

## PLANNING COMMITTEE - 9 August 2018

### REPORT OF THE OFFICERS

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

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#### AGENDA ITEM No. 5

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### 5 DEFERRED APPLICATIONS

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5.1 **CH/2018/0265/FA and CH/2018/0266/HB** (Case Officer: Emma Showan)

**ROOF EXTENSION TO EXISTING BUILDING AND ATTACHED TWO STOREY BUILDING TO CREATE 9 NEW BEDROOMS, NEW KITCHEN, EXTENSION TO THE DINING ROOM AND STORE**

**The Nags Head Public House, London Road, Little Kingshill, HP16 0DG**

**MATTER FOR CONSIDERATION**

5.2 Additional information received following the decision at Planning Committee to defer the application to allow the applicant to make a case for Very Special Circumstances to outweigh the identified harm to the Green Belt, and any other harm.

5.3 Planning applications CH/2018/0265/FA and CH/2018/0266/HB were considered by Members at the Planning Committee of 26<sup>th</sup> April 2018. (Committee Reports are attached as **Appendix FP.01**). The recommendations of the Officers was that the Planning application be refused for the following three reasons (summarised) and the application for Listed Building Consent be refused for the last reason only.

5.3.a. That the proposal is a disproportionate addition to the original building, thereby constituting inappropriate development in the Green Belt and having a detrimental impact on the openness of the Green Belt;

5.3.b. The impact of the substantial extension, which almost doubles the size of the existing building, the large expanse of hardstanding and a new access with signage or dragons teeth would fail to conserve or enhance the high landscape quality of the AONB;

5.3.c. The listed building would be overwhelmed by the proposed extension and it would not respect its character, significance or setting.

It was concluded that no very special circumstances had been demonstrated to outweigh the harm to the Green Belt and the other harm identified. It should be noted that the NPPF has been revised (July 2018) since the previous Committee meeting. It does not change the assessment of this application, as the relevant parts of the Green Belt section remain the same. The new paragraph numbers of the NPPF are given below.

5.4 Members deferred their decision to allow the Applicant to submit a case for Very Special Circumstances to attempt to justify the development and put forward a case to demonstrate that, despite the identified harm to the open Green Belt, Chilterns AONB and Listed Building, Very Special Circumstances exist which are sufficient to overcome these concerns.

5.5 Paragraph 144 of the NPPF (July 2018) is clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly

outweighed by other considerations. It must be noted that Very Special Circumstances have a very high bar indeed and should not be easily repeated on other sites, otherwise they are not "very special" to this particular site. For example, an alleged need for tourism "in the area" is woefully insufficient, as it does not relate to this specific site and could indeed relate to any number of sites in the local area.

- 5.6 The Applicant's Agent has submitted a letter with several arguments for the proposal. Firstly, they attempt to argue that the proposal is not inappropriate development as it is not a disproportionate addition to the original building. As the extension would almost double the size of the building, this is clearly a spurious argument. It is clearly a disproportionate addition and Members previously noted this, otherwise a case for Very Special Circumstances would not necessarily have been required.
- 5.7 The letter from the Agent also then sets out a case for Very Special Circumstances, three letters of support from local businesses and information from the Tourist Board for Bucks. These have already been sent direct to Members.
- 5.8 The Agent's letter contains a table setting out what they consider to constitute a case for Very Special Circumstances (VSC). This contains 14 points, which are set out below. The Agent has described how much weight they think each point should be given, i.e. substantial, moderate or limited weight. The section below highlights the 14 points in order of alleged weight to be attributed to them, followed by the Council's comments on each point.

Alleged weight that the Agent considers should be attached to these VSC: *Substantial*

*"The proposal does not contribute to urban sprawl."*

*"The site is previously developed land."*

*"The proposal would have no detrimental impact to the historical fabric of the building."*

*"The proposal would have no detrimental impact to the Chilterns AONB."*

*"The design is acceptable."*

None of these points constitute VSC. Whether or not the proposal contributes to urban sprawl or is on previously developed land are irrelevant, as it is still inappropriate development. In addition, Officers strongly dispute that there is no harm to the listed building, the AONB or that the design is acceptable. The extension is a monolithic block tacked onto the most prominent corner of the listed building and would result in clear harm in these respects. However, importantly, even if these aspects were acceptable, the above points still do not constitute VSC. They would simply be neutral points, i.e. an absence of harm to the AONB and listed building. Any absence of harm in one respect does not overcome harm in another respect. If this was accepted as a VSC, it would allow for any well designed building in the open Green Belt to overcome the harm to the Green Belt. This would clearly be nonsensical and as such, these points raised by the Agent do not carry any weight whatsoever as VSC, let alone the alleged substantial weight.

Alleged weight that the Agent considers should be attached to these VSC: *Moderate*

*"The proposal would contribute to the vitality of the A4/A3 use."*

*"The proposal would enable a wider mix of hotel accommodation."*

*"There is an absence of hotel accommodation in the locality."*

*"The proposal would contribute to job creation."*

*"The proposal would increase the capacity for local sports teams."*

In relation to the first point above, there has been no case made regarding the viability of the

Public House/restaurant, in terms of it being likely to close if the proposed works did not take place. In fact, comments from Members at the previous Committee meeting suggested it was a busy pub and viability/vitality is not an issue. No survey results or local room occupancy data have been submitted to attempt to show that a wider mix of hotel accommodation is required or that existing hotels are operating at full capacity. In relation to the latter four points, these are nowhere near detailed enough to constitute VSC. They could literally apply to any site in the locality and are not specific to this site in any way. By definition therefore, they are not very special circumstances to this site. As such they have no weight in the decision making process.

Alleged weight that the Agent considers should be attached to these VSC: *Limited*

*"As 88% of the District is in the Green Belt, the potential for new development sites is limited."*

*"The proposal could contribute to local Council tax."*

*"The new parking area would reduce surface water runoff."*

*"The proposal is unlikely to have a significant impact on the road network."*

It is noted that the Agent acknowledges these points have limited weight as VSC. In fact, Officers consider they have no weight and border on being spurious points. The first two points are extremely generalised and could again apply to any site in the Green Belt. It does not relate in any way to this specific site. The point about the new parking area reducing runoff is not understood, as the hardstanding within the site would be more than doubled by the new car park, thus clearly not reducing runoff. However, even if it did reduce runoff, this would be of such a limited benefit. Furthermore, whether or not the proposal does not have a significant impact on the road network is irrelevant, as this is again, simply, a neutral point, i.e. an absence of harm to the highway network. It does not contribute anything towards VSC.

- 5.9 The submitted three letters of support are again noted, but they simply contain generic points that could apply to any site in the Green Belt. They are not a site specific assessment and therefore do not constitute VSC, or contribute towards such a case. The letter from the Bucks Tourism Board is a County wide assessment of hotel occupancy rates and therefore is not specific to this site, or even to this local area. It could literally apply to any site in the entire County. A local study demonstrating that there is a shortage of hotel accommodation in the Great Missenden area has not been provided, nor has a sequential type assessment to show that this particular site is the only feasible site for any extra hotel bedrooms to be located. Without this level of site specific detail, it has not been shown that the extension to The Nags Head is essential or indeed required. The submitted letters could apply to any site in the Green Belt and AONB and are woefully insufficient to contribute towards a case for VSC.
- 5.10 Aside from the three supporting letters submitted by the Applicant, only one additional supporting representation has been received. No other letters of support from third parties/the local community have been received. Accordingly, it is not considered that the need for additional accommodation and facilities at The Nags Head has been adequately demonstrated. The submitted case for Very Special Circumstances is extremely weak and nowhere near sufficient to outweigh the substantial harm to the Green Belt, AONB and the listed building. As such, Officers continue to strongly recommend that the applications are refused, for the reasons previously advised, and set out again below.

**Planning application CH/2018/0265/FA;**

**Recommendation: Refuse permission**

1. The site is within the open Green Belt where most development is inappropriate and there

is a general presumption against such development. The proposed extension is considered to be a disproportionate addition over and above the size of the original building, and as such, the development does not fall into any of the categories listed in Policy GB2 of the Local Plan and paragraphs 89 and 90 of the National Planning Policy Framework. It therefore constitutes inappropriate development in the Green Belt. Furthermore, given the scale of the proposed extension and the expanse of hardstanding proposed for the new car parking area, the development would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt. As such, the proposal is contrary to Policy GB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

2. The proposed development consists of a substantial extension which almost doubles the size of the existing building, a large expanse of hardstanding on land which is currently grass, and a new access onto Nags Head Lane which would require road signs or dragon's teeth to enforce a one way system. The proposal will create a much more dominant building within the landscape and a development which fails to conserve or enhance the rural character of the area or high landscape quality of the AONB. As such, the proposal is contrary to Policies GC1 and LSQ1 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the National Planning Policy Framework.
3. The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the building's optimum viable use and the application is therefore contrary to Policies LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

**Listed Building Consent application CH/2018/0266/HB;**

**Recommendation: Refuse consent**

1. The proposed extension would be harmful to the significance of the listed building as former cottages because of the proposed scale and therefore what is proposed is not considered to be the optimum viable use. It is clearly the most profitable use and the benefits of this will be largely private benefits. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." This proposal is not consistent

with the conservation of the listed building due to the impact of the scale of what is proposed, the historic building would be overwhelmed by the addition and the harm that this would cause is not outweighed by additional public benefits. The additional hardstanding for the new parking area and the consequent reduction of garden would also harm the setting of the listed building. The less than substantial harm identified is not outweighed by public benefit or securing the buildings optimum viable use and the application is therefore contrary to Policies LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

*Background papers: None*

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**AGENDA ITEM No. 6**

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**6 ITEMS FOR NOTING**

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**6.1 NEW PLANNING AND ENFORCEMENT APPEALS**

**CH/2017/1442/FA** - Conversion and change of use of a former poultry barn and surrounding land to a residential dwelling and use of adjacent hay barn for garaging and ancillary residential purposes, Land at the front of Highlands, Cherry Lane, **Woodrow**

**CH/2017/1569/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 eighty three residential units (Use Class C3), Pollards Wood, Nightingales Lane, **Chalfont St Giles**

**CH/2017/1804/FA** – Change of use of land to equestrian and erection of stable building, Great Green Street Farm, Green Street, **Chorleywood**

**CH/2017/1909/FA** – Erection of one dwelling with new vehicle access, Land off Chessfield Park to rear of 87 Amersham Road, **Little Chalfont**

**CH/2017/2194/SA** - Application for a Certificate of Lawfulness for a proposed operation relating to the erection of loft dormer windows, rooflights in main roof, and new side facing window to first floor, 34 Bellingdon Road, **Chesham**

**CH/2018/0063/FA** - First floor extension with mansard roof and dormer windows on side elevations, replacement conservatory, single storey front extension, (amendment to CH/2017/1573/FA), Bendrose Laurels, White Lion Road, **Little Chalfont**

**CH/2018/0382/FA** – Single and two storey front and rear extensions, 2 Green Lane, **Amersham**

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**6.2 APPEAL DECISIONS**

**CH/2016/2222/FA** – Erection of detached outbuilding (retrospective), Hullavington, Burtons Lane, **Little Chalfont**

Officer Recommendation - Refuse Permission

Committee Decision - Refuse Permission

**Appeal Allowed (21.06.2018)**

**CH/2017/0436/OA** - Outline application for the development of site to provide up to 9

dwelling (matters to be considered at this stage: access), Land to Rear of 149 to 157 Chartridge Lane (Access From De Vere Close), **Chesham**  
Officer Recommendation - Refuse Permission  
**Appeal Dismissed (04.07.2018)**

**CH/2017/1898/FA** - Two storey front and rear extensions, single storey rear extension and engineering works to the rear and front garden, double part subterranean garage to front, Ti Soleil, Lincoln Road, **Chalfont St Peter**  
Officer Recommendation - Refuse Permission  
**Appeal Dismissed (18.06.2018)**

**CH/2017/2315/FA** - Part two storey, part single storey rear extension and front roof dormer window, Breyll Path, 18 Green Lane, **Amersham**  
Officer Recommendation - Refuse Permission  
**Appeal Dismissed (27.06.2018)**

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### 6.3 PRIOR NOTIFICATION NOT NEEDED

**CH/2018/0818/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4.5 metres, a maximum height of 3.5 metres and a maximum eaves height of 3.0 metres, St Francis, 1 Windmill Wood, **Amersham**

**CH/2018/0896/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 8 metres, a maximum height of 2.95 metres and a maximum eaves height of 2.95 metres, Salla Kee, Long Walk, **Little Chalfont**

**PL/18/2052/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4 metres, a maximum height of 4 metres and a maximum eaves height of 3 metres, 6 Manor Road, **Chesham**

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### 6.4 WITHDRAWN APPLICATIONS

**CH/2018/0167/FA** - Demolition of existing dwelling and construction of an apartment building, consisting of 10no. 2 bed apartments with new access off Clare Park, Trees, 36 Stanley Hill, **Amersham**

**CH/2018/0741/FA** - Demolition of existing dwelling and residential annexe and erection of two 6 bedroom dwellings with associated parking and landscaping, Nine Elms, Jordans Way, **Jordans**

**CH/2018/0752/FA** - First floor side and single storey rear extensions, 3 Denham Walk, **Chalfont St Peter**

**CH/2018/0766/SA** - Application for a Certificate of Lawfulness for proposed swimming pool enclosure incorporating roof lanterns, Tudric Hall (Formerly Mulberry Lodge), Lee Clump Road, **The Lee**

**CH/2018/0821/SA** - Application for a Certificate of Lawfulness for a proposed operation relating to single storey rear extension, Vine Cottage, 6 Layters Avenue, **Chalfont St Peter**

**CH/2018/0908/FA** - Change of use to a cafe (Use Class A3), 42 The Broadway, **Amersham**

**CH/2018/0909/HB** - Internal and external alterations to facilitate change of use to a café. 42 The Broadway, **Amersham**

**PL/18/2339/TP - Felling of an oak protected by a Tree Preservation Order, 14 Chiltern Manor Park, Great Missenden**

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**6.5 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.

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**7 REPORTS ON MAIN LIST OF APPLICATIONS** AGENDA ITEM No. 7

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**8 REPORTS ON ALLEGED BREACHES OF PLANNING CONTROL** AGENDA ITEM No. 8

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**9 EXCLUSION OF THE PUBLIC** AGENDA ITEM No. 9

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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