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CHILTERN
District Council



Planning Committee (CDC)

Thursday, 15th March, 2018 at 6.30 pm

Council Chamber, King George V House, King George V Road, Amersham

A G E N D A

- 1 Evacuation Procedures
- 2 Minutes
To sign the Minutes of the Planning Committee meeting held on 22 February 2018.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Tree Preservation Order No. 2 of 2017 - Land at 30 Sandelswood End, Knotty Green
- 6 Items for Noting
- 7 Report on Main List of Applications

Chalfont St Peter

CH/2017/1956/FA

Ward: Gold Hill

Page No: 2

2 Leachcroft, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9 9LG

7 Long Row, Moat Lane, Prestwood, Buckinghamshire, HP16 9BS

8 Exclusion of the Public

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6, Part I, of Schedule 12A of the Act.

9 Private Reports: (if any)

Date of next meeting – Thursday, 5 April 2018

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Planning Committee (CDC)

Councillors: D Phillips (Chairman)
M Titterington (Vice-Chairman)
J Burton
J Cook
J Gladwin
M Harrold
C Jones
P Jones
J MacBean
S Patel
N Rose
J Rush
C Wertheim

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please ask for the Planning Committee Co-ordinator 01494 732950; planning@chiltern.gov.uk. Further information is also available from: www.chiltern.gov.uk/planning/committee

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **PLANNING COMMITTEE (CDC)** held on **22 FEBRUARY 2018**

PRESENT: Councillor D Phillips - Chairman
" M Titterington - Vice Chairman

Councillors: J Burton
J Cook
M Harrold
C Jones
P Jones
N Rose
C Wertheim

APOLOGIES FOR ABSENCE were received from Councillors J Gladwin, J MacBean, S Patel and J Rush

ALSO IN ATTENDANCE: Councillors M Harker, G Harris and J Waters

75 MINUTES

The Minutes of the meeting of the Committee held on 1 February 2018, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

76 DECLARATIONS OF INTEREST

Councillor P Jones declared a personal interest in planning application CH/2017/1958/FA. Nature of interest – Councillor Jones had attended football matches as a Referee and knew some of the organisers at the football club. NB. Councillor Jones left the meeting before the application was discussed.

Councillor M Titterington declared a personal interest in planning application CH/2017/1958/FA. Nature of interest - Councillor Titterington lived four houses away from the entrance to the football ground and his property backed onto the cricket ground.

77 CH/2014/0018/FA - WINDMILL FARM, WINDMILL HILL, COLESHILL, AMERSHAM

Two storey side extension with basement level (part retrospective)

Windmill Farm, Windmill Hill, Coleshill, Amersham, Buckinghamshire, HP7 0LZ

RESOLVED

To delegate to the Director of Services, in consultation with the Head of Legal and Democratic Services, to complete the Legal Agreement and to grant conditional planning permission.

78 ITEMS FOR NOTING

RESOLVED -

That the reports be noted.

79 REPORT ON MAIN LIST OF APPLICATIONS

RESOLVED -

- 1. That the planning applications be determined in the manner indicated below.**
- 2. That the Director of Services be authorised to include in the decision notices such Planning Conditions and reasons for approval, or reasons for refusal as appropriate, bearing in mind the recommendations in the officer's report and the Committee discussion.**

APPLICATIONS

CH/2017/1422/OA Former Mushroom Farm, The Limes, Meadow Lane,
South Heath, Buckinghamshire, HP16 9SH

An update was given regarding the Flood Risk Assessment now received and objections had been withdrawn. Three further conditions were added including requirement for a life maintenance plan and SuDS verification report.

One further letter of objection had been received noting

potential harm to the garden centre.

The Chairman advised the meeting of Councillor Gladwin's concerns with regard to access on this site.

Defer – minded to approve subject to the prior completion of a Legal Agreement. Decision delegated to the Director of Services in consultation with the Head of Legal and Democratic Services. Informative 3 to be amended to ensure that the applicant is aware of the importance of maintaining access to the garden centre at all times for customers and delivery vehicles.

Note 1: Councillor P Jones left the meeting at 6.50 pm.

CH/2017/1824/FA Rowanlinden, 70 Long Park, Chesham Bois,
Buckinghamshire, HP6 5LF

Speaking for the Objectors, Mr Matthew Sacks
Speaking for the applicant, Mr Treen of GMT Planning

One further letter of objection had been received. Officers verbally updated Members that Condition 9 on page 23 of the report (no felling of trees condition) was unnecessary as the site was covered by a Woodland TPO. Officers proposed an alternative Condition, requiring the development to be carried out in accordance with the submitted Arboricultural Report including the tree protection fencing.

Local Members Councillor Harker and Councillor Harris addressed the meeting expressing concern due to the scale of development on site, the impact on neighbours and access for emergency and service vehicles.

Deferred to allow Officers to negotiate with Officers to try and overcome the concerns that were raised by Members regarding the building line and the alignment of the houses, as well as reduce the visual impact when viewed from No. 66 Long Park, to help protect the amenities of that property to a greater degree.

Note 2: Councillor M Harker and Councillor G Harris left the meeting at 7.40 pm.

CH/2017/1890/FA Woodfield, 2 Claydon End, Chalfont St Peter,
Buckinghamshire, SL9 8JX

Withdrawn by Officers

CH/2017/1958/FA Penn And Tylers Green Football Club, Elm Road, Penn,
Buckinghamshire, HP10 8LG

Speaking on behalf of Penn Parish Council, Councillor
Kate Dicker

Speaking for the Objectors, Mr Miles Green of Penn and
Tylers Green Residents Association

Speaking for the applicant, Mr Nigel Miller

Local Member Councillor Waters expressed concerns
regarding street lighting in a sensitive location and the
height of the proposed floodlights.

*Note 3: Councillor J Cook and Councillor C Jones left the
meeting at 7.50 pm.*

Refused Permission

CH/2017/2224/FA 1 Wrights Lane, Prestwood, Buckinghamshire, HP16 0LH

Officers verbally advised Members that an update to
Condition 4 on page 46 was proposed, to add the word
"car" to the condition requiring the parking spaces to be
laid out and retained, to highlight that the spaces should
be used by cars.

The Chairman advised the meeting that Councillor
Gladwin had called in the application due to concerns
regarding parking provision and loss of amenity.

Conditional Permission

80 REPORTS ON ALLEGED BREACHES OF PLANNING CONTROL APPLICATIONS

2017/00121/AB Ward: St Marys and Waterside
Alleged Breach: Material change of use of land for the display and storage of cars for sale.

112 Latimer Road, Chesham. Buckinghamshire. HP5 1QQ

RESOLVED

That the Planning Committee authorises the service of such Enforcement Notices pursuant to Section 172 of the Town and Country Planning Act 1990 (as amended) in respect of remedying the breach of planning control as may be considered appropriate by the Director of Services, the precise steps to be taken, period of compliance and the reasons for serving the Notice to be delegated to the Director of Services. In the event of non-compliance with the Notice, the Director of Services having delegated authority to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or direct action to secure compliance with the Notice.

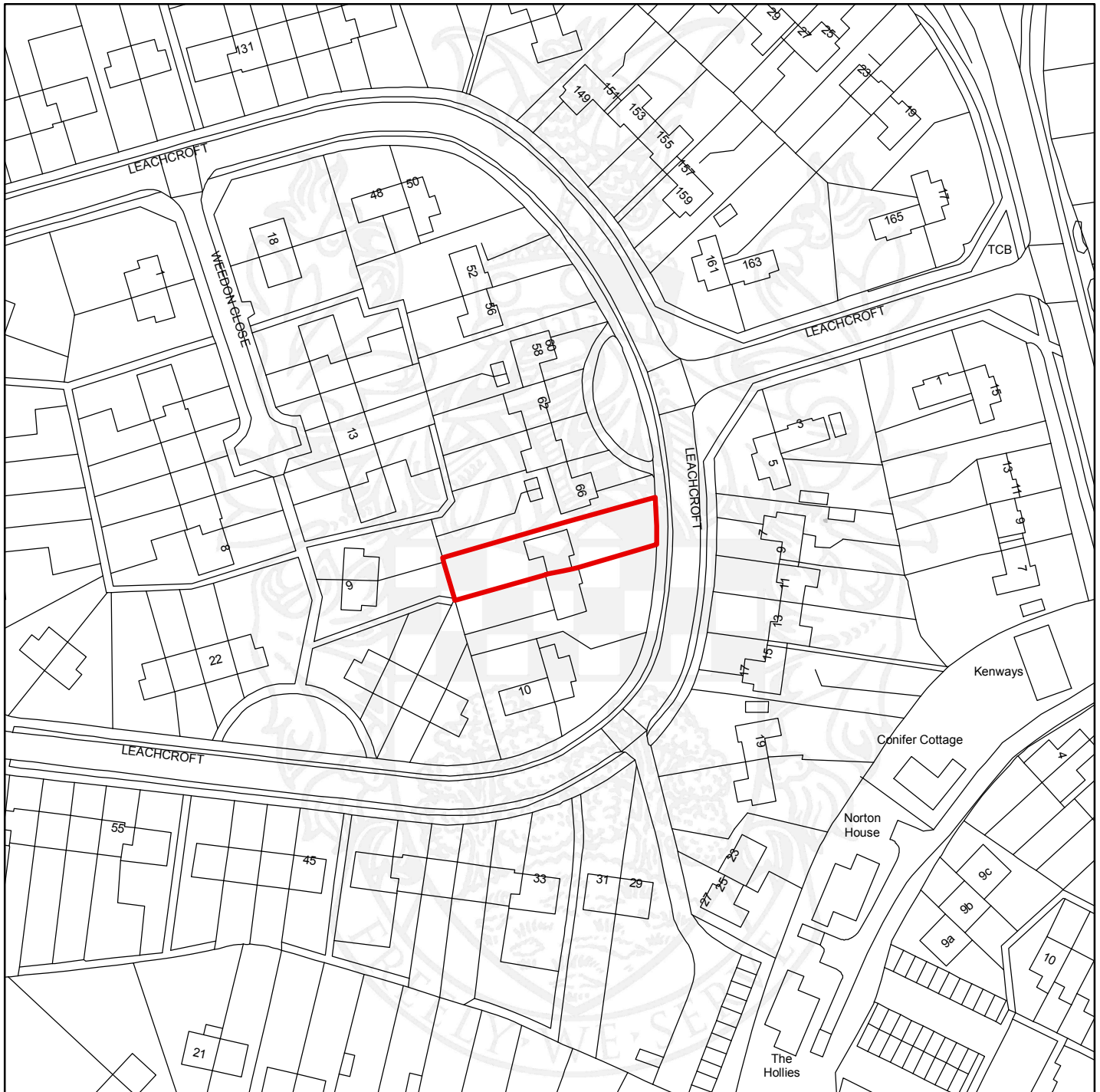
The meeting ended at 8.19 pm

CH/2017/1956/FA



CHILTERN
District Council

2 Leachcroft, Chalfont St Peter, Gerrards Cross, Buckinghamshire,
SL9 9LG



Scale: 1:1,250

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Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016



CH/2017/2202/FA

7 Long Row, Moat Lane, Prestwood, Buckinghamshire, HP16 9BS



Scale: 1:1,250

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Comments	
Date	
SLA Number	100033578.2016

PLANNING COMMITTEE – 15 March 2018

REPORT OF THE OFFICERS

Background papers, if any, will be specified at the end of each item.

AGENDA ITEM No. 5

5 Tree Preservation Order No. 2 of 2017 - Land at 30 Sandelswood End, Knotty Green, Beaconsfield HP9 2AE

Contact Officer: Keith Musgrave (01494 732041)

- 5.1 The above Tree Preservation Order was made under delegated powers on 21 December 2017 in respect of a monkey puzzle tree marked T1 on the map attached as **Appendix 1**.
- 5.2 The Order was made because:
"The monkey puzzle is an important amenity tree that is prominent in the street scene and makes a significant contribution to the character of the area. It may now be at risk in connection with a proposal for a detached garage in front of the property."
- 5.3 A letter of objection, dated 30 January 2017, has been received from Mr Gareth Small and Mrs Sarah Small of 30 Sandelswood End. This is attached as **Appendix 2**.
- 5.4 Two letters of support have been received from neighbours and copies of these letters are attached as **Appendix 3**.
- 5.5 Planning permission CH/2016/0637/FA allowed a *"Part two storey part single storey side/rear extension first floor front extension increased ridge height , nine dormer windows to facilitate habitable accommodation in the roof space and front porch"* at 30 Sandelswood End. A subsequent planning permission, CH/2017/0696/FA allowed a *"Part two storey part single storey side rear extension, single storey front extension, first floor front extension, increased roof ridge height, with eight dormer windows to facilitate habitable accommodation in the roof space (amendment to planning permission CH/2016/0637/FA)"*. More recently CH/2017/1867/VRC granted consent for a variation of Conditions 4 and 5 of planning permission CH/2017/0696/FA to allow the proposed single garage to be converted to habitable accommodation.
- 5.6 At the same time as this last application, another proposal, CH/2017/1868/FA, was submitted for a single detached garage in the front garden of the property. Two letters of objection to this application referred to the loss of the monkey puzzle tree on the site of the proposed garage and one recommended the making of a Tree Preservation Order to protect the tree. The application was subsequently refused because of the siting of the garage, the loss of the tree, and the effect on the character and amenity of the area.
- 5.7 The monkey puzzle is a maturing tree about 10m in height growing in the corner of the front garden of the property in a prominent roadside position. It has dense branching and is in a reasonably healthy condition, although there is some minor die-back in some foliage. Monkey puzzle is not a common species but there are many specimens within the District.
- 5.8 The objection to the Tree Preservation Order refers to no previous Council mention of the monkey puzzle, concerns about the health of the tree, no other nearby monkey puzzle trees being protected and the effect of the Tree Preservation Order on a possible appeal.

- 5.9 Tree Preservation Orders are not made on every high quality tree in the District. An Order would not be necessary if a tree were under good management and it would not be appropriate if there was not a reasonable degree of public visibility of the tree concerned. A Tree Preservation Order is normally only made when a tree is considered to be at risk and this fact is brought to the Council's attention. This may be in connection with a planning application or it may be another issue that the Council has been informed about by a member of the public.
- 5.10 In this particular case, the previous planning applications at the property had not directly affected the monkey puzzle tree and so the potential loss of the tree had not been an issue in the assessment of these applications. The recent application for a garage (CH/2017/1868/FA) would have required the loss of the tree to allow the construction of the building and the Site Plan submitted as part of the application stated "*monkey puzzle to be felled*". As the tree has a high public amenity value, it was considered appropriate to protect it by a Tree Preservation Order.
- 5.11 The condition of the other trees, hedges or shrubs at the property is not relevant to the making of the Tree Preservation Order. However any new planting may require regular watering until it becomes properly established. Nonetheless, the monkey puzzle has a good upright shape with a single central stem. It has dense foliage that is well-balanced around the tree. There is some die-back on some of the foliage but there are no major dead branches. Some of the brown parts at the tips of the branches are female flowers rather than die-back. Consequently it is considered that the tree is in reasonable condition and if it is properly looked after it should continue to develop as an important amenity tree.
- 5.12 There may well be other monkey puzzle trees within Beaconsfield but that is not directly relevant to the suitability of this tree for protection by a Tree Preservation Order. Notwithstanding this point, these other trees have not been recently brought to the Council's attention as being important amenity trees that are at risk of being felled. Furthermore it is likely that many of these other monkey puzzle trees would be outside the jurisdiction of Chiltern District Council as the boundary of the district is less than 200m from 30 Sandelswood End.
- 5.13 The owners state that that they no longer intend to cut down the tree but are still considering the possibility of appealing the planning decision on the garage, even though, if this were allowed and implemented, it would require the loss of the tree. If this is true, it would seem to be more consistent to make a new application with the garage in a position that did not affect the monkey puzzle tree.
- 5.14 In summary, the monkey puzzle is an important amenity tree that makes a significant contribution to the character of the area. It appears to be in reasonable health and there do not appear to be any major problems with the Tree Preservation Order. Consequently I recommend that the Order should be confirmed without modification.

RECOMMENDATION

That the Tree Preservation Order No. 2 of 2017 made on 21 December 2017 be confirmed without modification.

Background papers:(None)

6 ITEMS FOR NOTING

6.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2017/0171/FA – Demolition of three houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site. Redevelopment of the site to provide 45 residential dwellings (29 houses, six maisonettes and six flats) with associated landscaping, tree replacement, car parking and internal shared surface road. Change of use of the upper storeys of the Old Red Lion (62 High Street) from office to residential (4 x flats). Ground floor building line amendment to southern elevation of The Old Red Lion (700mm). Amendments to Forge Cottage on Missenden Mews to relocate the front door and parking space and provide private amenity space within the site, Land at the Rear of The Old Red Lion, High Street, **Great Missenden**

CH/2017/0224/EU - Application for a Certificate of Lawfulness of existing development relating to the use of land for private equestrian purposes comprising the keeping, schooling and riding of the applicants own private horses, Land Southeast of Huge Farm, Chesham Road, **Bellingdon**

CH/2017/0817/FA - Proposed erection of a four horse stable block with hay store and tack room, formation of a 50m x 25m manege, Land Southeast of Huge Farm, Chesham Road, **Bellingdon**

6.2 APPEAL DECISIONS

CH/2016/1762/OA - Outline application for demolition of all existing buildings on site and the erection of 7 dwellings (matters to be considered at this stage: access, scale and layout), Peterley Wood Farm, Peterley Lane, **Prestwood**
Officer Recommendation: Refuse Permission
Committee Decision: Refuse Permission
Appeal Decision: Appeal Dismissed (13.02.2018)

CH/2017/1113/FA - Redevelopment of plot to include replacement dwelling to front of site, erection of one detached house and a two apartment block to rear, construction of new access road and associated works, 20 Wheatley Way, **Chalfont St Peter**
Officer Recommendation: Refuse Permission
Committee Decision: Refuse Permission
Appeal Decision: Appeal Dismissed (07.02.2018)

6.3 NOT PROCEEDED WITH

CH/2018/0053/KA – Felling of a cherry tree within a Conservation Area, 150 High Street, **Amersham**

6.4 PERMISSION/PRIOR APPROVAL NOT REQUIRED

CH/2017/2306/PNO - Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use from office (Use Class B1(a)) to three residential units (Use Class C3), Second Floor, 31 St Peters Court, High Street, **Chalfont St Peter**

CH/2018/0034/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4 metres, a maximum height of 3.75 metres and a maximum eaves height of 3 metres, 39 Briery Way, **Amersham**

6.5 WITHDRAWN APPLICATIONS

CH/2017/2083/FA - Change of use of site from agriculture to a scaffolding business, creation of covered storage areas to the north and south sides of existing building, erection of 3 metre high boundary fencing and new gates, Penny Acres, 100 Amersham Road, **Penn**

CH/2017/2127/FA - Siting of a log cabin for a temporary three year period, Field Acres Farm, Fullers Hill, **Chesham**

CH/2017/2223/FA - Demolition of existing detached bungalow, garage and shed, erection of two-storey dwelling including accommodation in roof, integral garage and associated hardstanding with new dropped kerb, 2 Gurnells Road, **Seer Green**

CH/2017/2305/FA – Part single, part two storey rear extension, 5 & 6 Penwood View, Penn Street, **Penn**

CH/2017/2338/FA - Relocation of the existing post box from outside 28 Bois Lane, Amersham, HP6 6BP, Adjacent to 5 Bois Lane and opposite 28-30 Bois Lane, **Chesham Bois**

CH/2018/0047/SA - Application for a Certificate of Lawfulness for a proposed operation relating to two side roof dormers to facilitate habitable accommodation in roof space, Hybert House, 8 Stanley Avenue, **Chesham**

6.6 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

Appended for your consideration are lists of applications submitted under the Town and Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 7

EXCLUSION OF THE PUBLIC

AGENDA ITEM No. 8

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act



Tree Preservation Order No 2 of 2017

Land at
 30 Sandelswood End
 Knotty Green
 Beaconsfield
 HP9 2AE

Signed this 21st Day of December 2017

Joanna Swift

Head of Legal and Democratic Services
 (Proper Officer)

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Scale

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AH

30 Sandelswood End
Beaconsfield
Buckinghamshire
HP9 2AE

Mr Keith Musgrave
Tree Officer
Chiltern District Council
King George V House
King George V Road
Amersham
Buckinghamshire
HP6 5AW

30th January 2018

Dear Mr Musgrave

Reference TPO/2017/002

We are writing in reference to the above Tree Protection Order that was issued on a provisional basis on 21st December 2017. We would like to express our objection to the Order that was placed on the monkey puzzle tree in our front garden.

We have submitted a number of planning applications over the last few years and, throughout that time, no Planning Officers or council Tree Officers that will have visited the property have ever mentioned the monkey puzzle tree or commented on the need for a Tree Protection Order. It appears the provisional Order was only issued as a knee jerk reaction to a neighbour's comment in the recent planning process.


We also have concerns over the current health of the tree. The previous owners of the property, who knew they were intending to move house for a number of years, did not maintain the monkey puzzle tree or indeed any of the shrubs, hedges or trees on the property. As a result we inherited a number of dead hedges to the front and rear of the property, an overgrown magnolia tree whose roots were too close to the house and the monkey puzzle tree which has several dead branches and is very mis-shapen. Also our newly planted laurel hedges to the front of the property have failed to grow and flourish due to the moisture that the very large monkey puzzle tree demands.

Following the rejection of the last planning application we no longer intend to cut down the tree but we also don't feel the tree should have a Tree Protection Order placed on it. We are also aware of other monkey puzzle trees in Beaconsfield, one being only 1/3 mile away and in the same neighbourhood. And from discussions with other people in the area have been told that they do not have Tree Protection Orders on them (despite being significantly better specimens of a monkey puzzle tree).

Whilst we haven't yet decided whether to appeal the recent planning decision we still have the right to appeal within 12 weeks under planning laws. If we do choose to submit an appeal, the placing of a provisional Tree Protection Order at this present time will jeopardise our chances of appeal, in particular, as the original planning application was submitted with no Order in place.

We'd welcome the opportunity to discuss this matter and look forward to hearing from you.

Yours faithfully



Mr Gareth Small



Mrs Sarah Small

51 Sandelswood End
Beaconsfield
Bucks
HP9 2AA
24/12/2017

781

Mr Keith Musgrave
Tree Officer
Chiltern District Council
King George V House
King George V Road
Amersham
HP6 5AW



Ref – Tree Preservation Order (2) for 30 Sandelswood End, Beaconsfield

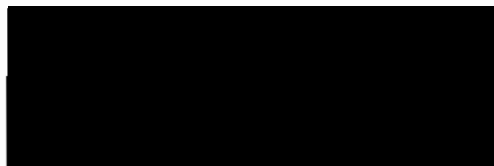
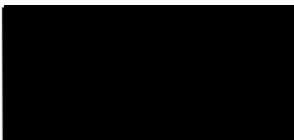
Dear Mr Musgrove

We are writing to support the Order to protect the specimen of *Araucaria araucana* (Monkey Puzzle) in the front garden of 30 Sandelswood End.

- We believe the tree provides an iconic point of interest in the street as it's the only such specimen in Sandelswood End.
- The species is on the CITES Appendix 1 list of endangered flora in its native location. It is believed that over 1 million of them have been burned in the most recent fire that spread through Chile's China Muerta National Park (The Guardian 2015). We should thus support any mature specimens as best that we can.
- A plant family (*Araucaria*) that has survived since the Jurassic era should not be destroyed in the cause of a conversion of a garage into a TV room.

The council should act quickly to protect the tree until a final decision because building work is being carried out on the permitted extensions to 30 Sandelswood End and materials are being delivered and stored around the base of the tree. There is the potential for damage to the specimen whilst deliberations are being made.

Yours sincerely



Norman and Maureen Dossett



Beaconsfield [REDACTED]
e-mail: [REDACTED]

53 Sandelswood End
Beaconsfield
Buckinghamshire
HP9 2AA

Mr. Keith Musgrave
Tree Officer
Chiltern District Council
King George V House
AMERSHAM HP6 5AW

10 January 2018



Dear Mr Musgrave

Tree Preservation Order. Your Reference TPO/2017/002

Thank you for your letter of 21 December informing me that a provisional TPO has been placed on the monkey puzzle tree in the front garden of 30 Sandelswood End, Knotty Green., HP9 2AE. I see that the order has still to be confirmed.

I would like to support this TPO and ask that it be confirmed in due course. The tree must be about forty years old. It is a lovely shape and provides a splash of green during the winter months and a cool green during the summer. It enhances this area of Sandelswood End and to the best of my knowledge it is the only mature monkey puzzle tree in this area. Monkey puzzle trees are slow growing so it would be a tragedy were this delightful tree to be cut down.

I see that the tree is listed as endangered in its native area. This is, of course, South America but endangered species need protection wherever they be.

I ask, please, that this TPO be confirmed in the fullness of time.

Yours sincerely,

[REDACTED]

JOHN NICKSON

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 15th March 2018

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Chalfont St Peter

CH/2017/1956/FA

Ward: Gold Hill

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Proposal: Erection of a detached garage (retrospective)

Recommendation: Refuse Permission with further action

2 Leachcroft, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9 9LG

Great Missenden

CH/2017/2202/FA

Ward: Prestwood And Heath End Page No: 6

Proposal: Replacement summerhouse to rear of the property (Retrospective)

Recommendation: Conditional permission

7 Long Row, Moat Lane, Prestwood, Buckinghamshire, HP16 9BS

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 15th March 2018

CH/2017/1956/FA

Case Officer: Adam Pegley
Date Received: 20.10.2017
Parish: Chalfont St Peter
App Type: Full Application
Proposal: Erection of a detached garage (retrospective)
Location: 2 Leachcroft
Chalfont St Peter
Gerrards Cross
Buckinghamshire
SL9 9LG
Applicant: Mr Michael Brosnan

Date Received:	20.10.2017	Decide by Date:	01.03.2018
Parish:	Chalfont St Peter	Ward:	Gold Hill

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Mineral Consultation Area
Within 500m of SINC NC1

SITE LOCATION

The application relates to semi-detached two storey dwelling located in Leachcroft, Chalfont St. Peter. This residential area is characterised by properties of varying styles, with leafy, spacious and open front gardens.

THE APPLICATION

The application is for retrospective planning permission for the erection of a detached garage.

The garage is located within the front garden of the site, and is annotated on the plan as measuring 2.63m in height, 2.1m eaves height with a width of 2.85m and a depth of 4.61m.

RELEVANT PLANNING HISTORY

None relevant.

PARISH COUNCIL

Query vehicular access to garage.

REPRESENTATIONS

None received at time of drafting report.

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework (NPPF).

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4 and CS20.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H17 H20, TR11 and TR16.

Residential extension and householder development SPD (Supplementary Planning Document) - September 2013.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

EVALUATION

Principle of development

1. The development is within the built up area of Chalfont St Peter, wherein residential outbuildings may be considered acceptable, subject to complying with the relevant development plan policies. In particular, Local Plan Policy H20 relates to ancillary residential buildings and states that for planning permission to be granted, "The building would be modest in size and subordinate in scale to the existing dwelling house, and the principles in policies H13 to H17 would be complied with."

Design/character & appearance

2. The building has been constructed of high quality materials, with natural wood panels and has a dual pitched green felt roof. However, by virtue of its significant size, position and eaves height it does immediately stand out when viewed from the street scene of Leachcroft. Whilst the applicant has cited the fact that a similar garage has been constructed at 15 Grove Lane, there is no record of planning permission being granted for this and located on an adjoining street with different character. There are very limited, if any, examples of similar detached garages or indeed outbuildings forward of the principal elevation within Leachcroft. As such, in its current form the development is considered to adversely impact on the street scene, appearing at odds and out of scale with its surroundings. This is contrary to Local Plan Policy H13(ii).

3. The building is approximately 13.11 sq.m and has a shallow pitch, with its high eaves height (relative to its overall height) contributing adversely to its impact on the locality. The development does not scale well with its surroundings in terms of its overall dimensions, which are not considered to be modest in size, and as such there is conflict with Local Plan Policies GC1 and H20.

Residential amenity

4. Whilst the development is located on the boundary with the neighbouring property, it is some distance away from the neighbouring front wall. Given this distance, it is considered the amenities of neighbouring properties are not significantly adversely affected, such that an objection on those grounds could be sustained.

Parking/Highway implications

5. The proposal has no adverse parking implications, having regard to the Council's standards.

Other matters

6. The Parish Council comments querying the access to the garage are noted; presently there is an unusual arrangement in that the lawn would have to be driven over for cars to park in the garage. The Council has received concern about the use of the outbuilding and if it is to be used for business purposes. However, it is not considered an objection could be sustained on those grounds, and should concerns be raised as to

the use of the outbuilding an assessment would be made by the Council as to whether a subsequent material change of use (needing planning permission) has occurred.

Conclusions

7. The development, whilst made from high quality materials, is not modest in size and is not considered a building which integrates well into the surrounding street scene. It is out of character for the locality and as such emerges as a strident development contrary to the policies (H13(ii), H20) of the local plan. As such, the officer's recommendation is for refusal.

8. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and was focused on seeking solutions to the issues arising from the development proposal. In this case, the Applicant/Agent was informed/advised that the proposal did not accord with the Development Plan, that no material considerations are apparent to outweigh these matters of principle and was provided with an opportunity to comment before refusal was recommended.

FURTHER ACTION

Human Rights

9. Rights protected by Articles 1 of the First Protocol and 8 of the Convention (the right to protection of property and the right to respect for private and family life) are qualified in terms of restrictions imposed in the public interest. The rights of the contravener should not automatically be favoured at the expense of adversely affecting the amenities of occupiers of neighbouring properties or amenities of the area generally.

10. When considering enforcement action, it is necessary to weigh up the harm to public amenity caused by the breach in relation to the impact upon the contravener. Such action has to be considered to be a balanced and proportionate interference with the landowner's right to respect for his home and right to peaceful enjoyment of his possessions. In this regard we are mindful that the taking of enforcement action must be proportionate and reasonable.

11. Given the serious harm identified in this report that is caused by the development, it is considered appropriate to pursue enforcement action as a mechanism for resolving the breach of planning control. It is acknowledged that to refuse planning permission for this development and to take enforcement action would represent an interference with the applicant's rights to the enjoyment of their possessions under Article 1 of the first Protocol of the Human Rights Act 1998 and rights to home and family life under Article 8, however it is necessary to balance such interference against the issues of wider public interest in respect of the significant harm identified as set out in this report. In this case it is considered that the harm to the issues of wider public interest as identified above outweigh the interference with the applicants rights under Article 8 and Article 1 of the First Protocol.

12. The right to a fair trial under Article 6 is protected through the established appeal procedure.

RECOMMENDATION: Refuse Permission with further action

For the following reasons:-

1 The site is located within the built-up area wherein Local Plan Policy H20 allows for the development of ancillary residential outbuildings, provided they are modest in size and subordinate in scale to the existing dwelling house. By reason of the developments overall scale, location and eaves height, the development is not considered to integrate into the locality and does not relate well to its surroundings. It is also not considered modest in size, as such the development fails to comply with Policies GC1, H13 and H20 of the Adopted Chiltern District Local Plan 1997 (including Adopted Alterations May 2001 and July 2004)

Consolidated September 2007 & November 2011, Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011), Policy H6 of The Chalfont St Peter Neighbourhood Plan 2013 - 2028 and the Residential Extensions and Householder Development SPD - Adopted 10 September 2013.

2 If the Committee refuses planning permission in light of the identified harm it is recommended that follow up action is taken in accordance with Central Government Guidance in para 207 of the National Planning Policy Framework (NPPF) and Chiltern District Council's Planning Enforcement Policy and the Planning Committee authorises the service of such Enforcement Notices in respect of the use as may be considered appropriate by the Director of Services. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Director of Services. In the event of non-compliance with the Notice, the Director of Services having delegated authority to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or direct action to secure compliance with the Notice.

CH/2017/2202/FA

Case Officer: Adam Pegley
Date Received: 28.11.2017
Parish: Great Missenden
App Type: Full Application
Proposal: Replacement summerhouse to rear of the property (Retrospective)
Location: 7 Long Row
Moat Lane
Prestwood
Buckinghamshire
HP16 9BS
Applicant: Mr N Plumridge

Decide by Date: 12.03.2018
Ward: Prestwood And Heath End

SITE CONSTRAINTS

Article 4 Direction
Area Special Advertisement Control
Within Chilterns Area of Outstanding Natural Beauty
Within Green Belt other than GB4 GB5

CALL IN

Councillor Gladwin has requested this application be brought to Planning Committee should the officer's recommendation be for approval, citing concerns about the overall level of development on the site, and the impact of an enlarged sun room/shed.

SITE LOCATION

The application site is located in Long Row, Prestwood, which is a narrow access road located off Moat Lane. The road consisted of a row of terraced cottages, with domestic outbuildings and gardens located on the other side of the access road. The site is within the Green Belt and Area of Outstanding Natural Beauty.

THE APPLICATION

The application is for retrospective planning permission for a summerhouse to the rear of the property.

The summerhouse replaces a previous outbuilding in a similar location, is located at the rear of the domestic garden of No. 7, Long Row and measures 6 metres in width, 5.2 metres in depth and has a dual-pitched roof to a height of 4.1 metres. It has a footprint of 31.2 sq.m, and a total volume of 103 cu.m.

RELEVANT PLANNING HISTORY

CH/1980/0411/FA - Erection of a two storey rear and first floor rear extensions to provide additional bedroom space. Conditional Permission. Implemented.

CH/2014/0247/FA - Detached outbuilding incorporating a garage, workshop, shed and greenhouse. Refused permission by virtue of its significant length and footprint, the resultant building would not be small and would constitute inappropriate development within the Green Belt. Furthermore, given its significant size and siting a large distance forward of the existing dwelling on an existing grass lawn, against the backdrop of trees and hedging, the proposed outbuilding would appear as a prominent and visually obtrusive feature in the landscape and would compete with the main dwelling, to the detriment of the openness of the Green Belt and the special landscape character and high scenic quality of the Chilterns Area of Outstanding Natural Beauty. No very special circumstances exist sufficient to outweigh the harm caused by the reason of its inappropriateness and any other harm.

CH/2014/1841/SA - Application for a Certificate of Lawfulness for a proposed operation relating to the erection of an outbuilding and associated gravel driveway. Refused permission but allowed on appeal.

CH/2016/0809/FA - Erection of outbuilding. Refused permission but allowed on appeal.

PARISH COUNCIL

No objection.

REPRESENTATIONS

1 letter of objection received from a neighbouring property stating the following (summarised):

- The outbuilding is overbearing and oversized, impacting on the AONB and Green Belt location
- Concern over the use of the outbuilding, which may be used for business purposes and not residential purposes
- The building replaces an old summerhouse/shed which was much smaller, and is not well screened
- Additional windows to the rear of the building or the roof would impact significantly on the privacy of existing properties, as would a change of use of the building

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework (NPPF).

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20 and CS22.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies: GC1, GC3, GB2, GB13, GB15, LSQ1 and TR16.

Residential extension and householder development SPD (Supplementary Planning Document) - September 2013.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015.

EVALUATION

Principle of development

1. The application site is located within the open Green Belt and as such in accordance with Local Plan Policy GB15 the erection of an ancillary residential outbuilding within the curtilage of a dwelling can be considered acceptable where the building is relatively small in size and also subordinate in scale to the original dwellinghouse. Such developments will also be considered on their merits, principally of siting, design, external appearance, location in relation to the existing dwelling and its surroundings, and the impact on the landscape. The site also falls within the Chilterns Area of Outstanding Natural Beauty (AONB) where development should conserve, and where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB. All other relevant Development Plan Policies should also be complied with.

Design and whether inappropriate development in the Green Belt

2. The detached outbuilding is currently in situ to the North-West of the main dwelling, located on the edge of the residential curtilage of the property. It is annotated to be used as a summerhouse with a smaller store section on the Western side of the building. The outbuilding the subject of this application replaces another outbuilding, now demolished, which measured 5.7 metres in width, 5.2 metres in depth and 3.2 metres in height, with a footprint of 29.6 sq.m and volume of 95 cu.m.

3. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt. The replacement of a building may be an exception to this, provided the new building is in the same use or not materially larger than the one it replaces. In this case, the new outbuilding does have a similar footprint and volume to the previous. It is approximately 0.9 metres taller due to its pitched roof, however, it is not considered that this increase in height causes a significant increase on its impact within the Green Belt. As such, the outbuilding is not considered to be materially larger than the one it replaces. The outbuilding will be in the same use as the previous and is located in a similar location. As such, the development is not considered inappropriate development within the Green Belt.

4. Local Plan Policy GB15 states the construction of non-habitable buildings within domestic curtilages within the Green Belt may be acceptable provided they are small and subordinate in scale to the original dwelling. The Planning Inspector, when considering the appeal against the refusal of the now approved garage (see Planning application CH/2016/0809/FA), also on this site, gave limited weight to Local Plan Policy GB15 due to its potential deviation from the guidance given in the NPPF. However, it is considered that this outbuilding is subordinate in scale to the main dwelling. Whilst it is not considered small, it is not unduly large, having regard to the size and scale of outbuildings which can be built under "permitted development" rights. As such, it is not considered that an objection could be sustained with regard to the guidance given by Local Plan Policy GB15.

Openness of the Green Belt

5. The outbuilding is located within the garden forming part of 7 Long Row. The immediate surrounding character of the area is residential with a large number of outbuildings, many in similar size and scale to the application building, in adjoining gardens. The site is protected from the rest of the Green Belt and AONB by a dense wood block to the North East, which encloses the residential development and prevents further encroachment into the open Green Belt. This restricts the views of the development from the wider area and countryside; the outbuilding is very much situated within an area of residential character. The building also replaces one of a similar footprint, and whilst taller, given its location and screening from the wider countryside it is considered the impact on the openness of the Green Belt is minimal, and should be given limited weight.

Impact on the AONB

6. Local Plan Policy LSQ1 states that development within the AONB should conserve, and where possible enhance, the high landscape quality of the area. In this regard, the siting of the building within an area of residential gardens and numerous other outbuildings is significant as highlighted above. The wood block to the North East provides very good screening of the development from the open countryside beyond. The outbuilding is 4.1 metres in height with a dual-pitched roof, which is not considered excessively tall having regard to "permitted development" criteria which can allow dual-pitched outbuildings up to 4 metres in height. It is also an important consideration that an outbuilding did exist in this location previously, albeit 0.9m shorter and with a flat roof. The neighbouring outbuildings are also at a similar height and with similar roof forms. Given the above, it is not considered that the outbuilding would materially detract from or intrude upon the local landscape.

Residential amenity

7. The comments of the neighbouring property are noted. There are concerns about the outbuildings height and proximity to the boundary; it currently sits approximately 1.4m away from the boundary with the neighbouring property to the North. However, it is noted that bamboo screening has been planted and whilst not yet at substantial height, the development could be conditioned to retain such screening. Further, the development is some 37 metres away from the neighbouring property and is buffered somewhat from this by another outbuilding in the neighbouring garden. As such, whilst clearly the outbuilding is more visible than its

predecessor, it is not considered it has a significant adverse impact on neighbouring amenity as there is a large distance between it and the neighbouring dwelling.

8. The concerns regarding the use of the outbuilding are noted. The outbuilding would be required to be used for purposes incidental to the occupation of 7 Long Row as a residential dwelling. Should the outbuilding be used for independent residential accommodation, or materially change use to a business use, this would be unauthorised development and not covered within this application. Should concerns regarding the use of the outbuilding be raised subsequent to this application, the matter should be raised with the Council's planning enforcement department.

Other considerations

9. In allowing the appeal for the approved outbuilding on the site, reference CH/2016/0809/FA, the Inspector conditioned the approval of that outbuilding on the grounds that the "permitted development" outbuilding as granted by CH/2014/1841/SA (also allowed on appeal) would not be constructed. It is understood that the applicant intends to implement this permission as the trench for the approved outbuilding has already been dug. As such, "permitted development" rights for further outbuildings on the site would be restricted. However, it is important to note that this development is not considered inappropriate within the Green Belt, and is of sound design and construction, in accordance with the provisions of the National Planning Policy Framework. As such the harm to the openness of the Green Belt by virtue of the increased height of development is considered to be relatively limited. It is considered that further outbuildings on the site should be restricted, by way of condition. The surrounding gardens also contain numerous outbuildings of similar size, scale and design. As such, any harm caused by the increase in height compared to the previous development is significantly mitigated by the fact it does replace an outbuilding with a similar footprint and the fact that the site is well protected from the open countryside by virtue of the wood block to the North East. Views into the site from Moat Lane are also well restricted. Given the character of the area, it is considered that the development does not significantly impact on the Green Belt or the core principles of such land and is of sound design, in accordance with the NPPF's core planning principles ("always seek to secure high quality design", paragraph 17).

Parking/Highway implications

10. The development has no parking/highway implications, having regard to the Council's standards.

Conclusions

11. The National Planning Policy Framework (NPPF) states (paragraph 9) that pursuing sustainable development involves seeking positive improvements in the quality of the build, natural and historic environment, including replacing poor design with better design. The development is of high quality and replaces an older outbuilding in a similar location. The Government attaches great importance to the design of the build environment (NPPF, paragraph 56). Given the limited planning and green belt harm identified, the officer's recommendation is for approval. The development should be subject to conditions, namely preventing the construction of further outbuildings under "permitted development" regulations, requiring screening along the rear boundary of the site and preventing the insertion of windows in the side and rear elevations and roof of the outbuilding to protect neighbouring amenity. A condition requiring the use to remain incidental to the occupation of 7 Long Row is not considered necessary as any material change of use above and beyond this would be unauthorised development not covered by this permission.

Working with the applicant

12. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

Chiltern District Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council has considered the details as submitted which were considered acceptable.

Human Rights

13. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Conditional permission

Subject to the following conditions:-

1 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no building shall be constructed within the curtilage of the dwellinghouse other than that expressly authorised by this permission.

Reason: In order to prevent a proliferation of outbuildings within the curtilage of the dwellinghouse, which would result in harm to the openness of the Green Belt and the scenic landscape contrary to Local Plan Policies LSQ1, GB2 and GB15 of The Chiltern District Local Plan Adopted 1 September 1997 (Including alterations adopted 29 May 2011) Consolidated September 2007 & November 2011, and the National Planning Policy Framework.

2 The bamboo screening as shown on Dwg. No. 171127.2 received 28 November 2017 shall be retained in accordance with the approved details for as long as the outbuilding as approved remains in situ.

Reason: To assist in safeguarding the visual amenities of the locality and adjoining properties in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (Including alterations adopted 29 May 2011) Consolidated September 2007 & November 2011.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows shall be inserted or constructed at any time in either of the rear or flank elevations, or the roof slopes of those elevations, in the outbuilding hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (Including alterations adopted 29 May 2011) Consolidated September 2007 & November 2011.

4 AP01 Approved Plans

The End



Appeal Decision

Site visit made on 25 January 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2018

Appeal Ref: APP/X0415/W/17/3183998

Peterley Wood Farm, Peterley Lane, Prestwood, Buckinghamshire HP16 0HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Phillip Prince against the decision of Chiltern District Council.
 - The application Ref CH/2016/1762/OA, dated 23 September 2016, was refused by notice dated 19 April 2017.
 - The development proposed is described as 'demolition of all existing buildings on site and the erection of 6 dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters of detail reserved for future consideration save for the appearance of the dwellings and the landscaping of the site¹. I have considered the appeal on this basis and taken any reference to landscaping and appearance to be indicative.
3. Amended drawings and further evidence² was submitted by the appellant with his appeal. This additional information is relevant to my considerations and the amendments are minor in scope. As the information was submitted at the outset of the appeal the Council and interested parties have been afforded time to consider it. For these reasons I have accepted the evidence as no party would be prejudiced by me doing so. In response to this it was agreed that the description of development should be altered to refer to six dwellings and, following a short adjournment, I accepted additional written comments from the Council, through its ecological advisor, responding to the updated biodiversity report. These comments were discussed during the hearing.
4. A completed Statement of Common Ground (SOCG) was provided at the hearing and I have had regard to this. Moreover, the appellant also provided a draft planning obligation. The Council had previously seen the draft and were broadly content with its contents subject to some minor changes. It was therefore agreed that the appellant should be afforded time to make the changes, obtain the relevant signatures and complete the obligation. The completed document was submitted to me on the 2 February 2018.

¹ See the Interpretation section of *The Town and Country Planning (Development Management Procedure) (England) Order 2015* for the full definition of each of the five reserved matters

² RammSanderson Report 20/07/17 and revised layout plan 26799 A(01)01 Rev K with corresponding elevations

5. During my site visit I viewed the appeal site from Peterley House and West Peterley Manor following written requests to do so from the occupants. The appellant was not present at the hearing but he was represented by the landowner and his consultants and I was content to proceed on this basis.

Main Issues

6. The main issues in this appeal are:
- Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt and the purposes of including land within it;
 - Whether the proposed development would be in a suitable location with particular reference to policies concerned with housing in rural areas and the accessibility of services and facilities;
 - The effect of the appeal scheme on the character and appearance of the area and whether it would conserve or enhance the Chilterns AONB;
 - The effect on the supply of employment land and biodiversity; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

7. The appeal scheme is for the erection of six houses with associated garages and gardens. They would replace at least three existing residences and a collection of other structures.
8. Policy GB2 of the Local Plan³ (LP) states that new buildings in the Green Belt will be inappropriate development unless they would be one of the listed exceptions specified in the policy. The exceptions identified in Policy GB2 of the LP are not wholly consistent with those set out in Paragraph 89 of the National Planning Policy Framework (the 'Framework'). Nevertheless, the appellant and Council agree that the proposal, as a whole, would not meet any of the exceptions identified in either Policy GB2 of the LP or Paragraph 89 of the Framework. This is a conclusion I also share. Consequently, the appeal scheme would be inappropriate development which is, by definition, harmful to the Green Belt.

The effect of the proposal on the openness of the Green Belt and the purposes of including land within it

9. The appeal site encompasses a number of structures including a large two storey dwelling, two smaller detached dwellings, a large barn and a garage. The appellant has calculated that the overall footprint of the existing built form in the appeal site is 1,354 square metres and the volume 6,431 cubic metres. The Council has not disputed these figures so I am content to rely on them.

³ Chiltern District Local Plan Written Statement Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

10. The overall footprint of the appeal scheme would be smaller at 1,050 square metres. This would be a 20% reduction. However, many of the existing buildings are single storey whereas the proposed dwellings would be arranged over two storeys, save for the detached garages. As such, the overall volume of the proposal relative to the existing built form would not be dissimilar, being 6,426 square metres. This would amount to a reduction of five cubic metres. Again, the Council have not challenged these figures. I accept that this is a maximum figure but there is nothing to suggest the houses would not all be designed to achieve the maximum volume and floor area outlined. Consequently, when applying a purely mathematical assessment, the appeal scheme would reduce the impact on the openness of the Green Belt.
11. However, my considerations must go beyond a mathematical calculation and consider the proposal in a spatial sense. The structures within the appeal site are currently spread out and some are small and single storey. This softens the presence of the built form. The disposition of the buildings in the site also affords it an informal character. The appeal scheme is advanced as an attempt to consolidate the built form but the development would spread across much of the site due to the detached form of the houses and the size of the curtilages. In particular Plots 4, 5 and 6 would be taller and larger than the existing structures in the south western corner of the site and thus more prominent. Plot 3 would be in a previously undeveloped area of the site but this is a reasonable trade off, in terms of overall openness, with the large existing barn.
12. The proposed dwellings would be large detached houses. Each property would have a large garden and the domestic paraphernalia that this would entail, including a physical boundary with the woodland. As such, the group of dwellings would have a notable presence. This would not be aided by the conventional suburban cul-de-sac arrangement, with properties reasonably close to one another and in some cases filling much of the width of their respective plots (Plots 2 and 5 in particular). Consequently, when considered spatially, the appeal scheme would be a more prominent form of development than what currently exists. The overall impact of the appeal scheme, in this respect, would be to reduce the openness of the Green Belt.
13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Green Belt also serves five stated purposes including to assist in safeguarding the countryside from encroachment and to check the sprawl of large built up areas. The appeal scheme would have the appearance of an urban encroachment into the countryside and an outlying pocket of development associated with the incremental expansion of Prestwood.
14. However, the area of land within the appeal site currently containing built form would be reduced if the appeal scheme went ahead. In particular, buildings on the periphery of the site would be demolished and replaced by those towards its centre. Moreover, a 12 metre deep woodland belt would clearly define the northern boundary of the appeal site with the more open countryside beyond. These factors would soften the impact on openness and the sense of urban sprawl and encroachment into the countryside. Nevertheless, and on balance, the appeal scheme overall would result in moderate harm to the openness of the Green Belt and the purposes of including land within it. This would mainly be a consequence of the scale of the individual dwellings, their spread across the site and the suburban layout.

Whether the proposed development would be in an appropriate location

15. Policy CS1 of the Core Strategy for Chiltern District 2011 (CS) sets out the spatial strategy for new development. In order to protect the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB) it directs new development to existing built up areas not covered by these designations. I have considered the impact on the Green Belt and AONB separately and have found that the proposal would result in harm to both. As such, the appeal scheme would be at odds with, and thus undermine, the plan led approach for the location of development set out in the spatial strategy.
16. The spatial strategy is further developed in Policy CS4 of the CS, which expects all new development to have regard to a list of sustainable development principles aimed, in part, at reducing overall CO2 emissions. The first principle is that development should be in locations which are easily accessible by public transport, walking and cycling to reduce the reliance on a car. This is consistent with Paragraphs 17, 29 and 30 of the Framework.
17. Peterley Lane is a winding rural thoroughfare devoid of pavements and lighting. It is narrow, apparently busy and the speed limit is 40 miles per hour. Thus, it is not a route along which pedestrians should be encouraged to walk regularly in order to access jobs, education and everyday services and facilities in nearby settlements, including the bus stops along the A4128. Cycling may be an option for some and Ms Hall explained at the hearing that she often cycles locally. However, given the nature of the road I share the view of the Local Highway Authority that cyclists would need a reasonable degree of proficiency and confidence and therefore this mode of transport cannot be relied upon as a regular alternative to travel by private motorised transport.
18. There is an unsurfaced public footpath through the adjoining woodland that would provide a pedestrian link with Prestwood. However, even walking along the short section of the road between the site entrance and the footpath would be off putting to some occupants given the nature of Peterley Lane. The same can be said of walking to the nearby farm shop. Moreover, a walk through woodland is not to the taste of everyone due to concerns over safety. Furthermore, the route is very muddy, difficult to pass and quite long. As such, the footpath is unlikely to function as a regular walking route that occupants could follow in order to access services and facilities.
19. Future occupant's would therefore be predisposed to rely on private motorised transport to access services and facilities as walking and cycling would be inconvenient and dangerous. The consequence of this is that the appeal scheme would not meet the first of the sustainability principles referred to through Policy CS4 of the CS as future occupants of the appeal scheme would not have travel choices.
20. The appellant broadly accepts that the site is not well placed to access services and facilities without the use of a car. However, he has suggested that the appeal scheme would result in a net reduction in vehicular trips now that six homes are proposed. Trip data, which has been reviewed by the Highway Authority, supports this proposition⁴.

⁴ I was advised at the hearing that the existing livery would close if the appeal was allowed and this would significantly reduce the use of the paddocks to the north of the appeal site. The trips would only be occasional so they were not included in the number of predicted trips along the site access.

21. The entrance onto Peterley Lane has an awkward left hand turn so a reduction in overall vehicular movements would be beneficial to highway safety, especially as some vehicles would be large, such as horse boxes and HGVs. The reduction in vehicle movements would also result in a net reduction in CO2 emissions. It was suggested that these points would mitigate for the car dependency of future occupants. There is some merit in this argument when considering the overall aims of Policy CS4 of the CS.
22. However, it was put to me that the nature of movements from the appeal site would change, with more trips by pedestrians. I am not entirely convinced by this as it has already been established that walking would be unsafe and inconvenient and therefore residents would be more likely to use a car. This would ordinarily be undesirable given the need to encourage sustainable transport but, in this instance, the appeal scheme would result in an overall reduction in vehicle movements and thus carbon emissions. Furthermore, the development must be located at the appeal site if the potential benefits from its redevelopment are to be realised.
23. Overall, given the specific circumstances of the appeal scheme, I am satisfied that any harm that would arise from a reliance on private motorised transport is capable of being outweighed by an overall reduction in vehicle movements. Thus, the overall reduction in vehicle movements is a benefit of the appeal scheme that justifies a departure from the requirement in Policy CS4 to locate new development in accessible locations.

The effect on the character and appearance of the area and the AONB

24. Peterley Wood wraps around the southern and western boundaries of the appeal site and, when viewed alongside surrounding fields and paddocks, affords the area an attractive rural character. Views into the site are possible from numerous points along the public footpath within the wood.
25. The site is not viewed in the context of the development along the A4128 but it adjoins a small enclave of historic buildings focussed on Peterley Manor. In addition to the subdivided manor, the group includes a lodge house, what I understand to be a former gardener's cottage and converted stables. The complex has an organic layout and the properties vary in size and form. Nevertheless, the group is appreciated as a coherent whole given its historic style, the use of a local pallet of materials and the generously landscaped grounds, which binds the collection of buildings together. Additionally, driveways and parking areas have been subtly integrated into the overall layout. As such, the Peterley Manor complex does not detract from the rural character of the area.
26. The largest dwelling within the appeal site is a reasonably modern chalet style detached property. It does not reflect the wider architectural context of the Chilterns but the dark roof and landscaped frontage limit its visual impact. The appeal site also encompasses an ad hoc collection of buildings of no particular architectural merit and of little cohesion. The large barn and stables are insensitively sited being in very close proximity to the wood. There is also a large flood lit ménage in the centre of the site and a proliferation of hardstanding's, informal parking areas and fencing. There is not a clearly defined boundary between the more built up part of the appeal site and the paddocks to the immediate north.

27. Overall, the site does not make a positive contribution to the character and appearance of the area and therefore the sensitive redevelopment of the appeal site presents an opportunity to remedy this. I accept that the redevelopment of a site is not generally justified by a lack of maintenance. However, this is not the case in this instance as the site is reasonably tidy, but the ad hoc distribution of poor quality structures within it, alongside the proliferation of other built clutter, detracts from the rural character of the area.
28. Nevertheless, the scheme as presented would have a conventional and unimaginative cul-de-sac layout designed with large detached houses set behind extensive driveways which would in turn provide access to large garages. This car dominated suburban layout would jar with the rural character of the area and fail to integrate with the Peterley Manor complex. Thus, the layout would not sufficiently reflect local distinctiveness. Instead, the development would appear as a discordant suburban intrusion into the area when viewed from local vantage points, which includes the adjoining wood.
29. The site could be extensively landscaped and individual houses could be designed to reflect the building traditions and pallet of materials found in the Chilterns. However, 'appearance' and 'landscaping' are reserved matters so there is some uncertainty over these aspects of the design. Notwithstanding this, landscaping cannot be relied upon to hide development exhibiting an insensitive scale and layout, as it may be altered or fail in the future. The houses could reflect the rural vernacular but the scheme as a whole would jar with, and be undone by, the suburban layout and the modern scale of the properties, which would include integral garages and extensive driveways. In this respect, the appeal scheme would exhibit 'suburbanising' design features which the Chilterns Building Design Guide seeks to prevent.
30. Concerns have been raised that the appeal scheme would encroach behind a notional building line taken from the rear of Peterley Manor. However, I share the appellant's view that a natural boundary could be created in line with the brick garden wall behind Peterley Manor. As such, this is not a point weighing against the proposal. Moreover, the visual impact of the proposal would be reasonably localised and has to be seen in the context of the existing structures at the appeal site. These factors would reduce the overall harm to the character and appearance of the area to a moderate level.
31. The appeal site does not exhibit any of the special qualities justifying the AONB designation but it is within the setting of Peterley Wood, an important landscape feature in the AONB. As already stated, the appeal site is reasonably prominent in views from the wood, particularly the development along the southern and western boundaries, which is imposing and detracts from the tranquillity and visual quality of the woodland. Removing this development, comprehensively landscaping the site and designing the properties to reflect the vernacular of the area could enhance the AONB if the scale and layout of the houses was sensitively treated.
32. However, Plots 4, 5 and 6 would be large and unduly prominent in views from the wood and would present their rear elevations towards this vantage point. The layout would also have a suburban character. Moreover, in order to protect wildlife in the wood, these plots would have to be separated from it by a boundary feature that would probably have to be a tall solid fence. This would be a prominent and discordant means of delineating the edge of the woodland.

33. As such, the appeal scheme would result in some undesirable visual intrusion upon the woodland and thus harm its tranquillity and setting. This impact would be greater than the existing situation as the existing buildings, in form and materials, exhibit a rural character. Thus, the appeal scheme would result in some moderate harm to the AONB. More particularly, the setting of, and views from, Peterley Wood.
34. The proposal would therefore moderately harm the character and appearance of the area and the Chilterns AONB, which it would fail to conserve or enhance. It would therefore be at odds with Policies GC1 and LSQ1 of the LP and Policies CS20 and CS22 of the CS, which seek to secure development, which responds positively to the scale and layout of the area and conserve or enhance the landscape of the AONB. These policies are broadly consistent with Paragraphs 17, 58 and 115 of the Framework.

The effect on the supply of employment land

35. The appeal site incorporates a mix of uses including livery, office space and the small scale storage of business records. Building materials and agricultural machinery are stored in the large barn. Policy CS16 of the CS seeks to retain a portfolio of employment sites and premises in the district. The construction of new business premise in the Green Belt will often constitute inappropriate development and therefore Policy GB22A seeks to retain existing premises in the Green Belt that are in use for business, general industrial or storage and distribution.
36. Policy GB22A does not identify the circumstances when an employment use could be lost to a non-employment use and therefore Policy GB22A lacks the flexibility advocated in Paragraph 22 of the Framework. However, the Council explained at the hearing that if evidence could be submitted, such as marketing, that demonstrates there is no demand for the employment site then this, as a material consideration, could outweigh the requirements of Policy GB22A.
37. When asked at the hearing the Council were unable to direct me to any document that outlines how a site should be marketed. Nevertheless, the applicant has not undertaken any marketing as evidence to suggest the site is unattractive to the market. In any event, the premises are occupied. Instead, the argument is advanced that the loss of the employment uses can be justified because they are 'non-conforming' uses in the Green Belt. However, Policy GB22A specifically seeks to retain such employment uses in the Green Belt and therefore the appellant's argument is not a strong one.
38. There would be some benefits from demolishing the large barn and the triple garage as these are located close to the adjoining woodland. Their removal would facilitate the provision of a buffer between the woodland and the main body of the appeal site. The buildings are also unattractive and consequently their removal has the potential to improve the character and appearance of the area.
39. The livery business could be located elsewhere in the countryside as it is generally considered a conforming use. The other employment uses are low key and support perhaps two jobs. Their loss would not significantly impact upon the local supply of jobs and employment land and I have not been presented with evidence to suggest there is currently a shortage that the loss

would compound. As such, the benefits advanced by the applicant have the potential to outweigh the limited harm that would arise from the loss of an employment premises and the subsequent conflict with the development plan.

The effect on biodiversity

40. Peterley Wood is an Ancient Semi Natural Woodland that is a Biological Notification Site. To this end the appellant has provided biodiversity surveys and reports that consider the potential effects of the appeal scheme. The most recent dates to July 2017 and was prepared after the Council determined the planning application. The Council's ecologist has reviewed the most recent report and the amendments to the layout. Following this review, the Council confirmed at the hearing that it has removed its objections in respect of the protected species surveys, albeit with some reservations.
41. The Council nevertheless maintains an overall objection regarding the impact of the appeal scheme on biodiversity. This is because there is a lack of clarity regarding the overall use of the site relative to the existing use. In particular, the Council considers the residential population of the site would increase and this would, in turn, result in greater disturbance and the likelihood of predation from pets.
42. To combat this risk the appellant intends to erect a physical boundary between the gardens of Plots 4, 5 and 6 and the woodland. The fence would be set 15 metres in from the edge of the wood and this would create a buffer. The buffer would be landscaped to enhance wildlife and this area would be placed into a management company. The fence could be designed to prevent children entering the woodland from the gardens of these properties. It could also prevent dogs entering the wood but it would be more difficult to prevent cats. However, there would only be a net gain of three dwellings so the potential for the domestic cat population to increase would not be great. Future residents could also be given information about the biological value of the wood and the potential impacts they could have upon it. This may alter their behaviours and choices, such as whether to have pets.
43. The Council's ecologist confirmed in her additional written submissions that the proposal would result in a net gain for biodiversity within the development area and the wider site. I agree, as there would be extensive new planting and detractors such as the lit ménage would be removed. The ecologist wished to see a quantified impact assessment but when asked she was unable to explain what this would involve or direct me to any recognised methodology.
44. The proposal would result in a net gain to biodiversity within the site and the risk to wildlife within the wood could be significantly reduced through the erection of a fence. I have reservations about the visual impact of the fence but when considering the impact on biodiversity in isolation I am satisfied that the evidence before me, that includes the RammSanderson report, indicates that the proposal overall, would not result in harm to biodiversity.
45. In fact, due to the extensive planting and the potential for enhancements such as bird and bat boxes there would be a net benefit. The buffer and fence would provide some mitigation from indirect impacts such as disturbance and predation. However, as mitigation this is a neutral matter rather than a benefit. Overall, I find no conflict with Policy CS24 of the CS or Policy NC1 of the LP, which are broadly consistent with Paragraph 118 of the Framework.

Other Considerations

46. The Council cannot currently demonstrate an adequate housing land supply as required to by the Framework. As such, the Council's policies for the supply of housing are out of date and Paragraph 14 of the Framework is engaged. This indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
47. Paragraphs 87 and 88 of the Framework set out a policy of restriction by stating that inappropriate development in the Green Belt should not be approved except in very special circumstances and very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has advanced a number of considerations that he considers would satisfy this test.
48. He has suggested that a holistic redevelopment of the appeal site along the lines proposed would improve the openness of the Green Belt. Whilst this would be true mathematically it would not be the case spatially. The effect on the openness of the Green Belt is a matter weighing against the appeal scheme. In fact, I share the view of the Council that the appellant should be aiming for a demonstrable reduction in the volume of built form on the site if the effect on openness is to be considered a notable benefit.
49. The appellant has also suggested that there would be a benefit to the character and appearance of the area, including that of the AONB, from the site's redevelopment. There is the potential for this if the redevelopment was of a sensitive scale, layout and design. However, the proposal would not achieve this for the reasons already given and consequently this is not a matter weighing in favour of the proposal either. Instead, the proposal would be at odds with the overall spatial strategy in the district set out in Policy CS1.
50. The appeal scheme would result in a moderate overall reduction in vehicle movements and notable improvements to biodiversity within the appeal site. These are moderate benefits. In order to adhere to Policy CS8 of the CS it is necessary for the appellant to make a financial contribution towards the provision of affordable housing. A planning obligation has been submitted to this end. It is unclear where the contribution would be spent, what it would deliver and how quickly. Thus, it is a modest benefit. The dwellings have the potential to be constructed in a way that would improve upon the environmental performance of the existing structures, incorporates sustainable drainage systems and deliver access in accordance with 'Lifetime Homes'. Nothing particularly innovative is being proposed and the some aspects have merely been advanced for consideration rather than being firm proposals. Consequently this is a modest benefit.
51. At 2.97 years, the housing land supply is significantly below where it is required to be and therefore the provision of new homes is a benefit. The appellant had originally suggested that there were five dwellings at the appeal site but the Council considers that are three. The appellant appears to have accepted the Council's assessment as the planning obligation offers £75,000, which is equal to an increase of three homes. There is also a general lack of

substantive evidence to support the appellant's proposition⁵. As such, the proposal would deliver three additional units and this is a point of moderate weight in favour of the proposal. Nevertheless, guidance in the PPG⁶ states that unmet housing needs are unlikely to outweigh the harm to the Green Belt and constitute very special circumstances. Consequently, this is not a determinative benefit.

52. The appellant has suggested the proposal would improve the living conditions of the existing residents in the Peterley Manor complex as it would reduce vehicle movements, particularly HGVs, and improve the visual amenity of the site. The proposal would not improve the visual amenity of the area but there may be a slight improvements derived from a reduction in HGV movements. However, I have seen nothing of substance to suggest this improvement would arise from a point where there is currently harm. As such, it is a matter of very limited weight in a favour of the appeal scheme.

Whether there are Very Special Circumstances

53. As already established, Policy GB2 of the LP, and Paragraph 87 of the Framework, set out the general presumption against inappropriate development within the Green Belt. The Framework states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
54. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. The proposal would also result in moderate harm to the openness of the Green Belt and would undermine the purposes for including land within it. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. The proposal would result in moderate harm to the character and appearance of the area and limited harm to the AONB, great weight is to be given to conserving the AONB. These impacts result in a conflict with the development plan.
55. The other considerations I have already discussed are notable factors in favour of the development but they would not clearly outweigh the totality of the harm I have identified. Looking at the case as a whole, the very special circumstances necessary to justify the development do not exist. Accordingly, both Policy GB2 of the LP, and Paragraph 88 of the Framework, state that the development should not be approved.

Conclusion

56. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Graham Chamberlain
INSPECTOR

⁵ Reference was made to Council Tax records, but Council Tax is also payable by the occupants of domestic annexes, and this is what the Council suggests the additional units are.

⁶ Planning Practice Guide ID 3-034-2014006

APPEARANCES

FOR THE APPELLANT

Doug Moulton
Jim Lomas
Rosemary Hall

DLP Planning
DLP Planning
Landowner and Local Resident

FOR THE LOCAL PLANNING AUTHORITY

Mrs Margaret Smith
Mrs Miriam Baines
Mrs Claire Hemmings
Alicia Wallis

Chiltern District Council
Buckinghamshire County Council
Buckinghamshire County Council
Buckinghamshire County Council

INTERESTED PARTIES

Sophie Mathews
Angela Andrews
Cllr Don Phillips
Nigel Le Heap

Walsingham Planning
Local Resident
District Councillor
Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Written comments from Mrs Miriam Baines
2. Draft planning obligation submitted by the appellant
3. Statement of Common Ground



Appeal Decision

Site visit made on 2 January 2018

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2018

Appeal Ref: APP/X0415/W/17/3187080

20 Wheatley Way, Chalfont St Peter, SL9 0JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Langridge against the decision of Chiltern District Council.
 - The application Ref CH/2017/1113/FA, dated 14 June 2017, was refused by notice dated 17 August 2017.
 - The development proposed is described on the application form as "Construction of one detached house together with one block of two apartments to rear of No. 20 Wheatley Way, Chalfont St Peter, with new access road and associated works, and replacement dwelling to front of plot".
-

Decision

1. The appeal is dismissed.

Main issue

2. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Wheatley Road forms part of a post-war estate containing 2-storey detached houses and bungalows set on wide spacious plots. Although there is some variation in property design, the area's architectural character is unified by a consistent use of plain-tile hipped roofs, front projecting gables and chimneys. The road is also strongly characterised by properties fronting onto the highway, consistent building lines, extensive soft-landscaping, open plan front gardens, and generous rear gardens in a back-to-back perimeter block formation.
4. The appeal site slopes down in a southerly direction and contains a 2-storey detached house that fronts onto the road. Owing to its position on the outside of a bend, it has a significantly larger rear garden than most other properties on the road, which is mainly laid to grass and enclosed by fencing, mature trees, hedges and shrubs.

Character and appearance

5. The construction of an access road with turning head would result in a large opening in the existing built frontage and fully expose the new housing to Wheatley Road, together with an extensive amount of hard-surfacing. This would significantly erode the soft-landscape dominated character of the area and give the appeal site an incongruous hard-edge. It would also be out of character with the

existing pattern of development, which is typified by housing directly fronting onto adopted roads and spacious rear gardens. The public views of the proposal would intensify this harmful impact.

6. Furthermore, given that Wheatley Road is characterised by detached dwellings set on large spacious plots, I have concerns that if the development was constructed, it would result in a substantial change to the character of the road that may make it difficult for the Council to resist similar proposals. The consequences of this, when taken cumulatively, would be extremely harmful to the spacious suburban character of the area and street scene.
7. The development would also result in a narrow gap of approximately 1 metre between the new dwelling at the front of the site (referred to as 'T10' on the plans) and its boundary with No 21. Whilst I recognise that this has been led by the need to create sufficient space for the access road, it would nonetheless result in a disproportionately large gap between T10 and No 19, which would be out of character with the prevailing built-up frontage and consistent rhythm of smaller open gaps between dwellings. However, whilst this reinforces my view that the development is incongruous with the character of the area, I recognise that there are other plots on the road where dwellings are positioned more closely together with minimal gaps. In view of this, I would not consider the 1 metre gap in itself to be out of character with the street scene and am therefore satisfied that the scheme would comply with Policy H11 of the Local Plan¹. This would not however outweigh my findings in respect of the character issue discussed above and the scheme's conflict with other development plan policies referred to below.
8. Whilst the proposed rear gardens would not be comparable to those at Nos 19 and 21 to 25 Wheatley Way, they would nonetheless be similar in size to some of the smaller plots on the road. In view of this, and because they would be in excess of 15 metres, I am satisfied that the size of the rear gardens proposed would be adequate and comply with Policy H12 of the Local Plan. The development would not as a consequence be cramped or too high-density in terms of space available within the site, but it would appear over-developed and out-of-character when assessed against the surrounding context.
9. The appellant states that the development would make the best and most efficient use of the site in accordance with the Framework² and overarching principle of Paragraphs 2.40 and 2.41 of the Land Availability Assessment Methodology³. However, whilst I agree that this is an important consideration in new development and that the proposal would be more efficient in terms of density, this does not outweigh my findings in respect of the character issue discussed above and its conflict with other development plan policies referred to below.
10. The appellant also states that the development would comply with the Neighbourhood Plan⁴ and that this should be given greater weight than the Local Plan and Core Strategy⁵ because it was adopted more recently. Whilst I recognise that a key objective of this document is to provide for a range of different house sizes, especially smaller homes (Page 24), it also has an objective for housing to be designed so that it fits in with the character of development in the local vicinity (Page 26). Although the scheme would result in two smaller units of

¹ Chiltern District Local Plan, Written Statement, Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011

² National Planning Policy Framework, Communities and Local Government, March 2012

³ Central Buckinghamshire Housing and Economic Land Availability Assessment Methodology, May 2015, Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council

⁴ Chalfont St Peter Neighbourhood Plan 2013-2028

⁵ Core Strategy for Chiltern District, adopted November 2011, Chiltern District Council

accommodation and meet one of the objectives of the Neighbourhood Plan, I have concluded that this would be outweighed by the development's conflict with its housing design objective, which I consider to be consistent with the policies of the Local Plan, the Core Strategy and the Framework.

11. The appellant has drawn my attention to a development of 3 dwellings at Crooks Close⁶ in support of the scheme, but this is not directly comparable to the current proposal in terms of site layout and surrounding context, and in any event, I must consider the appeal scheme on its own merits.
12. The appellant also states that weight should be afforded to Policy CS1 of the Core Strategy, which identifies the village as a main focus for growth, and that this should be considered in the light of development constraints surrounding it such as the Green Belt and Chilterns Area of Outstanding Natural Beauty. However, I have concluded that the need for housing growth in the village does not outweigh my findings in respect of the character issue discussed above and its conflict with other development plan policies referred to below.
13. In view of the above, I have concluded that the development would be harmful to the spacious suburban character of the area and existing pattern of development. The proposal would as a consequence conflict with Policy CS20 of the Core Strategy and Policy GC1 of the Local Plan, which collectively seek, amongst other things, to ensure that new development is of a high quality design that reflects and respects the character of the surrounding area and those features which contribute to its local distinctiveness.

Planning balance

14. Although the appellant states that the development should be considered within the context of the presumption in favour of sustainable development, I have concluded that the proposal does not accord with the development plan and that the relevant policies referred to are not out of date or inconsistent with the Framework. In view of this, the presumption in favour of sustainable development as outlined in Paragraph 14 of the Framework is not engaged in this instance.
15. Paragraphs 56 and 64 of The Framework state that good design is a key aspect of sustainable development and that poorly designed development which fails to take the opportunity to improve the character and quality of an area should be refused. Although the site is located in a sustainable location where the principle of development is acceptable, for the reasons set out above, I conclude that the harm to the spacious suburban character of the area and existing pattern of development would significantly and demonstrably outweigh the social and economic benefits that the scheme would contribute, namely, making an efficient use of land, the provision of 3 additional dwellings and local employment during construction.

Conclusion

16. I have found that the appeal proposal would be harmful to the character and appearance of the area. All representations have been taken into account, but no matters, including the benefits of additional housing and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁶ Council reference 2000/662/CH, granted Planning Permission on 12 June 2000