decision is required following initial evidence gathering
54% of complaints were resolved within two months.	Normally requiring more extensive evidence gathering and/or consultations involving 3 <sup>rd</sup> parties.
68% of complaints were resolved within 5 months.	On top of the actions identified above these cases normally require some formal action or an application for retrospective planning permission.
Remainder	Where formal legal action is involved it can take many years to resolve complaints and can include appeals and further judicial review.

**Enforcement Appeals**

Lodged	PI (Public Inquiry)	0	Determined	Allowed	0
	IH (Hearing)	0		Dismissed	1
	WR (Written responses)	0		W/Drawn	0
	Total	0		Varied	0
				Total	0
Costs	For AVDC			Against AVDC	

**Enforcement Summary**

The volume of planning enforcement complaints received is high and increasing and geographically reflects the areas where the delivery of development is highest. The service has seen a 27% increase in the number of complaints received over the last 3 years and the current team caseload is in the region of 450 open cases. Our response to complaints is prioritised based on the level of harm the suspected breach is causing. This means that 'low' category complaints will take longer to resolve than those that are causing a 'high' level of harm. A number of our Planning Enforcement Officers have recently moved on to other roles within the Council and elsewhere. We are currently actively recruiting new staff and have engaged additional temporary staff resources to help deal with demand during this period.

## **Section 5: Other Workload**

### **Introduction**

In addition the teams have dealt with the following:-

#### **Discharge of Conditions and non material amendments.**

Quarter – Out	176
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#### **Chargeable Pre-Application Advice, including commercial**

Quarter - Out	108
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#### **Non chargeable Informals**

Quarter - Out	37
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### **Conclusion and Recommendation**

It is recommended that the Committee **NOTE** the report.

This report primarily intends to give details of factual information based on statistical data.

It is hoped that Members find the report's content helpful.

### Major Applications Determined: Quarter July to September 2019

**Bold** numbers denote applications determined outside the target period. Performance for this quarter is 71% which is above target; \* denotes those applications that had an extension of time request agreed. The small number of applications mean that performance is volatile and in this quarter involved applications where securing the right outcome outweighed the need to meet targets and applications where the revocation of the regional spatial strategy required a reassessment of the scheme.

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
18/01277/ADP*	SP	11/04/2018	Approval of reserved matters (appearance, landscaping, layout and scale) for 146 dwellings and local centre retail unit pursuant to outline permission 15/03806/AOP  Discharge of conditions 1, 7, 8, 9, 11, 12, 13, 14 and 30 in relation to Phase 1 as depicted on the Phasing Plan submitted as part of this application (drawing ref. BM32290-00-ZZ-DR-A-3_02-011), and full discharge of conditions 2, 6, and 18.	Land North Of Aston Clinton Road (Former Aston Clinton Road MDA Site) Weston Turville Buckinghamshire	16/04/2018	24/07/2019	Details Approved
19/00510/ADP*	SP	11/02/2019	Reserved matters application pursuant to outline planning permission 15/03806/AOP (external appearance, landscaping, layout and scale) for the erection of 132 dwellings pursuant to outline planning permission 15/03806/AOP and discharge of conditions 1 (landscaping) 7 (materials) 8 (details of screen and boundary walls) 9 (details of hard and soft landscaping) 11 (slab levels) 12 (details of bins and reclaims store) 13 (details of parking, garaging and manoeuvring) 18 (ecological, mitigation management plan) and 30 (noise)	Land North Of Aston Clinton Road (Former Aston Clinton MDA Site) Weston Turville Buckinghamshire	11/02/2019	30/08/2019	Details Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
			in relation to Phase 1 and full discharge of conditions 2 ( hasing plan) and 6 (design codes)				
17/02516/AOP*	LAUASH	03/07/2017	Outline application with all matters reserved for a residential development of up to 30 dwellings with associated open space and sustainable drainage	Land Off Turnfields Ickford Buckinghamshire	25/07/2017	19/09/2019	Outline Permission Approved
19/00817/AOP*	RJ	04/03/2019	Variation of Condition 3 of planning permission 16/02745/AOP (Outline application for mixed use development comprising offices, light industrial, general industrial and storage & distribution facilities (Use Class B1a, B1c, B2 & B8), education including on site student accommodation (D1 & C2), up to two hotels (C1), non retail promotional automotive display space (sui generis), a social hub (sui generis), parking and access arrangements, supporting infrastructure including highway and utilities improvements, demolition of existing structures, associated landscaping and other ancillary works) For the purposes of this condition all floor areas are gross external floor area and all Use Classes are as defined - Proposed that condition will be amended to refer to 33,000m2 B1a/B1b	Silverstone Park Silverstone Circuit Silverstone Road Biddlesden Buckinghamshire	04/03/2019	29/07/2019	Outline Permission Approved
17/02388/AOP*	JONBIS	23/06/2017	Outline planning application, with access to be considered and all other matters reserved, for the erection of up to 87 dwellings.	Land East Of College Road South Aston Clinton Buckinghamshire	19/07/2017	26/07/2019	Outline Permission Refused

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
17/04459/APP*	SCOHAC	23/11/2017	Demolition of an existing dwelling and erection of 8 dwellings	11 London Road Aston Clinton Buckinghamshire HP22 5HG	23/11/2017	16/08/2019	Refused
18/03828/AOP*	SCOHAC	29/10/2018	Erection of up to 13 residential dwellings with all matters reserved other than access. (resubmission)	Land At Biddlesden Road Westbury Buckinghamshire	02/11/2018	30/08/2019	Refused
17/00554/APP*	SP	15/02/2017	Construction of a supermarket (Use Class A1) and associated uses, including a customer cafe and goods online facility, surface level car parking; new signalised junction at Gatehouse Road and Gatehouse Way, associated widening of Gatehouse Road over 310m; new service access off Bicester Road; improved footways and cycleways, a new pedestrian refuge island on Gatehouse Road and a new bus shelter on Bicester Road	Land East Of Gatehouse Road Bicester Road Aylesbury Buckinghamshire	17/02/2017	19/08/2019	Approved
17/00746/APP*	SP	28/02/2017	Erection of a new student accommodation building including ground floor parking with associated landscaping and access.	Former Railway Station Site Station Road Buckingham Buckinghamshire	07/03/2017	06/08/2019	Approved
18/02429/APP*	DW	09/07/2018	Creation of a bat house, reptile embankments, hibernacula and new natural habitat	Land West Of Mursley Road Little Horwood Bucks	09/07/2018	09/08/2019	Approved

Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
				MK17 OSS			
18/02233/APP*	DANRAY	25/06/2018	Creation of a wetland complex	Eythrope Water Meadows Eythrope Stone Bucks HP18 0HS	25/06/2018	08/07/2019	Approved
18/01518/APP*	SCOHAC	30/04/2018	Change of use of Redundant Agricultural buildings to A1 (shops), A2 (financial and professional services and D1 (day nursery) use	Bradmoor Farm Stanbridge Road Haddenham Buckinghamshire HP17 8JX	30/05/2018	23/08/2019	Approved
18/01060/APP*	NKJ	23/03/2018	Change of use from offices to residential on ground and first floor, mansard roof extension on second floor and an additional block providing a total of 146 units	Alton House Business Park Gatehouse Way Aylesbury Buckinghamshire	18/04/2018	07/08/2019	Approved
18/04242/APP*	MICDAV	27/11/2018	Construction of vehicle storage area adjacent to existing vehicle preparation centre and repair facility, together with ancillary works including erection of security cabin, landscaping, external lighting, access gates and security fencing (Retrospective)	Land To East College Road North Aston Clinton Buckinghamshire	27/11/2018	02/08/2019	Approved
19/00047/APP*	JONBIS	07/01/2019	Variation of Condition 2 on application 16/01079/APP relating to the approved plans to address alterations and amendments to the development.	British Waterways Repair Yard Bulbourne Road Marsworth Buckinghamshire	07/01/2019	25/09/2019	Approved



Reference	Off	Received	Proposal	Address	Valid	Decision Date	Decision
19/00229/APP	DANRAY	21/01/2019	Replacement of Community Centre	Aston Clinton Park London Road Aston Clinton Buckinghamshire	22/01/2019	24/07/2019	Approved
19/00706/APP	MICDAV	25/02/2019	Variation of condition 13 of planning application 14/02351/APP to vary the wording of this condition to amend approved drawings to add an attached garage to Plot 2 (as added by Non Material Amendment 14/A2351/NON)	Land To East Of 14 And 27 New Street Waddesdon Buckinghamshire HP18 0LR	25/02/2019	02/09/2019	Approved

**Appeal performance – Quarter July and September 2019**

In the quarter between **July** and **September** a total of 37 appeals were determined, 27 of which were against refusals of planning permission. Of the 27 appeals against refusals of planning permission which are used for reporting purposes 44% were allowed which is above the Council's target of not more than 35% appeals allowed.

A list of all the reportable allowed appeals in this quarter is set out below.

<b>Application Reference: 17/01599/APP</b>	<b>Decision: Committee</b>
Site: Coombs Farm □ Padbury Road □ Thornborough □ Buckinghamshire □ MK18 2EB	
Development: Conversion of Agricultural Building to No.4 residential units	
<p>Members will recall that this related to a group of former agricultural buildings. It was refused for reason that there was an extensive amount of rebuilding to unit 4 and the adjoining structure to facilitate the residential use, it would not constitute a conversion scheme, but would be tantamount to a new dwelling in the countryside. It would conflict with policies RA11 and GP35 of the Aylesbury Vale District Local Plan and the advice contained in the council's adopted design guide 'The Conversion of Traditional Farm Buildings,'</p> <p>The Inspector considered that the buildings making up unit 4 are clearly permanent and substantial but are in a poor state of repair and would require some rebuilding. This rebuilding would result in the creation of dwelling/storage units with a total floor area of 200 square metres, which equates to 23.4% of the overall scheme of 855 square metres. As the appeal relates to the appeal site in its entirety, accommodating all proposed dwellings, and does not solely relate to unit 4 he was satisfied that the rebuilding of the units amounting to just 23.4% of the overall group of buildings would not result in significant rebuilding and can reasonably be regarded as a conversion..</p> <p>Whilst the Council argued that Unit 4 should be regarded in isolation, and that the percentage of rebuilding would be much greater. he found that the group of buildings comprise a single range and that they should be looked at as a whole. There is nothing in the policy, which precludes such an approach. He therefore concluded that the amount of rebuilding required in unit 4 and the adjoining structure would be minimal when the scheme is considered in its entirety and that the buildings need to be redeveloped as a collective to obtain the maximum social, economic and environmental benefits. As such the proposal would constitute a conversion and would not be tantamount to a new dwelling in the countryside, and would not be contrary to Policy RA11 or GP35 of the AVDLP.</p> <p>Note: This is disappointing as we have successfully defended the council's view that each building should be considered individually in relation to the extent of rebuilding and new work on other appeals</p>	
<b>Application Reference: 17/03582/APP</b>	<b>Decision: Delegated</b>
Site: Burcott Lodge □ High Street □ Burcott □ Buckinghamshire □ LU7 0LZ	
Development: Change of use of stable block to annex.	
<p>This was refused for reason that the level of alteration and extension would be in conflict with RA 11 and would be tantamount to a new dwelling.</p> <p>The Inspector considered that the proposal would have no separate curtilage and would be within the grounds of Burcott Lodge. He therefore considered that the proposal is a residential annex, but one capable of being used as an independent dwelling, Although located on the edge</p>	

of the settlement, the existing stable building forms part of the built-up area and is not physically isolated and concluded that as the site is not outside the built up area of the settlement the proposal does not conflict with Policy RA.11 of AVDLP.

The Inspector considered that the proposed development is clearly the conversion of a solid building with limited external changes proposed which do not comprise "major reconstruction or significant extensions" the proposed works would not conflict with Policy RA.11.

**Application Reference: 17/04672/APP**

**Decision: Delegated**

Site: The Rothschild Arms PH 82 Weston Road Aston Clinton Buckinghamshire HP22 5EJ

Development: Conversion and subdivision of the existing public house into two terraced dwellings and construction of three terraced two storey dwellings and associated parking on land on the opposite side of the road currently used as car parking and beer garden associated with Rothschild Arms Public House (PH)

The site is in two parts; on the northern part of the site, the alteration and conversion of The Rothschilds Arms (a public house) to two dwellings is proposed. The southern part of the site is a surface car park situated between nos. 51 and 57 Weston Road. A detached house with a gable end roof and a pair of semi-detached houses under hipped roofs are proposed.

The council had refused permission for this development in October 2018 for the following reason:

The proposed development by reason of the siting, layout and design of the proposed new dwellings would result in an unacceptable form of development in its context which would fail to add to the overall quality of the area and would appear out of character with the established character and appearance of the street scene along this part of Weston Road. The proposal, including the unsatisfactory visual impact of the parking arrangements, would result in a discordant form of development which would fail to promote and reinforce the local distinctiveness and would harm the character and appearance of the street scene. As such, the development would be contrary to policies HDQ1 and HDQ2 of the Aston Clinton Neighbourhood Plan and policy GP.35 of the Aylesbury Vale District Local Plan and would not constitute sustainable development as required by the NPPF. In the context of paragraph 11 of the NPPF, the development would be contrary to the development plan.

At that time whilst there had been concerns raised about the loss of the pub, the applicant provided evidence to support the assertion that the public house was no longer a viable business and that there was satisfactory provision in the area. The viability of the business was independently assessed and this concluded that the study was robust and detailed to demonstrate it was no longer viable.

The council however felt that the proposal relating to the development on the car park area was unacceptable and it was refused on this basis.

The Inspector noted that the site is situated between houses of varied design with gaps between properties resulting in loosely aligned frontages. There is some consistency to the site layouts on the southern side of Weston Road, with the houses being set behind driveways and soft landscaping. The neighbouring houses at 47-51 Weston Road are laid out at a slight angle to the street, and nos.45 and 63 come noticeably forward of their neighbours. A number of properties also have front extensions or porches which result in stepped frontages. The overall effect is that the buildings are set back from the street with loosely aligned frontages, but without a strict building line.

It was considered that although the houses would not be aligned with the front of no.57, their front elevations would face the street and would follow the loose alignment of frontages to the

west. The combination of plot layout and building design would result in the houses being visually related to the houses to the west.

The Inspector concluded that the design, scale, positioning and layout of the buildings on the southern part of the site would not appear disjointed and would be in keeping with the street scene and the proposed parking layouts would contribute to the established character and appearance of the street scene and would promote and reinforce the local distinctiveness and character of its location on Weston Road. The development would comply with policies HDQ1 and HDQ2 of the Neighbourhood Plan and Policy GP.35 of the Local Plan.

A cost application against the council was dismissed as unreasonable behaviour has not been demonstrated.

<b>Application Reference: 18/00321/APP</b>	<b>Decision: Delegated</b>
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Site: Trail Flatt Farm □ Lee Road □ Quainton □ Buckinghamshire □ HP22 4BH

Development: Four bay portal frame barn for livestock with storage area for machinery and hay.

There were 3 appeal decisions, in relation to Trail Flatt Farm, Lee Road, Quainton, which has a lengthy planning history. Two of the above appeals were lodged against an enforcement notice on grounds a), g) and the third appeal was lodged against the Council's refusal.

The Planning Inspectorate decided that it will be best to link them together.

- Appeals relating to the alleged unauthorised siting of mobile home on the site (reference Enforcement Notice –EN3/2017 and Appeal Reference –18/00022/ENFNOT) were dismissed, although the Inspector allowed 9 months for compliance with the enforcement notice rather than the 6 months AVDC specified.

- Appeal relating to fourbay portal frame barn for livestock with storage area for machinery and hay.(Planning Application Reference –18/00321/APP, Appeal Reference –18/00029/REF) was allowed with the Inspector concluding that the proposed building would not result in any significant harm to the character and appearance of the area. As such, it would accord with the requirements of NP policy E1 and saved LP policy GP35.

- The Inspector allowed partial award of costs to the council and refused the claim for costs from the appellant.

<b>Application Reference: 18/00675/APP</b>	<b>Decision: Delegated</b>
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Site: The Stables □ Brackley Road □ Westbury □ Buckinghamshire □ NN13 5JN

Development: Insert window into south facing wall

This was the insertion of a window in a converted barn. It was refused for reason that it was unsympathetic additional opening within an original wall which would have a material detrimental impact upon the character and appearance of this converted stable building and its preserved agricultural state, contrary to policies GP.9, GP.35 and RA.11 of AVDLP and the design guide on the Conversion of Traditional Farm Buildings, and the guidance set out in the NPPF.

The Inspector considered the insertion of this single window would be simple in form and design and would not be within public view., it would match the existing and would accord with the design guide and there would be no actual harm to the character or appearance of the building as a result of the insertion of the window, nor to the historic context of the building.

<b>Application Reference: 18/01997/APP</b>	<b>Decision: Delegated</b>
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Site: Land West Of Millway □ Winslow Road □ Wingrave □ Buckinghamshire □ HP22 4PT

**Development: Recladding and re-roofing of existing barn**

The applicant seeks full planning permission for the re-cladding and re-roofing of an existing barn structure. Due to the condition of the structure and it predominately being a frame, this proposal was treated as a new agricultural building rather than merely a re-clad

It was refused for reason that there was no evidence of an agricultural need.. In the absence of information in relation to the need for a building of this size it cannot be concluded that the building would constitute sustainable development. Therefore the proposal fails to accord Policy 5 of the Wingrave Neighbourhood Plan and the guidance within the NPPF. The proposed building, by reason of its size, scale and appearance would result in an unsympathetic, incongruous and dominant building within the open countryside, failing to preserve the views across the AAL, which would be detrimental to the character and appearance of the surrounding landscape. contrary to policy 5 of the Wingrave Neighbourhood Plan, policies GP35 and RA8 of the AVDLP, the guidance in the NPPF and PPG.

The Inspector considered the existing frame is an incongruous feature within its setting, and in its current state it does not make a positive contribution to the character and appearance of the surrounding landscape. The proposal would not increase the size or scale of the structure, but it would change its appearance, resulting in a solid building. It would have the appearance of an agricultural building, with lightweight cladding materials and no windows on the elevations (other than rooflights). The site is surrounded by countryside and the cladding of the structure would not close any visual gaps, nor would it prevent views of the countryside. The proposal would not result in an incongruous feature (especially when compared to the existing structure) and the increased solidity arising from the agricultural design of the proposed cladding would not result in an unsympathetic or overly dominant appearance.

The Inspector therefore concluded that the proposed recladding and re-roofing would accord with Local Plan Policies GP.35 and RA.8 and Neighbourhood Plan Policy 5.

**Application Reference: 18/02391/APP**

**Decision: Delegated**

**Site: 2 The Firs Cottages □ Wingrave Road □ Aston Abbotts □ Buckinghamshire □ HP22 4LR**

**Development: Single storey detached garden room annexe**

This relates to a semi detached house which sits to the end of a row of similar semi-detached dwellings with a deep rear garden. It lies outside the settlement. A garden room comprising living/ gym, bathroom, kitchenette located to the rear most part of the garden, approx. 35m from the house, was refused for reason of its size and separation from the main dwelling, the possibility of independent access to it and its internal layout would form detached and self-contained accommodation which would be tantamount to a new dwelling. The proposal would not readily be capable of being incorporated with the main dwelling and would appear as if it were a separate dwelling. The proposal is therefore contrary to policies GP11 and GP35 of the Aylesbury Vale District Local Plan and advice contained in the NPPF

The Inspector stated “Whilst the size of the annex and its degree of separation, together with the potential for independent access being obtained, would share some of the features of a separate dwelling, it is possible to preclude separate use by way of a condition. However, Appendix A to circular 11/95 (the appendix remains extant) contains a model condition, which can require that a residential annex is only ever used for the purposes ancillary to the main dwelling. It is possible to enforce such a condition in this case, and whilst breaches may be difficult to detect, it is not impossible to do so. Thus, the Council’s concern that the proposal would amount to a new dwelling can be adequately addressed”

The Inspector concluded that the proposed garden annex to have been designed sensitively in terms of its scale, height and materials and would therefore be appropriate at this location. It would not have an adverse effect upon the character and appearance of the area and would not

be contrary to Policy GP.35 or the objectives of Policy GP.11, subject to the occupancy condition.

**Application Reference: 18/02526/APP** | **Decision: Delegated**

Site: The Old Dairy □ Haddenham Road □ Kingsey □ Buckinghamshire □ HP17 8LR

Development: Extension to agricultural building (Retrospective)

This was refused for reason that the council was not satisfied on the basis of the supporting evidence that there is a need for a further agricultural building on the holding. Accordingly, it has not been demonstrated that the proposed building would comprise sustainable development as sought by the NPPF.

At the time of officers inspecting the site there was a collection of cars on the site within the existing building and no agricultural activity evident.

The Inspector visited the site and considered there was no evidence to suggest that it was not and a tractor was present on the site. He stated "There does not seem to be any dispute that agriculture is the lawful use of the land and the evidence for any change of use is limited. The appellant states that they have been exploring the agricultural opportunities of keeping animals on the site, in particular, goats, and that they have been liaising with a neighbouring farmer who has a larger agricultural holding regarding working together. The fact that no goats were present at the time of my site visit is not sound evidence that the appellant will not buy them. In principal agricultural development is generally accepted in the open countryside and an extension to an agricultural building or rural business may be acceptable where it accords with the Framework principles on sustainability and adopted policies in terms of location, purpose and impact on the character and appearance of the locality.

The Inspector did not find that the development is contrary to the AVDLP, and it is in accordance with the aims of the Framework.

He also awarded costs against the council on the basis that "there are no policies within the Aylesbury Vale District Local Plan that would resist this form of agricultural development. Furthermore, the Council did not dispute that the development was in accordance with all other relevant policies in the Development Plan. They claim that there is not a need for the additional building and that therefore this would result in unsustainable development. This is completely contrary to the aims of the Framework, which seeks to support rural enterprise as set out in my appeal decision. As a result I find that the Council has failed to substantiate its reason for refusal and has thus acted unreasonably in this case and there can be no question that the applicant was put to unnecessary or wasted expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has been demonstrated and that a full award of costs is justified."

This emphasises the need to justify any refusal in policy terms.

**Application Reference: 18/03384/APP** | **Decision: Delegated**

Site: The Cottages □ 2 High Street □ Dinton □ Buckinghamshire □ HP17 8UW

Development: First floor rear/side extension

This was for a first floor extension to the rear of this semi detached house measuring 6.2m x 4.4m x 5.7m high. It was refused for reason that its scale, massing and design would be out of keeping with the existing dwelling and unacceptably dominate and overwhelm it. Such an extension would result in an incongruous and strident feature that would attract undue attention visually and fail to respect the dwellings character and appearance contrary to policies GP.9 and

GP35 of AVDLP and design guide and the NPPF.

The Inspector considered that the proposed development reflects sensitive design which takes into account the existing building and the site and plot constraints and does not dominate the existing building. The gable feature next door would be reflected in the proposed development and the ground floor extension would reflect the size and shape of the existing (albeit slightly larger). The existing chimney would be retained. The proposals ensure that eaves and ridge levels remain below that of the host dwelling. Whilst accepting that there would be an additional amount of built form, the Inspector considered this would not harm the character and appearance of the host dwelling or the conservation area and accords with AVDLP..

**Application Reference: 18/03986/APP** | **Decision: Delegated**

Site: Masons Meadow □ Aylesbury Road □ Aston Clinton □ Buckinghamshire □ HP22 5AH

Development: Replacement of a B8 storage and distribution building with a B1(a) office building (retrospective)

This was a retrospective application for a one and a half storey building which was refused for reason that the structure is outside of the settlement boundary, in a location deemed unsustainable for an office. The proposal would not lead to rural employment opportunities (Policy B2 of the Aston Clinton Neighbourhood Plan) and no justification for the proposed use being at this location has been advanced sufficient to outweigh the harm arising or to demonstrate that the location is in a sustainable location for the proposed office use. The proposal conflicts with Aston Clinton Neighbourhood Plan policy H1 in that the site is beyond the settlement boundary, and B3. The proposal also conflicts with AVDLP policies RA2 and RA29 and fails to accord with guidance in the National Planning Policy Framework.

The Inspector agreed that the site is outside the defined settlement boundary as identified in the Aston Clinton Parish Neighbourhood Plan (ACPNP) and is therefore located in open countryside beyond the built up area of the village.

The appeal site is part of a more extensive area, which includes several former agricultural buildings that have been converted into residential and commercial uses. The access driveway is shared with another property, which also accommodates a number of commercial units. The site previously accommodated a B8 storage and distribution unit and based on the evidence the Inspector concluded it is previously developed land.

The Inspector considered the site to be within a short walk of the centre of Aston Clinton with only a short car journey to either Aylesbury or Tring with good access to train lines with a bus stop approximately 120 metres from the site providing linkages to Dunstable, Aylesbury and Watford. e found that the site has good access to public transport services and is therefore a sustainable location.

The Inspector found the appellants businesses have been established in the local area for many years and employ a number of local people. The new office would support the administrative part of these enterprises. He concluded that this is a sustainable location for an office use in support of the rural economy. The Inspector stated “I do not find that the proposal would be harmful to the location given the previous use of the land and the small scale nature of the proposal within an existing cluster of buildings used for residential and commercial purposes. Whilst the proposal is contrary to Policy H1 and B3 of the ACPNP and Policies RA29 of the Aylesbury Vale District Local Plan (2010) (AVDP), which amongst other things seek to resist new employment development outside of defined settlement boundaries, I conclude that in this case that material considerations apply to allow this proposal when it is contrary to the development plan. I have found that the proposal would also not intensify the pattern of scattered development outside the settlement boundary and would therefore not conflict with Policy RA2 of the AVDLP which seeks to avoid reducing open land. Additionally, I find that the proposal accords with Policy B2 of the ACPNP and the Framework, which seek to support the rural economy.”

<b>Application Reference: 18/04221/APP</b>		<b>Decision: Delegated</b>
Site: 68 The Avenue □ Worminghall □ Buckinghamshire □ HP18 9LE		
Development: Annex to side to replace garage. New windows/doors.		
<p>No 68 The Avenue is a detached chalet style property with garage to the side. The proposal was for a one and a half storey attached annexe with its own front entrance, separate from the main dwelling and full facilities.</p> <p>The proposal was refused for reason that it would be tantamount to a new dwelling and would not be an annex, given its lack of shared facilities which would allow any future occupant to forego any interdependency. This lack of dependency is further compounded by the strident and discordant appearance that would be at odds and out of balance with the existing dwelling given its unacceptable scale, it would appear incongruous and overly bulky, and compromise the sense of openness locally, which is characteristic of the rural village setting, contrary to Worminghall Neighbourhood Plan policy RC1, policies GP.9 and GP.35 of AVDLP and design guide on Residential Extensions.</p> <p>The Inspector considered that the front gable would be a prominent feature, but did not agree that it would be incongruous to the existing property which exhibits gable features, albeit smaller in the form of the dormer windows and the proposed porch canopy. Furthermore, the Inspector noted a range of front gable projections and features on other properties in the vicinity. The development is proportionate to the existing dwelling and overall the resultant form would sit comfortably within the plot.</p> <p>In terms of the use as an annexe the Inspector considered this could be controlled by condition and that the development being sought under this householder application is for an annex and whilst breaches may be difficult to detect, it is possible to enforce such a condition.</p>		
<b>Application Reference: 19/00515/APP</b>		<b>Decision: Delegated</b>
Site: Land Adj □ Rose Barn □ Gibraltar □ Dinton □ Buckinghamshire □ HP17 8TY		
Development: Demolition of buildings associated with the builders yard and erection of one new dwelling and double garages to serve both the new dwelling and Rose Barn.		
<p>The appeal site is located within the hamlet of Gibraltar. It is currently in use in part as a builder's yard, including open storage, as well as permanent and temporary structures. The site is also used in part as outdoor amenity space for Rose Barn, an existing dwelling.</p> <p>Permission was refused on the basis that the site is in an unsustainable location for new residential development, in a location with limited local facilities, services or employment opportunities. Furthermore the proposed dwelling and detached garage would be large in scale and would introduce significant built form into a rural site on the edge of a hamlet that would result in an unacceptable level of adverse impact to the character and appearance of an Area of Attractive Landscape by virtue of the scale and appearance of the proposed dwelling contrary to policies GP35 and RA8 of the Aylesbury Vale District Local Plan, and the NPPF.</p> <p>The Inspector considered that the site "does benefit from easy access to good quality public transport services to a level that would surpass those in most rural areas. It is also possible to access the reasonable range of local services and amenities by walking or cycling. While it is true that some people may choose to use a motor vehicle for those types of trips the same applies elsewhere. Services and amenities are available within Dinton, with the pub being the only community facility in Gibraltar. A single dwelling would have a limited positive impact because the occupiers would most likely use some of the local facilities helping contribute to their sustainability"</p>		

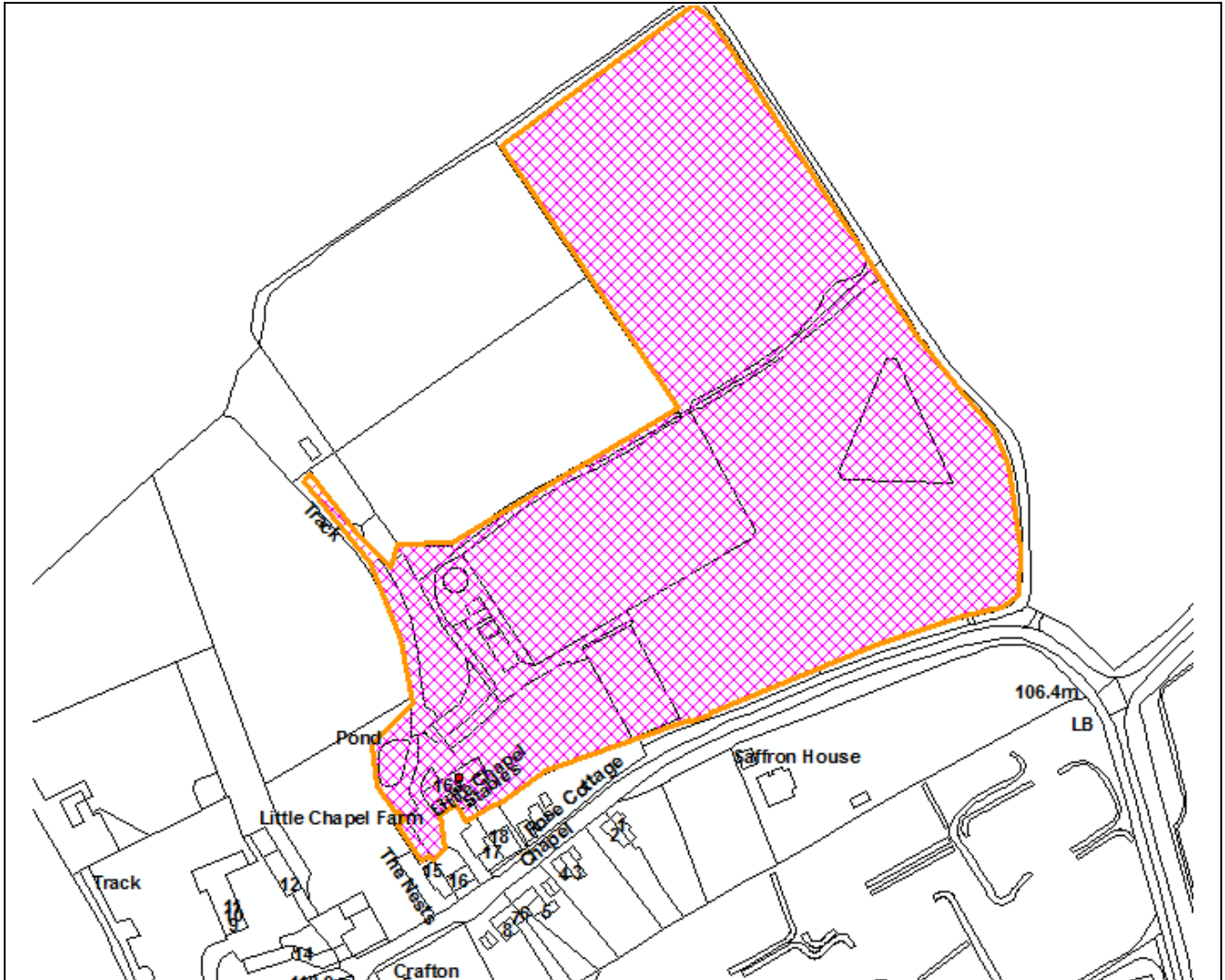


The Inspector was satisfied that the appeal proposal is appropriate for the site and surroundings. Furthermore, the new buildings are located away from nearby properties which means there would be no harm to living conditions of existing and future occupiers. The proposal would also result in the removal of unsightly buildings and paraphernalia associated with the current use as a builder's yard which would enhance the area. The appeal site is also very well screened, particularly from the A418, which means there would be a very limited visual impact. In light of the above the appeal proposal would represent an appropriate location for development. The inspector found that the appeal proposal would be consistent with paragraphs 77 – 79 of the Framework regarding the provision of rural housing.

In terms of impact on the CA, the site is already developed and the removal of the builder's yard would enhance the CA. Overall, the Inspector concluded that the appeal proposal would have a neutral effect thereby preserving the character and appearance of the CA.

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19/01900/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01900/APP	MENTMORE The Local Member(s) for this area is/are: - Councillor P Cooper	20/05/19
<p>RETENTION OF THE EXISTING BARN AND THE OPERATION OF A DOG HOME BOARDING AND DAY CARE BUSINESS FROM PARTS OF THE SITE (RETROSPECTIVE)</p> <p>16A CRAFTON LODGE ROAD, CRAFTON LU7 0QL</p> <p>MR &amp; MRS PURNELL</p> <p>STREET ATLAS PAGE NO.89</p>		

#### 1.0 The Key Issues in determining this application are:-

- a) Impact on appearance and character of the dwellinghouse, street scene and wider area
- b) Impact on the setting of the conservation area and listed building
- c) Impact on residential amenity
- d) Impact on highways & parking

The recommendation is that permission be **GRANTED subject to conditions**

#### **APPROVED** subject to the following conditions:-

1. The land highlighted in blue on the approved block plan (titled SJ462-02), received by the local planning authority on 23<sup>rd</sup> October 2019, shall not be used for the purposes hereby permitted except between the hours of 0700 am and 1800 pm on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank Holidays.  
Reason: To safeguard the amenity of the area and to comply with the National Planning Policy Framework.
2. Notwithstanding the provisions of Condition 1, the use of the stable building hereby permitted shall be used for dog day care only and when the building is no longer required for dog day care, the use hereby permitted shall revert back to agricultural storage use. The first floor may be used as staff accommodation use of staff for the dog day care during operational hours and/or as ancillary residential accommodation to the main dwelling (16A Crafton Lodge Road, Crafton) at any other time. The ancillary residential accommodation within the barn shall be limited to the first floor only and shall not be used as an independent dwelling at any time.  
Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.
3. The land highlighted in green on the approved block plan (titled SJ462-02), received by the

local planning authority on 23<sup>rd</sup> October 2019, may be used as an exercise/play space for dogs in association with the dog day care use hereby approved. This activity shall not be used for the purposes hereby permitted except between the hours of 0700 am and 1800 pm on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank Holidays. The land may be used for equestrian and animal grazing purposes at any time, however this shall be ancillary to the residential dwelling and shall not be used for business or commercial use.

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.

4. The land highlighted in yellow on the approved block plan (titled SJ462-02), received by the local planning authority on 23<sup>rd</sup> October 2019, shall be used for residential purposes and for the boarding of dogs only. The dog day care business shall not use the land highlighted in yellow on the above mentioned plan at any time.

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.

5. The scheme for parking 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 not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the National Planning Policy Framework.

## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by committee as the Mentmore Parish Council has raised material planning objections in respect of noise, residential; amenity and the impact on the Conservation Area and confirms that it will speak at the Committee meeting.

## **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application relates to 16A Crafton Lodge Road, a detached former stables block that has been converted into a dwelling, an isolated two storey barn building located to the north of this dwelling and the associated land.
- 3.2 The site is accessed via a shared driveway off the main road and there is a gates access within the shared parking and turning area through a 5 bar gate. There is further parking for the host dwelling to the south of the building and there is a stable to the east with paddock land beyond.

## **4.0 PROPOSAL**

The proposal seeks retrospective consent for three elements:

- retention of the dark stained timber barn building with tiled roof as built,
- the change of use of the barn building from agricultural storage to use as a dog day care business
- use of the main dwelling in association with a dog boarding business.

- 4.1 The application was originally brought before the committee on the 5<sup>th</sup> September but was deferred pending further clarification of extent of the works.
- 4.2 The barn was originally granted permission under planning reference 13/00373/APP with a condition that the building only be used for agricultural purposes. Permission is sought

retrospectively for the change of use of the barn to use in connection with a dog day care business that has been in operation since 2016.

- 4.3 The barn was built to the width and depth as approved but with a 5.7m ridge height and an eaves height of 2.25m as oppose to the approved 5m ridge height and 2m eaves height. has also be located slightly further to the north than approved to avoid a cess pit
- 4.4 The building has been altered externally comprising the replacement of the timber doors to the south west side with full height timber effect upvc glazed doors, the window in the north west elevation being off set, both windows in flank elevations being upvc framed and the addition of three none conservation rooflights in the north east roof slope.
- 4.5 Permission is also sought for the continued use of the main dwelling and the associated garden in connection with a dog boarding business. The business has operated since 2008 and has a licence to accommodate up to a maximum of 11 dogs. These dogs mix with the applicants own dogs. This element of the proposal could be considered under the Certificate of Lawfulness procedure but the applicant was advised by planning enforcement to seek planning permission for all three elements under one application, thereby regularising the use of the site as a whole.

## **5.0 RELEVANT PLANNING HISTORY**

- 82/00916/AV - Establishment of riding school – Approved.
- 89/00812/APP - Demolition of farm buildings erection of one dwelling – Approved.
- 96/02294/APP - Conversion of a stable block to a dwelling - Refused
- 97/00344/APP - Retention of 5 l. p. g. tanks – Refused.
- 97/01171/APP - Agricultural building – Refused.
- 97/01578/APP - Agricultural building – Refused.
- 97/02153/APP - Installation of one LPG underground storage tank – Approved.
- 98/00143/APP - Conversion of stables to dwelling – Refused.
- 98/00858/APP - Conversion of stables to dwelling – Approved.
- 98/02359/APP - Change of use of agricultural building to use as stables (Little Crafton Farm) – Approved.
- 13/00373/APP - Erection of agricultural storage building with associated hardstanding – Approved.
- 15/04110/APP - Erection of replacement porch to rear – Approved.
- 02/02521/APP - Erection of greenhouse – Approved.
- 19/01769/APP - New vehicular access road - Pending

## **6.0 PARISH/TOWN COUNCIL COMMENTS**

- 6.1 The Parish Council have objected on the grounds of noise and amenity stating that the barn is located too close to other residential dwellings and being within the within the Conservation Area, would cause unwarranted noise and disturbance. They recommend that an adequate sanitaire of 75 metres be conditioned to protect residents
- 6.2 Concerns are also raised that it may converted into a new a dwelling

## **7.0 CONSULTATION RESPONSES**

- 7.1 Rights of Way Officer – Notes that a public footpath runs to the west of the application site and has concerns regarding the parking arrangements that could potentially obstruct the footpath. A parking plan has been provided and, in conjunction with the Highway Officer, it is recommends that a condition be included that the parking spaces be laid out and permanently maintained.

- 7.2 Highways – Following receipt of a traffic survey, noted that although the highway network approaching the site is narrow and would not accommodate simultaneous two way vehicle flow, given the lightly trafficked nature of the road, it is not thought that a refusal on highway grounds would be sustainable.
- 7.3 Heritage – No concerns over the new position or increased height of the barn and the change of use is outside the normal heritage remit. However, concerns have been raised that the UPVC windows and non conservation rooflights are not considered sensitive to the character of the Conservation Area.
- 7.4 Economic Development – Welcomes the application to continue the use of the building as dog boarding and day care stating that the application agrees with AVDLP 2004, policy RA11 with the reuse of a permanent structure for non residential purposes. It also is supported by NPPF paragraph 83 for the sustainable growth for all types of business in rural areas but would like more information on the number of staff.
- 7.5 Archaeology – The nature of the works are unlikely to significantly harm the archaeological significance of the nearby Schedule Ancient Monument. No objection.
- 7.6 Environmental Health – Given the separation between the unit and the nearest residential properties, no objection.
- 7.6 Buckingham & River Ouzel Drainage Board – The site is outside the boards district and therefore no comment.

## **8.0 REPRESENTATIONS**

- 8.1 Seven letters of objection have been received from the occupiers of dwellings within the hamlet who oppose the application on the grounds of
- Noise of barking dogs while being dropped off and pick up would impact on the neighbours
  - Extra vehicular movements, especially at peak time, would cause a hazard to other road users
  - Use of the site and barn for dog care purposed is inappropriate within the Conservation Area and adjacent to the Schedule Ancient Monument
  - Close proximity of the use in relation to the neighbouring dwelling inappropriate resulting in a noise nuisance. Has rooms close to where dogs can roam freely
  - Inappropriate for a business to operate within such a small rural hamlet and would set a president.
  - The alteration to the barn could lead to the change of use to a residential unit
  - The wooden fence screening from the public footpath unsuitable and unacceptable is this location
- 8.2 The occupier of Rose Cottage have advised that they share a rear boundary with the application site and that dogs roam freely on open land to the of the boundary only 5m away from the rear elevation of Rose Cottage. However, the plans provided show although there is a large area of land belonging to the applicant adjoining the rear garden on Rose Cottage, this land is used for the residential dog care business and not associated with the dog day care business.

## **9.0 EVALUATION**

### **Impact on appearance and character of the dwellinghouse, street scene and wider area**

- 9.1 Policy GP35 of AVDLP requires that new development should respect and complement the physical characteristics of the site and surroundings, existing development in the locality and the natural and historic features of the site. Policy RA2 of AVDLP identifies that new

development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements. Advice contained within the NPPF seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing building and well designed new buildings and to promote the development and diversification of agricultural and other land-based rural businesses.

### The barn

- 9.2 The barn building has been constructed to the west of an existing stable building to a taller size than that approved so as to incorporate a first floor and rooflights in the north east facing roofslope. There are no views of this elevation of the building due to a line of mature trees between the building and a stable block.
- 9.3 The barn that is subject to retrospective planning application is set away from the public footpath to the west side by 16m but protected by 2m high timber fencing. The materials comprise dark stained timber weatherboarding to the elevations set under a clay tiled pitched roof and facing towards the public footpath there are double opening upvc timber effect doors with a small window in the north west side elevations. There is a small window and door in the south east side elevation and one small window in the north west side elevation, both of which are permitted and which do not appear overly prominent in the context of the application site.
- 9.4 Policy RA8 of the AVDLP relates to proposals within an Area of Attractive Landscape and advises that development that adversely affects the character of the area will not be permitted unless appropriate mitigation measures can be secured and the Council will impose conditions or seek planning obligations to ensure the mitigation of any harm caused to the landscape interest.
- 9.5 Whilst the proposed building was not constructed in accordance with the approved details (13/00373/APP ) and alterations to fenestration have taken place including the introduction of dormer windows, it is considered that the building has been constructed from appropriate materials for the rural area and does not appear visually intrusive within the AAL, therefore the revised building is considered acceptable and accords with policy GP35, RA2 and RA8 of the AVDLP. In addition, in visual terms, the use of the structure does not result in any discernible harm in the context of these policies and harm to the character and appearance of the area.
- 9.6 Following the previous site visit, officers visited the barn and assessed the internal layout. Downstairs is laid out for dog boarding/day care – with individual pens for dogs. Upstairs however is a small respite area for a worker, a bathroom as well as a bed.
- 9.7 The Design and Access Statement supplied with the application clearly sets out that the upstairs use of the Barn is to be used as ‘residential ancillary’. Further clarification has been sought from the applicant as to what this actually means. Officers have been advised that the first floor is used on occasion by one of the applicants children or a guest visiting the main dwelling given the limited space in the main household.
- 9.8 Officer’s are of the view that the appearance of the building and its use, as well as the immediate secure ‘garden’ area, do not lead to adverse impacts on the character and appearance of the main dwelling, the street scene or wider area, with limited views from public vantage points. Although visible from the adjacent public footpath, the building does not appear out of character with the location. In addition, use of the upstairs as an additional bedroom with an en-suite does not lead to any detrimental harm to the character of the area. In this instance, no other amenities are available to those using it as sleeping accommodation, as the barn does not benefit from any kitchen or other facilities. There is



absolute reliance on the main dwelling for other services. Conditions limiting its use, and that the rest of the building and garden area are to be used in association with the day care dog business would ensure that this is the case.

- 9.9 Further to this, the proposed downstairs layout and area for respite for workers is absolutely appropriate. The use as proposed, and what is to be assessed as part of this application, is considered acceptable, however to ensure that the terms of the consent are clear a condition is proposed that limits the use of the dog day care business to the opening hours of the day care use i.e. between the hours of 0700am to 1800hours Monday to Friday and at no time at weekends. In addition, the condition ensuring that the upstairs can be used as ancillary accommodation to the day dog boarding business between the hours of 0700 hours and 1800 hours Monday to Friday and can be used as residential accommodation ancillary to main dwelling (i.e. a guest bedroom) would be appropriate. The ground floor shall not be used for residential purposes (with the exception of providing access to the first floor) at any time.

#### Mixed use of the main dwelling for dog boarding purposes

- 9.10 In addition to the retention of the barn and its use as a dog day care centre, the application also seeks to regularise the existing business on the site. Within the main dwelling, the space is shared as residential and for the boarding of up to four dogs. There is no separation in areas and are intrinsically linked, which is as per the dog boarding licence.
- 9.11 In running the business in this way, which is separate from the day care of the dogs (although on occasion a dog that boards may also be a dog within the day care building), the use is entirely ancillary and harmonious to use of the dwelling as a dwelling. As such, it is expected that the use of the residential for garden the exercise or running of the dogs would take place, this however would be largely limited to evenings and weekends given that the other facility would allow for the day care needs of these dogs.
- 9.12 The scale of the boarding element is very limited, as is the size of the dwelling and garden area when considering the overall scale of the site. It is considered the use is no more harmful than the use of the area for purely residential purposes and the number of dogs is available to use this area is strictly limited. This is no more harmful than if the applicant had 6 dogs of their own (instead of 2 + 4 boarders). As such, in terms of impact on character and appearance, there are no negative impacts as a result of this development that would be of a level that would warrant refusal.

#### Outdoor area (run) associated with the dog day care business and equestrian and grazing of sheep etc.

- 9.13 Clarification has been sought as to use of the stable and equestrian/dog run and grazing. The applicant has informed officers that twice a day the dogs will be let in to the paddock to have a run, exercise and play. This negates the need to take the dogs off site. In addition, it was clarified that the keeping of horses and occasional sheep on the site is purely for private use only and not for any commercial or other activity. Sheep grazing takes place as a form of land management whilst the horses move from field to field as required.
- 9.14 It is considered that these uses are entirely appropriate for the location and lead to know adverse impacts on the landscape, street scene or general appearance of the countryside. Notwithstanding this, it would be appropriate to include a condition outlining the acceptable terms of the consent, this being that the area defined on the approved plan can only be used ancillary to the dog day care between the hours of 0700 and 1800 Monday to Friday, and at no other time, and for the keeping of horses and/or livestock ancillary to use of the main dwelling at any time and never for commercial purposes.

### **Impact on the setting of the conservation area**

- 9.6 Policy GP53 of the AVDLP seeks to ensure that development proposals respect the character and appearance of the Conservation Area and Section 16 of the NPPF relates to conserving and enhancing the historic environment.
- 9.7 The building as built is considered appropriate for its setting and has a minimal impact on the character and appearance of the surrounding area and countryside with no adverse impact upon the Crafton Conservation Area and does not appear out of keeping with the rural area.
- 9.8 The building is a relatively modest size, being only slightly taller than the approved scheme, that is located on part of a small paddock alongside a stable building and is shielded all round by fencing and existing vegetation affording no view of the building from the wider area. Whilst the proposed building was not constructed in accordance with the approved details (13/00373/APP ) and alterations to fenestration have taken place, it is considered that the building has been constructed from appropriate materials for the rural area and does not appear visually intrusive within the AAL, therefore the revised building is considered acceptable and accords with policy GP35, RA2 and RA8 of the AVDLP. In addition, in visual terms, the use of the structure does not result in any discernible harm in the context of these policies and harm to the character and appearance of the area.
- 9.5 With regard to the fenestration, when permission was granted for the erection of the barn, condition 2 stated that the materials used in the development shall be used as indicated on the form and therefore should be timber. However, the condition did not stipulate that the windows and doors should not be replaced and therefore as the original building was built with timber doors to the front, the replacement of these doors with UPVC glazing could be considered permitted development. It is also noted that the applicant has rehung the original timber doors and these doors can be closed over the new glazing reducing the impact on the conservation area.
- 9.16 Similarly, UPVC rather than timber windows have been added to the end elevations and the position of the window to the north west facing side has been set off centre and does not therefore correspond to the original permission as granted in terms of materiality or position. There are no heritage concerns over the new position of the window and as the two windows are relatively small, although timber windows would be preferable, there is no evidence that timber windows were not originally installed and therefore the existing windows could be considered permitted development.
- 9.17 With regard to the rooflights, although these are not considered characteristic of barn style buildings and do not comply with the current guidance for agricultural buildings, given the minimal visibility in the surrounding area, they are not considered to have a negative impact.

Regarding the other areas within the site, the use of the dog boarding within the house for up to 4 dogs (not including the owners own dogs) and use of the garden in association with this, has no negative impact on the character and appearance of the site as it remains residential in appearance. The use of the area marked \* on the approved plan for non commercial grazing of animals and the keeping of horses has no negative impact on the character and appearance of the countryside but is instead considered appropriate for its location. In addition, the limited use of this area as a dog exercise area does not detract from the setting of the area and as such is considered acceptable.

### **Impact on residential amenity**

- 9.18 Policy GP8 of the AVDLP seeks to preserve the residential amenities of neighbouring properties by protecting their character of outlook, access to natural light and privacy and

GP95 seeks to protect the amenities of existing occupiers from the adverse affects of existing uses.

- 9.19 The barn is sited within a small paddock area to the north of the existing development that fronts Crafton Lodge Road and there is a separation of approximately 30m between the barn and Little Chapel Stables which is within the applicant ownership and it is approximately 70m from the nearest neighbouring properties which comprise No's 15 and 17 Crafton Lodge Road which front the highway and are either side of the access.
- 9.20 Given the substantial separation between the business and with no views of the building from these dwellings, it is not considered that the extra height of the building or the use would give rise to a loss of amenity to the neighbouring dwelling complying with GP8 of the AVDLP.
- 9.21 With regard to the new use of the building, although the neighbours have highlighted the noise nuisance, information has been provided to state that the dogs would not be left unsupervised therefore reducing the likelihood of barking and the dog day care business would be on the parcel of land separated from the neighbouring dwelling and although it is accepted that barking will be heard, it is not considered that it would be at an unacceptable level therefore in compliance with GP95 of AVDLP.
- 9.22 The dogs are exercised in a paddock area beyond the stable building to the north east of the barn but not let out before 9am. Dogs being exercised are supervised at all time by two members of staff.
- 9.23 The dogs that board are kept in the applicant's home and are also supervised at all times. These dogs are restricted to a small enclosed area around the main dwelling and not the larger garden area to the north east unless supervised. The small area is enclosed by post and rail fencing to prevent the dogs running along the boundary with 17 & 18 Crafton Lodge Road and Rose Cottage.

#### **Impact on highways & parking**

- 9.24 GP24 of AVDLP seeks that new development is required to provide vehicular parking in accordance with the SPG on Parking Guidelines.
- 9.25 The property is served by an access off Crafton Lodge Road which is an unclassified road subject to a 30mph limit. A Vehicle Movement Survey has been submitted with the application showing a typical daily timeline as follows:
- 4 day care dogs arriving between 7am and 9am being dropped off by their owners who have sent a text message beforehand to be met by staff on arrival
  - One vehicle belonging to the business leaving at 7.15am to collect day care dogs
  - One vehicle belonging to the business leaving at 7.30am to collect day care dogs
  - Collection one vehicle arrives back at 8.20am
  - Collection two vehicle arrives back at 9.45am.
  - The majority of the day care dogs loaded into the two vehicles for delivery back to their owner between 3.30pm and 4pm
  - The remaining 4 dogs in day care collected by their owners between 4pm and 6.30pm

The Highway Officer has commented that although the access approaching the site is narrow, the limited vehicle movements associated with the current business use does not generate excessive traffic use and therefore has no objection.

- 9.26 The site is accessed through a shared courtyard with parking for three cars within the courtyard and a further three cars can be parking to the front of Little Chapel Stables. Given the amount of visitor expected, the parking is considered adequate and visits would be by appointment and therefore can be staggered to lessen the impact

- 9.27 The Rights of Way Officer has concerns that parking may occur to the front of the public footpath but following the receipt of a revised parking plan, has no objections subject to the condition suggested by the highway officer.
- 9.28 Having regard for the above, it is considered that the development would accord with Policy GP24 of the DLP, the Council's SPG on Parking Guidelines and the NPPF.

**Other matters**

- 9.29 The Parish Council have concerns that it is intended to convert the building into a separate unit of accommodation. The applicants set out within the submitted details that the first floor has been used as an additional bedroom ancillary to the main dwelling. It is accepted that the use of the barn as an independent dwelling household would constitute inappropriate development, however the use of the first floor only as a bedroom, ancillary to the main dwelling would not lead to any harm. The bedroom would be completely reliant on the main dwelling in terms of cooking, cleaning requirements and as such is not to be used as an independent dwelling. However, for the avoidance of doubt, a condition is considered appropriate limiting the use of the unit for use in connection with the dog day care business only.

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## **THE FOLLOWING ADDITIONAL ISSUES HAVE BEEN TAKEN INTO ACCOUNT IN PREPARING THE REPORTS ON THIS AGENDA**

### DETERMINATION OF PLANNING APPLICATIONS

The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

### HUMAN RIGHTS ACT 1998

The determination of the applications which are the subject of these reports is considered to involve the following human rights:-

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property

The evaluation section of each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendations in the reports are in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

### SECTION 17 CRIME AND DISORDER ACT 1998

In reaching the recommendations set out in each report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

### EQUALITY ACT 2010

In dealing with planning applications on this agenda and in reaching the recommendations set out in each report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

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