



## Planning Committee

**Thursday, 22 November 2018 at 6.30 pm**

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

### **A G E N D A**

Item

1 Evacuation Procedure

2 Apologies for Absence

3 Minutes (*Pages 1 - 5*)

To approve the minutes of the Planning Committee held on 1 November 2018.

4 Declarations of Interest

5 Items for Noting

5.1 New Planning and Enforcement Appeals

5.2 Appeal Decisions

5.3 Appeals Withdrawn

5.4 Permission/Prior Approval Not Needed

5.5 Withdrawn Applications

5.6 Information Regarding Planning Applications to be Determined

6 Report on Main List of Applications (*Pages 6 - 146*)

Chalfont St Peter

CH/2017/1039/FA

Ward: Gold Hill

Page No: 3

Recommendation: Refuse permission

Stampwell Farm, Oxford Road, Gerrards Cross, Buckinghamshire, HP9 2XD

Chalfont St Peter

CH/2017/1044/HB

Ward: Gold Hill

Page No: 35

Recommendation: Conditional consent

Stampwell Farm, Oxford Road, Gerrards Cross, Buckinghamshire, HP9 2XD

Penn

CH/2018/0480/FA

Ward: Penn And Coleshill

Page No: 56

Recommendation: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Planning & Economic Development

Newbury House, 2 Knottocks Drive, Knotty Green, Buckinghamshire, HP9 2AH

Little Chalfont

CH/2018/0582/FA

Ward: Little Chalfont

Page No: 71

Recommendation: Conditional Permission

Little Istanbul, Nightingales Corner, Little Chalfont, Buckinghamshire, HP7 9PY

Coleshill

PL/18/3418/VRC

Ward: Penn And Coleshill

Page No: 77

Recommendation: Conditional Permission

Bowers Croft, Magpie Lane, Coleshill, Buckinghamshire, HP7 0LS

7 Reports on Alleged Breaches of Planning Control (*Pages 147 - 160*)

Chalfont St Peter      **WITHDRAWN**

2017/00109/AB

Ward: ~~Central~~

Page No: ~~2~~

Ti Soleil, Lincoln Road, Chalfont St Peter, Buckinghamshire SL9 9TG (the "Land")

8 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

**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**

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

**Date of next meeting – Thursday, 20 December 2018**

**Public Speaking**

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## **CHILTERN DISTRICT COUNCIL**

### **MINUTES** of the Meeting of the **PLANNING COMMITTEE** held on **1 NOVEMBER 2018**

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

Councillors: J Burton  
J Gladwin  
M Harrold  
C Jones  
P Jones  
J MacBean  
S Patel  
N Rose  
J Rush  
J Waters  
C Wertheim

**ALSO IN ATTENDANCE:** Councillors I Darby and L Smith

#### **31 MINUTES**

The Minutes of the meeting of the Planning Committee held on 4 October 2018, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

#### **32 DECLARATIONS OF INTEREST**

Councillor J Wertheim advised that he had previously been a student at Thorpe House School, planning application CH/2018/0019/FA but this was not a personal or prejudicial interest.

#### **33 ITEMS FOR NOTING**

**RESOLVED -**

**That the reports be noted.**

## 34 REPORT ON MAIN LIST OF APPLICATIONS

### RESOLVED -

1. **That the planning applications be determined in the manner indicated below.**
2. **That the Head of Planning and Economic Development 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/2017/2258/FA Site at National Society For Epilepsy (Phase 3), Chesham Lane, Chalfont St Peter, Buckinghamshire, SL9 0LE

Speaking for the Parish Council, Councillor W Chellar  
 Speaking for the application, Mr B Krauze  
 Speaking as the District Councillors, I Darby and L Smith

The number of letters supporting and objecting to the application (Page 6 and Paragraph 51 on page 19 of the report) were updated and clarified. The supporting letters should read 15 (instead of 4) and the number of letters of objection should read 23 and not 33 as stated in the report.

### RESOLVED

**Decision delegated** to the Head of Planning and Economic Development to approve subject to conditions and the satisfactory prior completion of a Section 106 Planning Obligation agreement (covering the requirements set out in paragraph 64). If the Section 106 agreement cannot be completed the application be refused for such reasons as considered appropriate.

*Note 1: Councillors I Darby and L Smith left the meeting at 7.19 pm*

CH/2018/0019/FA Thorpe House School, 29 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QA

Speaking for the application, Mr T Ayres

The meeting was advised that there were further letters of objection received with additional reasons for objection including reference to the 1997 planning condition that rooms not be converted to classrooms but this could be done with permission. An additional condition was proposed requiring the 3 classrooms to not be converted prior to occupation of the new classrooms and a further additional condition was proposed to ensure that the approved ecology measures were carried out.

#### **RESOLVED**

**Conditional Permission** with additional conditions relating to Ecology and use of classrooms.

CH/2018/0825/FA Kerns, 11 Woodlands Drive, Knotty Green, Buckinghamshire, HP9 1JY

Speaking for the Parish Council, Councillor M West  
Speaking for the objectors, Mr C Granville

Update to the report in paragraph 14 on page 46, to be noted that Chiltern District Council had worked with the applicant, considering the details as submitted.

#### **RESOLVED**

**Permission Refused** by reason of the application being contrary to policies H3 and GC1; would appear cramped within the plot due to its mass and scale, incompatible with the street scene; bulk and design (mass) and scale inappropriate.

*Note 2: The Chairman requested a 10 minute break. The meeting re-convened at 8.37 pm.*

PL/18/2195/FA

Land at New House Farm, Farm Road, Chorleywood,  
Buckinghamshire, WD3 5QB

Speaking for the Parish Council, Councillor D Le Neve  
Foster

Speaking for the Objectors, Mr P Williams

Speaking as the applicant, Mrs S Chamberlin

The Chairman read a letter from Councillor A Garth that expressed concern about the access and noise, currently and in the future.

The applicant's agent had provided a clarification drawing. The red line included the line of the track that led to the application site from the public highway. As it appeared that persons with an interest in the access track had not been served with notice of the application and a certificate provided to that effect the application could not be determined until these requirements were met.

A new schedule of conditions was proposed:

1. No more than 25 dogs and 5 horses on site.
2. Hours of business; 10 am to 5 pm Monday to Friday and 10 am to 4 pm on weekends and Bank Holidays.
3. Classes with more than 1 person attending shall not exceed 2 on weekdays and 4 classes at weekends.
4. A maximum of 10 participants to a class at any time.
5. At least 30 minute gaps between classes.
6. A record of the dogs attending the site must be maintained at all times.

RESOLVED

**Minded to approve** subject to conditions above and the required notification of interested parties to the access track and the provision of the appropriate certificate. Precise wording and conditions delegated to the Head of Planning and Economic Development.



PL/18/2249/FA

Little Chalfont Village Hall, Cokes Lane, Little Chalfont, Amersham, Buckinghamshire, HP7 9QB

Speaking for the Parish Council, an authorised representative, Mr J Bell

Speaking for the application, Mrs G Glover

Further letters of support had been received and some issues that disagreed with the Officers report were discussed at the meeting. It was noted that this site had been included in a Green Belt Options Paper but it had not been removed from the Green Belt. The Council's parking standards had not been met and it would also fail the Bucks County Council standards. The further ecology report received that day was too late to be considered.

**RESOLVED**

**Permission Refused** with an additional reason related to the lack of an up to date ecology report.

PL/18/2993/FA

Thurlands, Grove Lane, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9 9JU

Speaking as the applicant, Mr I Foster

**RESOLVED**

**Conditional Permission**

PL/18/3179/FA

10 Strawberry Close, Prestwood, Great Missenden, Buckinghamshire, HP16 0SG

No speakers

**RESOLVED**

**Conditional Permission**

**The meeting ended at 10.27 pm**

# CH/2017/1039/FA & CH/2017/1044/HB



**CHILTERN**  
District Council

Stampwell Farm, Oxford Road, Gerrards Cross  
Buckinghamshire HP9 2XD



Scale: 1:4,000

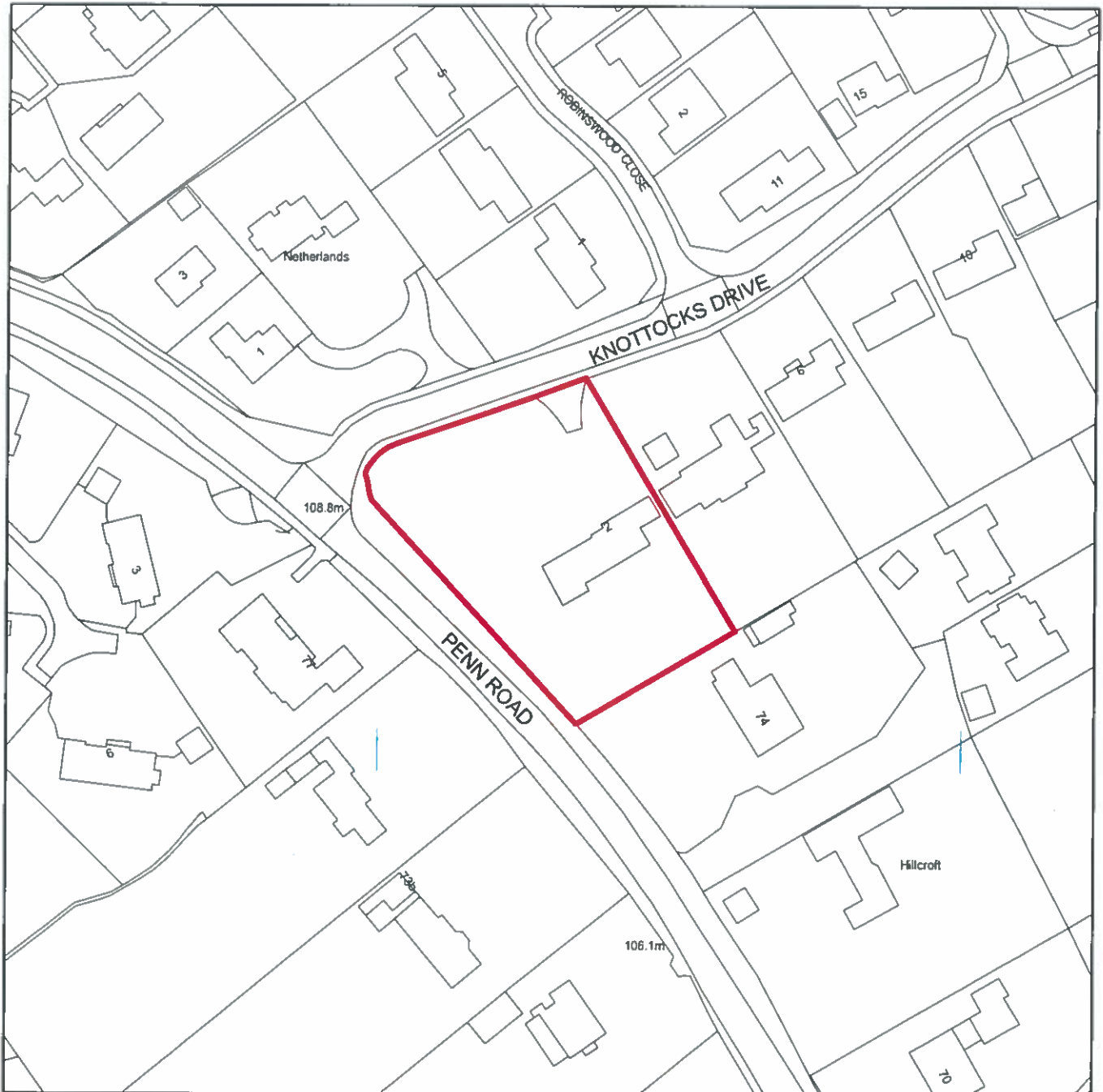
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Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016



# CH/2018/0480/FA

Newbury House, 2 Knottocks Drive, Knotty Green  
Buckinghamshire HP9 2AH



Scale: 1:1,250

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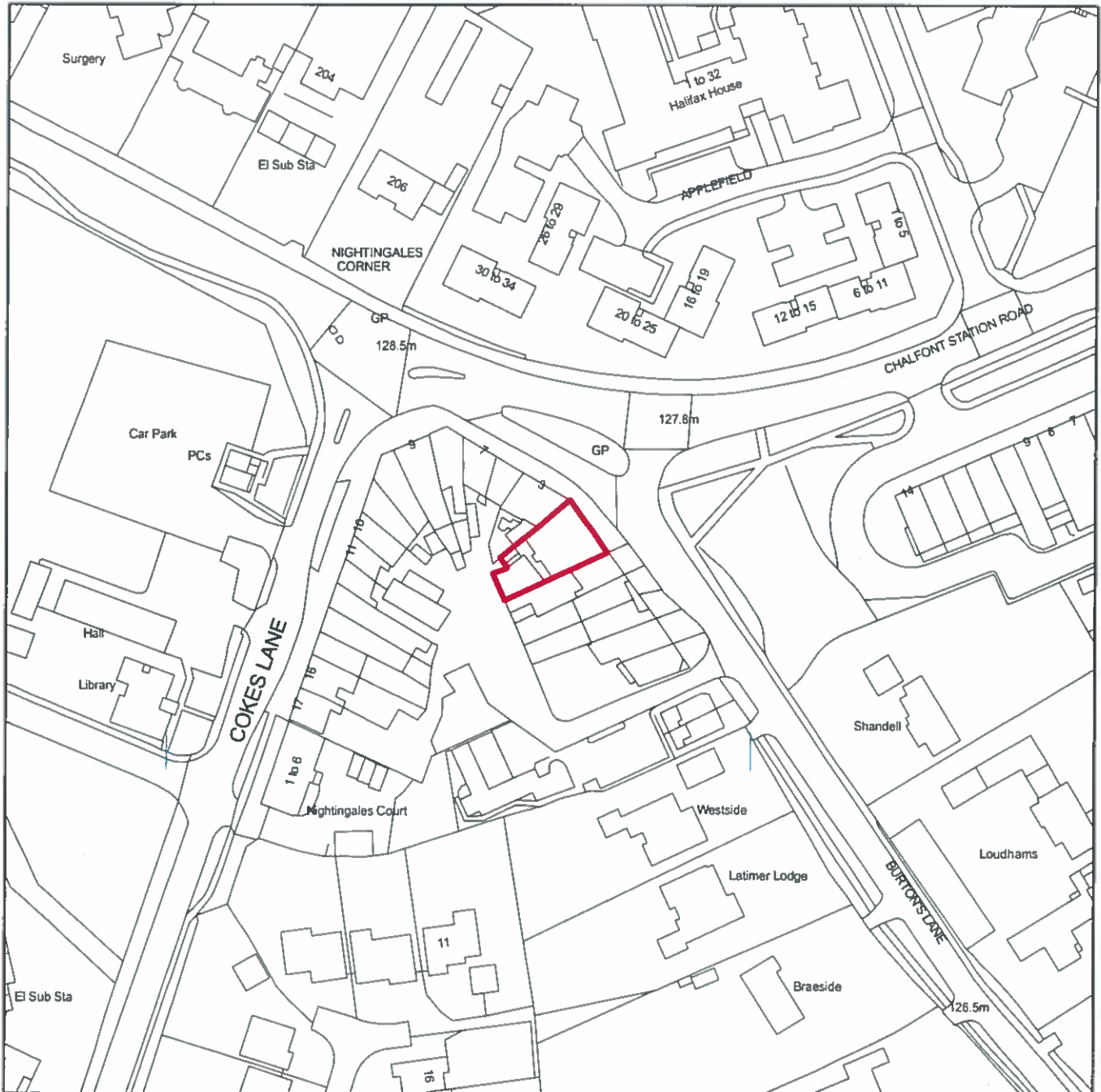
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

# CH/2018/0582/FA

Little Istanbul, Nightingales Corner, Little Chalfont  
Buckinghamshire HP7 9PY



**CHILTERN**  
District Council



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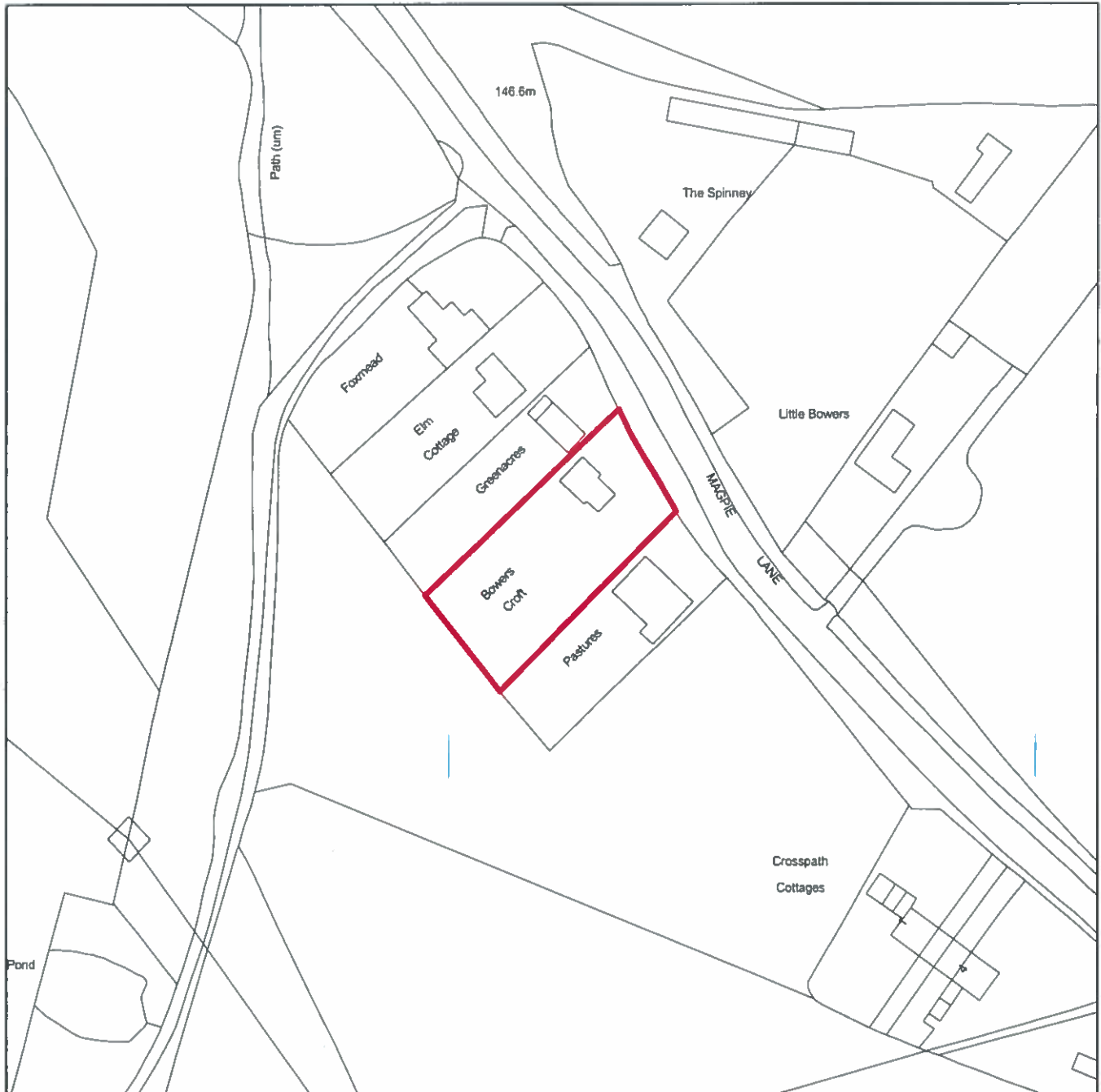
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

# PL/18/3418/VRC



**CHILTERN**  
District Council

## Bowers Croft, Magpie Lane, Coleshill, Buckinghamshire HP7 0LS



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Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578 2016

## PLANNING COMMITTEE – 22 November 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 ITEMS FOR NOTING

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##### 5.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2017/2037/FA – Replacement barn to create detached dwelling, Town Farm Meadow, High Street, Amersham

CH/2018/0779/SA - Application for a Certificate of Lawfulness for a proposed vehicular access and permeable driveway parking area, 58 Winters Way, **Holmer Green**

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##### 5.2 APPEAL DECISIONS

**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**

Officer Recommendation: Refuse Permission

**Appeal Decision: Split Decision and Award of Costs Refused (30.10.2018)**

**CH/2017/1648/FA** - Change of use of land to a mixed use as a residential caravan site for two gypsy families with a total of up to 3 caravans (including no more than one static caravan), and for the keeping of horses. Laying of hardstanding and provision of means of foul drainage (retrospective), OS Parcel 2814 Opposite Tiles Farm, Asheridge Road, **Asheridge**

Officer Recommendation: Refuse Permission with Further Action

Committee Decision: Refuse Permission

**Appeal Decision: Appeal Dismissed (08.10.2018)**

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

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Dismissed (01.11.2018)**

**CH/2018/0369/FA** - Part two storey/part first floor side extension incorporating covered storage area, Dalzell, Village Way, **Little Chalfont**

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Allowed (31.10.2018)**

**CH/2018/0400/FA** - Detached 4 bay garage with extension of existing driveway, The Kiln, 3 Shire Lane, **Cholesbury**

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Dismissed (12.20.2018)**

**CH/2018/0569/FA** – Outbuilding, 14 Hillside Close, **Chalfont St Giles**

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Allowed (12.10.2018)**

**CH/2018/0570/FA** - Two storey side and single storey rear extension, open porch to front, 160 Chartridge Lane, **Chesham**

Officer Recommendation: Refuse Permission

Committee Decision: Refuse Permission

**Appeal Decision: Appeal Dismissed (02.11.2018)**

**CH/2018/0656/FA** – Replacement detached garage, 17 Foxdell Way, **Chalfont St Peter**

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Allowed (12.10.2018)**

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### 5.3 WITHDRAWN APPLICATIONS

**CH/2017/1139/FA** - Redevelopment and change of use of land to create a rites of passage centre to include: demolition of kennels barn and timber outbuilding, retention of stable building for use as a kitchen diner, construction of three work rooms with an accommodation block for 20 people, outdoor recreation areas and associated landscaping, Keepers Cottage, Featherbed Lane, **Holmer Green**

**CH/2018/0318/VRC** - Variation of Condition 18 of application CH/2017/1284/FA to alter the size of the application site, Woodbrook, 73 Penn Road, **Knotty Green**

**PL/18/3011/VRC** - Variation of Condition 11 of planning application CH/2017/0935/FA (Redevelopment of site to provide four detached chalet style dwellings), Penwynne Farm, Dibden Hill, **Chalfont St Giles**

**PL/18/3052/FA** – Erection of outbuilding, Harewood Downs Cottage, Amersham Road, **Chalfont St Giles**

**PL/18/3255/SA** - Rear dormer window for proposed loft conversion, The Hawthorns, 49 Wycombe Road, **Prestwood**

**PL/18/3423/FA** - Construction of new entrance gates to both accesses (to driveways approved under planning permission CH/2016/1776/VRC), Former site of Oakleigh, Gorelands Lane, **Chalfont St Giles**

**PL/18/3504/FA** - Change of use from a shop (Use Class A1) to a hot food takeaway (Use Class A5) with external alterations. Installation of cold storage unit with condenser, extraction fan, flue and new front and rear doors, Newburys Greengrocers, 97 Sycamore Road, **Amersham**

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### 5.4 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.

**6 REPORTS ON MAIN LIST OF APPLICATIONS**

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**AGENDA ITEM No. 7**

**7 EXCLUSION OF THE PUBLIC**

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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

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CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 22nd November 2018

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

**Chalfont St Peter**

**CH/2017/1039/FA**

Ward: Gold Hill

Page No: 3

Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2); erection of 8 dwellings (comprising 4 two-storey, semi-detached pairs) with associated carports/garages (Use Class C3); erection of single storey church building (Use Class D1) and retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction/creation of visitor coach/car parking areas and associated landscaping.

Recommendation: Refuse permission

**Stampwell Farm, Oxford Road, Gerrards Cross, Buckinghamshire, HP9 2XD**

**Chalfont St Peter**

**CH/2017/1044/HB**

Ward: Gold Hill

Page No: 35

Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2)

Recommendation: Conditional consent

**Stampwell Farm, Oxford Road, Gerrards Cross, Buckinghamshire, HP9 2XD**

**Penn**

**CH/2018/0480/FA**

Ward: Penn And Coleshill

Page No: 56

Proposal: Demolition of existing dwelling and erection of a detached building comprising 9 flats, with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store, and associated landscaping.

Recommendation: Defer-minded to approve subject to the prior completion of Legal Agreement.

Decision delegated to Head of Planning & Economic Development

**Newbury House, 2 Knottocks Drive, Knotty Green, Buckinghamshire, HP9 2AH**

**Little Chalfont**

**CH/2018/0582/FA**

Ward: Little Chalfont

Page No: 71

Proposal: Change of use of ground and first floor to A3 Use Class Restaurant with associated alterations to shop front, installation of extract flue/ducting/housing (retrospective).

Recommendation: Conditional Permission

**Little Istanbul, Nightingales Corner, Little Chalfont, Buckinghamshire, HP7 9PY**

**Coleshill**

**PL/18/3418/VRC**

Ward: Penn And Coleshill

Page No: 77

Proposal: Variation of Condition 8 of planning permission PL/18/2622/VRC (Redevelopment of site to provide two detached dwellings with new vehicular access CH/2017/0246/FA)

Recommendation: Conditional Permission

**Bowers Croft, Magpie Lane, Coleshill, Buckinghamshire, HP7 0LS**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 22nd November 2018

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### CH/2017/1039/FA

Case Officer: Sukhpreet Khull

Date Received: 01.06.2017

Decide by Date: 18.09.2017

Parish: Chalfont St Peter

Ward: Gold Hill

App Type: Full Application

Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2); erection of 8 dwellings (comprising 4 two-storey, semi-detached pairs) with associated carports/garages (Use Class C3); erection of single storey church building (Use Class D1) and retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction/creation of visitor coach/car parking areas and associated landscaping.

Location: Stampwell Farm  
Oxford Road  
Gerrards Cross  
Buckinghamshire  
HP9 2XD

Applicant: Stampwell Farm Ltd

### SITE CONSTRAINTS

Article 4 Direction

Area Special Adv. Control

Adjacent Listed Buildings

Adjacent Public Footpaths and Public ROW

Within Green Belt other than GB4 GB5

Listed Building

Mineral Consultation Area

Neighbourhood Plan

Public footpath/bridleway

On/within 250m rubbish tip

Tree Preservation Order (A/G/W)

Thames Groundwater Prot Zone GC9

## **COMMITTEE CALL IN**

Councillor Wertheim has requested that this application is referred to the Planning Committee regardless of the Officers' recommendation.

## **SITE LOCATION**

Stampwell Farm is situated to the North of the A40 between Gerrards Cross and Beaconsfield and is accessed via a track off Oxford Road. Stampwell Farm is approximately 27 hectares in size and designated as Green Belt. It also comprises arable land, orchards and woodland.

The site has a range of traditional and modern buildings including a Listed Grade II Farm house, barn to the North of the Farmhouse and the remnant stables link to the North-East, arranged in a C-shaped footprint. A second barn which was attached to the stables block was destroyed by fire in 2008.

A range of temporary modern structures are also located at the site, including a large hay barn and pig sties to the north and poultry sheds to the west; a single storey modern barns/ stores also to the west and associated with the church and educational resource centre; and the temporary large tent in which the applicant runs the church.

The farmyard and the built elements on the site extend 0.7 hectares. The site also comprises of two private un-associated residential cottages - Stampwell Cottages to the north, immediately visible on arrival at the end of the track.

The land rises gently from the recently constructed Stampwell Cottages up to the farmstead by approximately 3 metres in height (over 130 metres distance), and continues a gentle rise from the western edge of the farmstead to the northwest, and drops similarly to the south-eastern side toward the site's existing pond.

Stampwell Farm is split roughly in two by a footpath that runs north-south with the western half given primarily to woodland and the eastern half comprising the existing buildings noted above, which are contained by orchards on all sides and arable land further to the north, extending to the northern boundary railway line running west-east.

The southern boundary edges of the application site are formed by a bridleway running west-east. The central area of the site boundary contains the Stampwell Cottages, which were constructed recently to the west, and to the east is an empty plot (following fire-damage to a previous bungalow, Stampwell Farm Bungalow) with planning permission to construct a new bungalow, under reference CH/2014/1226/FA.

## **THE APPLICATION**

The proposal is for the change of use of the land and buildings on site to D1 Leisure and D2 Worship uses, provision of 8 cottages as enabling development to allow the restoration of the Listed farmhouse and barn, redevelopment of the former courtyard, demolition of the modern agricultural buildings and provision of a new church.

The proposal's three elements are described below :

### **1. Farmstead:**

- The Farmhouse, Barn and Cartshed/ Granary will be restored and converted, and together with a replacement linking structure, to provide a 5 bedroom Dwelling over two storeys (Use Class C3).
- The remaining elements of the listed Stable will be retained, restored and converted and together with replacement structures running broadly along the lines of the original footprint and profile of the northern

fire-destroyed structures will provide a Hospitality Centre comprising 4 Hospitality Suites, Refectory and Kitchen over two storeys (Use Class D2).

## **2. Enabling Residential Development:**

- This will comprise four pairs of two storey 3 bedroom semi-detached cottages (Use Class C3), each of 97sq.m. 1046sq.ft. GIA, giving a total of 8 dwellings of 777sq.m. 8,370sq.ft. GIA.

## **3. New Church:**

- The internal area (GIA) of the new church building is 348sq.m. and proposes to accommodate a seated congregation of 346 people in capacity terms.

In addition to these elements, the retention of the 3 existing barns is proposed as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction of visitor coach/car parking areas and associated landscaping.

The aims of the proposal summarised below and discussed in full further in the report:

The applicant seeks to obtain a permanent planning consent to repair, restore and convert the listed building courtyard to provide hospitality use which will support and or be ancillary to the proposed church (currently operating in a marquee on a temporary basis).

Educational and community facility use is proposed to aid the voluntary management of the land and is seen to allow for the future viability of the farm (agricultural use of the site). These proposals are considered essential ancillary uses of the site and proposed church since the farm is small and not sustainable as a 'standalone agricultural entity' (Para 3.1.1, Planning Statement, May 2017).

As such the church is considered necessary to help with the eventual longer term continuation of agricultural uses and sustainable survival of the landholding into the foreseeable future and listed building preservation. The church and community groups would volunteer on maintaining the land.

In order to enable the restoration of the listed buildings it is proposed that eight cottages are provided. The income generated from the sale of the cottages would contribute (partially) towards the restoration of the listed buildings. Various reports which accompany this application clearly demonstrate a conservation deficit on the site, which justify the case made for enabling development. However, the applicant has not adequately demonstrated that the end value figures are an accurate representation of current valuation or whether this is therefore the minimum level required.

The existing agricultural barns and piggeries are to be demolished as part of the proposal with a view to contain the proposal and to reduce the sprawl of development on the site.

The applicant proposes a church with height, volume and foot print to be smaller than those buildings which are to be demolished collectively. Irrespective of this, however, the church does not constitute as enabling development.

The applicant has indicated the church development would not contribute financially to the restoration of the Listed Buildings and it would be the last element of development to take place. Nevertheless, it is an element of the scheme which could have been incorporated into the restoration elements of the site or more appropriately, been the subject of a separate planning application.

The following documents have been submitted in support of the proposal:

Planning Statement incorporating Sequential Test; Building Method Statement; Business Plan; Sustainable Drainage Strategy; Preliminary Ecological Appraisal; Ecological Appraisal Supporting Letter; Bat Detector Survey; Breeding Bird Survey; Reptile Survey and Outline; Mitigation Strategy; A Landlord's note on restoration of Orchards at Stampwell Farm; Flood Risk Assessment; Holistic Report; Plans; Design and Access Statement; Budget Report; Response to Council's Assessment of Budget Report; Structural Appraisal; Transport Statement; Travel Plan; Scheme Viability Report; Risk Assessment; Attenuation Report; Sewerage Treatment Proposals and Rainwater Harvesting Proposals

### **RELEVANT PLANNING HISTORY**

The site has been granted temporary permission (ref: CH/2014/0555/FA) for a change of use of the land and buildings from agricultural use to mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship, together with the erection of play equipment. This permission was valid until 30 June 2017.

CH/2005/0313/FA - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional permission. This was not implemented and lapsed.

CH/2005/0314/HB -Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional consent. This was not implemented and lapsed.

CH/2005/0315/FA - alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional permission. This permission not implemented and lapsed.

CH/2005/0316/HB - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional consent not implemented and lapsed.

CH/2013/2054/FA - Recladding of 3 barns with timber weather boarding and erection of a timber storage building (Retrospective). (These buildings are located to the north of the cluster of historic farm buildings and the current application proposal is to retain the buildings for D2 use, as shown on the applicant's proposed plans and outlined within the description of the proposal ".....retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church...."

CH/2014/0555/FA - Change of use of land and buildings from agriculture to a mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship. Erection of play equipment. (Retrospective) - Temporary planning permission granted for a limited period which expired on 30 June 2017.

The temporary permission was granted to enable the Local Planning Authority to review the suitability of this use at this location in the light of experience gained during the period of this permission and to allow short term care of the Listed Building setting and the opportunity to explore the long term viability of the Listed Buildings.

### **PARISH COUNCIL**

Chalfont St Peter Parish Council - object and submitted detailed responses produced by Troy Planning on its behalf. The conclusions from the representations made by Troy Planning are copied below and the full document is available to view on the Council's website.

*The scale of development contained within the proposal represents a significant intensification above previously approved temporary uses. The appropriateness of this relatively isolated location must be assessed in terms of providing for a community facility, having regard to its contribution towards the social, economic and environmental domains of sustainable development within the local area. An increase in the scale and use of development has scope to cause a significant local impact upon openness as well as representing harm and conflict against several other development plan policies.*

*Careful attention must be paid to whether the enabling development represents the minimum amount necessary to ensure the restoration and conservation on heritage assets. It is not considered that this has been demonstrated in terms of potential revenue from the hospitality and education uses and whether other sources of funding are available for the church. The requirement for 8 new dwellings in this area has therefore not been adequately justified.*

*Further issues arise in identifying that the proposed church represents new development, not directly forming part of the proposed works or uses within the heritage assets themselves. In the view of the Parish Council, these arrangements increase the impact upon the Green Belt and may not represent the optimum viable use in terms of the long-term conservation of the assets (including impacts upon their setting) nor provide adequate control over future use.*

*For these reasons, which are set out in more detail in the representations themselves, the Parish Council considers that as set out the application proposals do not amount to presenting Very Special Circumstances outweighing the harm to the Green Belt and should therefore be refused.*

The Parish Council also wrote to the Council more recently seeking current documentation in relation to the case, and was informed that the website is up to date, with all the recent material uploaded.

## **REPRESENTATIONS**

Five letters of objection from third parties have been received. The main points are summarised as follows:

- Departure of Local Plan Policy;
- Detriment to the conservation area;
- Detriment to the listed buildings;
- Intrusion into the countryside;
- Rural land should not be built on;
- Traffic impacts, A40 junction turning into the site is dangerous and extra traffic would cause potential accidents;
- Destruction of beautiful views of unspoiled and rural views of the orchard;
- Wildlife/ecology and views disruption;
- Lack of privacy to the existing 2 householders;
- Sanctuary will become a communal area which is already so on weekends with 100 plus vehicles and loud music;
- Size of road is not suitable for the amount of visitors, causes the need to pull in so many times for oncoming traffic- would be a hindrance to emergency vehicles;
- Trees would be destroyed;
- Inappropriate development in the Green Belt due to the creation of new dwellings;
- Harm to the openness of the Green Belt;
- Financially questionable justifications for current plans;
- Access issues leading to road safety concerns from substantial increase in vehicle movements generated by an additional 8 properties and the community nature of the church and banqueting facilities proposed
- Increased noise and disturbance generated by an additional 8 properties vehicle movements, occupants, services personnel, and visitors.

80 letters of support have been submitted together with supporting comments and art from children using the farm. The main points in summary are:

- The creation of community facilities
- Educational benefit to local people
- Economic gains from those who undertake the construction and then for those who will pass by and be attracted to the area and to set up business (catalyst effect)- economic benefit of new jobs in the local area
- Attract visitors
- Farming - would support local community with local produce
- Enhanced public access to the countryside and nearby to listed buildings
- Restoration of important heritage assets
- Improvement to the ecology- "a disused orchard has been turned around into a thriving site"
- Flora and fauna rejuvenation
- Improvement to agricultural land
- Opportunities for local interaction and clubs- crèche, farming clubs for kids, youth groups, men's group, elderly sewing group,
- Provision of much needed housing

## **CONSULTATIONS**

### **Historic Buildings Officer**

Stampwell Farm has Grade II listed buildings that have suffered more than 15 years of neglect and are now in such poor condition as to be at a tipping point, with loss imminent if major repair works are not carried out on a near-immediate basis.

These applications propose a package that will provide means and incentive for the repair and future use of the listed buildings in a new context as part of a church community, entailing re-instatement of missing buildings, change of use of the site, and development to include a new church building, widening of the access road, and provision of car and coach parking. This contextual development is to be funded by the community, but eight new residential units are proposed as enabling development to fund the specialist repairs and works to the listed buildings.

The Council is obliged to have special regard to the desirability of preserving the listed buildings and their setting by Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This obligation has been considered by the courts to carry considerable weight.

Paragraph 132 of the NPPF states that "great weight" should be given to the conservation of a designated heritage asset. While this weight must be in proportion to the importance of the asset, substantial harm to or loss of a Grade II listed building should be exceptional.

My comments contend that the listed buildings retain very considerable significance despite their dilapidated condition, such that their Grade II status is not in question, and such that the buildings remain important. This importance is not of the very top Grade I or Grade II\* order, but is equivalent to that of the middle order of the Grade II range. The above obligations and weights therefore remain relevant.

My comments describe the proposed works to the listed buildings as reasonably appropriate to their historic character, with potential for a strong balance of benefit in conserving and enhancing their significance, and in allowing for a use that will sustain them into the future.

I describe the development within the setting of the listed buildings as being more harmful to the significance. As the degree of harm has been greatly reduced compared with previous informal proposals, I consider the harm of the individual elements to be moderate in heritage terms, but that the total sum of harm



is slightly greater than moderate. This harm would be less than substantial in that it would not destroy the significance or prevent perception of the farm group as a discrete historic entity.

Paragraph 134 of the NPPF requires that less than substantial harm to the significance is weighed against the public benefits of the proposals, including securing the optimum viable use of the listed buildings. Planning Practice Guidance discusses the "optimum viable use" as being the use least harmful to the significance and recognises that if there is only one use, that use must be optimal.

In this case assessment of the balance of harm and benefit is muddled by two complications:

The applicant leaves it open to assume that his proposed use is the only (and therefore the optimum) use because of the lack of any other interest in the marketing campaign of 2012. No new marketing has taken place since, despite the introduction of enabling development that might well change the baseline and be attractive in the context of other uses.

The information submitted with regard to the enabling development does not specifically identify the conservation deficit. It shows how the houses could finance the repairs, but not whether the eight houses are all wholly necessary to cover the deficit.

It is therefore not possible to be absolutely certain that the whole of the harm is necessary, and that it has been minimised.

In my opinion there is also need for some consideration of the harm that could very well arise from further delay or refusal. It has taken years to get to this stage. Since 2005 no-one but the applicant has pursued proposals that would achieve the benefit for the listed buildings. The enabling figures could and should be clarified, but further marketing would take time, during which the listed buildings may well be lost. Loss of the buildings would mean loss of the significance, and harm that is substantial. The weight of the substantial harm of losing the buildings would be greater than that of the "less than substantial harm" to their setting.

In these circumstances, given the less than substantial heritage harm, I suggest that the heritage benefits outweigh the heritage harm, and would urge approval as long as conditions and obligations secured the benefits. As the benefit relates to a last-chance opportunity to preserve the listed buildings, I suggest that this should carry considerable weight.

I recognise, however, that heritage harm is not the only harm and that the balance may appear more negative in relation to other planning matters. In this case it may be more important to pursue whether the whole of the harm is necessary and justified. In this case, however, I strongly urge the Council to consider what exactly is needed and limit requirement to what may be achieved in speedy manner. It will also need to consider measures that might serve to prolong the existence of the listed buildings in the meantime."

### **Full comments on the listed building aspects**

#### The applications :

The applications propose a change of use for the site and its listed buildings, and enabling development as a means of funding their rescue from near-dereliction. In essence the supporting arguments are that: the listed buildings are in dire need; the applicant has been the only party to see any future for them; the applicant's interest in this site stems from his vision for a church community inspired by monastic precedent, with close links to the natural farmland (see his Holistic Report); the community can make good use of the listed buildings, but a church, associated facilities and parking will be essential to achieving the vision and maintaining the applicant's interest in the site; the costs of the church and associated new build/development will be funded by the community, but the high costs of bringing the listed buildings back into use will need to be subsidised by enabling development of eight new dwellings.

Prime heritage considerations will include :

The Council's obligation under Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the listed buildings and their setting.

The considerable weight that this obligation has carried in legal case history;

The similar desirability set out in paragraph 131 of the NPPF of "sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

The principle of paragraph 132 of the NPPF that great weight should be given to the conservation of a designated asset - while the weight should be in proportion to the importance of the asset, substantial harm or loss of a Grade II listed building should be exceptional.

The principles implied by paragraph 134 of the NPPF, in relation to the weighing of harm against the benefits of securing the optimum viable use of the building.

Planning Practice Guidance (Para 18a-015-20140306) that stresses the value of viable use as an incentive for active conservation, and that harmful development may sometimes be justified in the interests of realising optimum viable use as long as harm to the significance is minimised.

Historic England guidance on Enabling Development, as to whether the benefits of these enabling proposals would both secure the conservation of the listed buildings and outweigh the disbenefits of departing from other planning policies (paragraph 140 of the NPPF).

Which listed buildings at Stampwell Farm survive?

Historic buildings identified in the Grade II listing descriptions now comprise:

- Stampwell Farmhouse
- The barn to the north of the farmhouse
- One full bay and other remnants of a two-bay stable building, along with remains of a byre that formerly linked the stables to a second barn.
- The second barn, listed as being to the north-east of the farmhouse, was destroyed by fire in 2008, and further fire and wind damage has been responsible for the subsequent losses to the byre and stable.
- A lower building attached to the south-west end of the barn, last used as a cowshed, also survives. The list descriptions are silent about this building, but it is considered here that it forms part of the listed group by virtue of attachment and because of its function ancillary to the use of the house as a farmhouse.

The condition of the listed buildings

The desperate condition of the surviving listed buildings is evident and shocking. Some detail of the problems and repairs needed are described and illustrated in the submitted Visual Structural Appraisal (VSA), which suggests that the farmhouse in particular is now "at a tipping point". This reflects a long history of neglect that is worth understanding as part of the context for the current proposal and any possibilities for the future.

When I visited in 2003 (see my photos reproduced in Appendix 2 of the submitted Planning Statement), the farmstead showed signs of recent agricultural use and the buildings were maintained in basic order, but the farmhouse had evidently not been used for many years. It appeared to be without mainstream domestic services and had no heating other than open fireplaces. The top of the front wall was already cracking away from the left gable, and there was clear need for major repair and refurbishment.

The condition of the listed buildings and background history

To further this end the Council gave approval in 2004-5 for conversion of the barns, with options for their use either as ancillary accommodation to the farmhouse, or with the far ranges forming a second dwelling. Subsequent marketing and inactivity, however, suggested that the owner was holding the property as an

"investment opportunity". It languished. While we managed to secure urgent works to tarpaulin the increasingly leaking roof, and to board up the openings, the remote location made it impossible to keep the buildings secure. Tiles, windows and fireplaces disappeared gradually, and the north-east barn was reduced overnight to a few charred fragments.

When receivers made further applications in 2010, the loss of this barn made it impossible to extend the time limits of the earlier approvals. It became apparent in the following informal discussions of 2010-11 that the previous conversion schemes would not be attractive to purchasers, given both the need for greater works and the changed financial climate.

Possibilities for re-instating the missing barn and converting the remainder as part of a scheme for a larger number of small residential units were discussed, and the property was marketed with our informal conclusions and provisos potentially available for the agent to share with any purchaser. I was concerned that the number of enquiries I received as a result was extremely low.

The applicant purchased the site in 2012, and shared his vision of establishing a church community within and around the hub of the listed buildings. Since then we have been in regular discussion about the most urgent needs of the buildings, and he has carried out emergency works endeavouring to maintain stability, and improve ventilation and security. Some of these works, however, are ceasing to be effective. Most notably, the roof membrane for the farmhouse, reinstalled from above at some risk to life and limb, has again failed and there are major leaks.

The VSA identifies resultant wet rot in the timber roof structure and eaves plates. It would be too perilous to attempt a further similar replacement given the further decay. The only answer will be proper repair with replacement timbers where required, and full regard for scaffolding and safety, as now proposed. The VSA makes clear that this work is needed as a priority on an immediate basis, and that failure to address it will lead to structural failure. The rear chimney has already collapsed.

Works undertaken to the barn range in 2013 allowed for patching the roofs and cladding, and for propping the cowshed structure. Movement and high winds/snow potential, however, prompted removal of the cladding (with salvage of the tiles and boarding) in early 2016 to allow righting of the timber framework. This is now propped, strapped and more stable, but is clad only with battened membrane over the roofs. The wall framing is exposed. Without further work the benefits will be lost and the framing will be short-lived.

The stable building is propped and the exposed central partition structures protected with battened membrane, but these measures will only be of temporary benefit. The roofless remnants of the damaged half, and of the link byre, are fragile.

It should be evident that the time for temporary holding works, such as might be taken on an urgent works basis, is over, and that a scheme that incentivises full, prompt and appropriate repair and refurbishment will be essential if the buildings are to have any future. They will very soon be in extremis if no action is taken.

#### How does the condition affect the significance of the listed buildings?

These comments assess the significance of the listed buildings as required by paragraph 129 of the NPPF in order to inform determination. In this instance the assessment must take account of their reduced circumstances of the buildings. I have also commented on the scope for appropriate repair as this would affect the potential significance. It should be recognised that some repairs would be equivalent to standard maintenance inevitable for any historic building, but that more drastic works may merely simulate rather than restore historic character. Inappropriate repair will detract from the significance. The significance of the buildings will lie in the degree to which the architectural interest of their distinctive historic appearance and

construction survives, and in the historic interest of their capacity to illustrate past rural life and farming practice, as follows:

The farmhouse retains prime 17th century features, including its distinctive plan form with front doorway, lobby and chimney in line, and its timber-framed construction. The framing of the earliest front range is visible internally, where it currently retains original daub panels, while the mid-later 17th century framing and brick panels of the rear wings are exposed to the approach from the south-west. Blocked timber mullion windows and low ceiling beams are visible inside. Given the extent of the damage the VSA estimates that about 35-40 per cent of the framing is compromised and will need to be replaced, the majority at eaves-plate and roof structure level. Traditional replacement carpentry could preserve the historic style, but it would take time to acquire the patina of age. The brick frontage provided c.1800 to smarten the farmhouse, is in better condition, and would only require lesser work such as tying-in, patching at the top-left corner and re-pointing. It will, however, need a replacement matching door, replacement window frames and new window casements. The current lack of roof cladding could readily be made good with new clay roof tiles of appropriate colour and texture, as standard historic building repair. Such works would do much to restore the former attractive external appearance and character of the building, but would require full prior repair of the roof structure.

The simple traditional interior of the farmhouse survived until the last decade with little alteration, and was of some particular interest for the consistency of its lime plaster wall and ceiling finishes. Many of these are now fallen or de-bonding, with the need for replacement estimated in the VSA at about 80 percent. New lime plaster finishes could do much to restore the visual historic character and breathability of the structure. There are still some traditional brick floors, a wide flat kitchen sink and water pump, traces of a closed-over well, matchboard dado panelling, and some of the c.1800 splat balusters for the staircase. The main central fireplace at the heart of the house survives with its 19th century modifications, but the c.1900 grates fitted to the parlour and bedroom fireplaces have all gone missing. The losses have not affected understanding of the spatial areas of the house, with original hall and parlour flanking the off-centre chimneystack, food preparation and storage areas (including a sunken cellar) to the rear and at the end nearest the former cowshed, and bedrooms at first-floor level.

The barn to the north retains its 18th century timber frame and brick plinth, and its 18th century layout of four bays with opposing cart doors and gabled porch, thereby allowing historically for a through cart way for loading and a through draught for threshing, as well as grain storage. Of the cladding materials currently missing, the old clay tiles are in storage ready for replacement, and traditional weatherboards would restore the historic appearance.

The former cowshed attached to the barn also retains late 18th-early 19th century timber framing, now better revealed by the removal of concrete cattle stalls. Its external appearance could readily be restored as above. The building is distinctive in retaining a loft with rear loading dormer, and posts along the original elevation to the yard show that it was once open-fronted. The routine 20th century brick walling built in front of this elevation is not of special significance and detracts from the historic character.

The stable retains one full bay of 19th century vernacular structure, with brick lower walls, timber framing above, and old tile roof. Feeding troughs with drops from the loft give evidence as to how the stables were used. The link byre is much more fragmentary but evident in plan. In my opinion its previous value lay more in its role as a very simple link structure than in the detail of its construction.

The horseshoe layout of the buildings was very important to the significance and individual setting of the buildings as parts of a historic farmstead. It demonstrated the very close historic relationship between the farmhouse and its farm buildings, and the grouping of the farmstead around the historic farmyard. The close relationship between the farmhouse and north barn range survives, but the loss of the barn to the north-east,

along with part of the link range, has left the stable in comparative isolation and left the farmyard without proper sense of enclosure. Replacement of the missing buildings in sympathetic manner would be of benefit in restoring that sense of enclosure.

The setting of the buildings in rural countryside, with old orchards and agricultural fields around, remote from the road and distant even from the nearby pair of houses, is also of high importance to their significance and understanding of their historic purpose. This setting is perceived by visiting the site, and in views of it from the public rights of way passing to the south and west.

The skeleton of the former storage barn to the north east of the farmstead does not add aesthetically to its setting but is consistent with its historic farming purpose. The utilitarian 20th century agricultural store buildings to the north-west, now clad in timber, are also neutral. The caravans, whether timber-clad or not, and the very large white and yellow-striped marquee that currently serves as a church, are alien and intrusive to the significance.

#### How important is this significance?

While diminished, the surviving structures undoubtedly retain heritage significance because of their construction, plan form, historic features, grouping and setting, albeit the former attractiveness of their appearance is compromised. In my opinion the farmhouse and barn continue to meet criteria for listing and I cannot foresee that Historic England would wish to review the Grade II status in the light of the decay and loss. Even the stable remnant would still have some value as part of the group. I therefore do not see any reason for waiving the statutory obligation regarding the desirability of preservation.

The current significance is undoubtedly less than that of Grade I or II\* listed buildings, and is not as great as that of better preserved, more complete or more exceptional Grade II buildings. However, it is as important as for the many buildings in the middle order of the Grade II range. Even in their raw state the Stampwell buildings show greater historic character and more immediate evidence of the past than many a timber-framed cottage or converted farmstead "done-up" in the 1980s, even though they do not appear as "pretty". I therefore do not see any reason for according low weight in any planning decision.

Refurbishment could not fully restore the significance exhibited by the buildings in 2003, but if appropriately carried out it could go a long way to preserving them and complimenting/enhancing the surviving historic character such that the significance was more readily understood and attractive.

The significance would reduce and become less important, however, in the case of inappropriate works.

#### Will works to make the listed buildings fit for use truly enhance or restore their significance and provide meaningful public benefit?

The proposals to alter the listed buildings (i.e. those requiring Consent) include: works to adapt the farmhouse for continuing residential use, mainly as bedrooms; replacement and enlargement of the previous link to the cowshed to provide a single-storey kitchen/breakfast room; conversion of the cowshed to a family room with room aloft room above; refurbishment of the main barn as a living/dining/function room for the community; a glazed passage extension to link the farmhouse to the converted barn and a rebuilt NE range beyond; and re-instatement of the missing parts of the byre and stable to provide three new residential suites, with small ensuite bathrooms instead of the former shacks to the rear of the byre.

#### The proposals would be harmful in that:

A new doorway into the bathroom for bedroom 1 in the farmhouse would result in loss of a small blocked 17th century window with timber frame and mullion, currently semi-concealed in the walling. The flat sink and water pump would be lost, as would the remnants of brick floor.

The 19th century brick wall between the farmhouse and cowshed would be lost, to be replaced by a slightly recessed new wall on new foundations;

There would need to be new openings in the central partition wall of the stable, albeit amended drawings have greatly reduced the need to cut historic timbers. The new rooms inside the stable would be small, and it is not proposed to retain the feeding troughs.

These harms are in my opinion minor harms given the scale of the works, and could be mitigated by recording of the window with possible preservation of it on site as a feature.

In terms of benefit, the proposals for the listed buildings call for minimal alteration of the existing layout of the farmhouse, and look to preserve the large historic spaces of the cowshed and barn. External elevations would be restored to make good or match their historic appearance, albeit with glazing inserted into the existing openings and doorways of the farm buildings. The number of new windows needed is relatively small, and they have been designed either to match existing openings or to appear agricultural in character, set around existing wall studs. In providing incentive for repair and future use and maintenance of the buildings, the benefit would be enormous as long as the works are carried out sensitively and appropriately.

Provision for this is set out in the application in: the notes and materials included on the submitted drawings; the works scheduled in the Preliminary Budget Estimate by Selway Joyce; and in the two Method Statements prepared by Wintle Property Services and Dylan Hartley. The specification is a little spread across these documents, and would need to be tied together by means of a condition, but gives the impression of a strong conservation approach, aiming to minimise unnecessary loss, match existing materials, use lime mortars and plasters, and provide for carpentry repairs in new oak timber with traditional joints of matching size and type. It is, however, recognised that the timber repairs will depend on further investigation and that this is not yet possible given the poor condition. Mention is made of further approval by the conservation officer, and I would strongly recommend conditions requiring further approval for the materials and mortars, and for repair details that depart from the approach suggested or are more extensive than currently noted. It may be perfectly reasonable to adopt alternative methods in the interest of greater conservation of the existing fabric, but there will be need for expert opinion on the acceptability. I also have some reservations about the specifications for a concrete, as opposed to a lime-crete floor slab, but do not think that it would be reasonable to require retention of the remnants of brick floor given the very poor condition.

With these provisos I am in no doubt that the impact on the significance would be positive, and that the heritage benefits of the works to the listed buildings would outweigh the small degree of harm in arising from these particular works.

#### The impact of the proposals on the setting of the listed buildings

The effect of the proposal to reinstate a building in place of the missing barn will in my opinion also be positive to and enhance the significance. The proposed building takes the footprint and proportions of the former building and will differ visually only in terms of a tiled rather than a slate roof, a small number of roof lights, a gabled rather than a hipped "cart entry" feature, and residential use. The larger domestic glazing is tactfully recessed behind the posts and overhanging roofs that replicate the former catslide animal shelters to the south west of the barn. This building will acknowledge the former agricultural character and, along with reinstatement of the byre, will re-enclose the farmyard in reasonably tactful manner. This will be of overall benefit to the significance of the listed buildings in terms of their relationships and grouping as parts of a historic farmstead.

The proposed church building will be a very large new element that will be readily seen in association with the historic farm group, from the approach track and from the public footpath to the west. As a building alien to

the historic function of the farmstead, and surprising within the rural agricultural setting, the building must give rise to some harm to the significance and heritage value of the listed buildings. The degree of harm is, however, mitigated by the simplicity of the building and its attempt to echo the agricultural style, with single large roof and timber cladding. The scale will not be dissimilar to that of a modern barn or equestrian building, and will not eclipse the existing buildings in height or fussiness. Its mass helps to form part of a second courtyard arrangement associating with the more recent timber-clad modern buildings rather than directly with the historic group. These factors will not conceal the change to the context of the listed buildings, but will help to blunt the visual impact. In my opinion the harm would not destroy the significance and would therefore be less than substantial. In my opinion it would be moderate.

The knock-on requirement for enlarged access to the site and for large parking areas will also be of some harm to the rural setting of the historic farmstead. The parking to the rear will be relatively discreet and will replace informal hardstanding currently in place, but the parking in the green space to the south west will be more visible from the main approach and will contribute to a more institutionalised character. Parked coaches will appear particularly intrusive. The applicant points out that the existing orchard on the site will in any event need to be replanted, but the introduction of the parking will greatly exaggerate the loss. New planting and grass-crete surfacing will help over time to soften the everyday visual impact on the site, though not when the church is in full use and the site is most visited. As with the church building, with such mitigation in place the harm would not be substantial and could be moderate.

The eight houses proposed as enabling development will introduce a new settlement that will intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will strike as almost suburban. The houses have , however been reduced in number compared with previous informal proposals, and are more tactfully grouped as far away from the historic farm group as space and access allow. They will associate most closely with existing replacement buildings of similar architectural character. It will remain possible to see the farm group as separate and more distinct from the new cul-de-sac, without substantial harm to their setting or complete loss of significance. In this sense I acknowledge that the harm is mitigated to some extent.

The church building, wider access, car parking and housing are therefore all of some harm individually. In sum, the combination of harm will be slightly greater. It would still in my opinion not eradicate the significance, and therefore could not be regarded as substantial.

Is the extent of harm to the setting and significance justified by the benefit to the use of the listed buildings?

As the harm is "less than substantial" it must be weighed as required by paragraph 134 of the NPPF against the public benefits, including that of securing the optimum viable use for the listed buildings.

Optimum viable use is defined in Planning Practice Guidance as the use "likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes". If there is only one viable use, that use is the optimum viable use. The Guidance continues: "Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised."

The applicant's proposal is a package of new church community use and enabling development that is very much driven by the applicant's interest in the site as a church community. The submitted Scheme Viability Report does include a short section on options, but it refers only to the unlikelihood of commercial use. It does not re-visit the options previously investigated for residential housing units, and it is clear that the applicant is only truly interested in the site for his particular purpose, and that his new use alone cannot

provide for the works to the listed buildings. The enabling development is also necessary. His approach is therefore open to question: why is the church use necessary if the new houses are to provide the funding? In the light of the enabling development, should the property be re-marketed to see if there is new interest in a residential use alone, without need for the church and the parking?

There will also be questions as to whether so much enabling development is necessary, and whether the harm could be minimised by reducing the number of houses? I will defer to those with greater understanding of the financial situation than myself, but have the following comments on the enabling argument:

The costs of the listed building repair are based on the Preliminary Budget Estimate by Selway Joyce. This is a professional assessment that looks in some detail at the costs, but Historic England guidance warns that such assessment is not a precise art, and the Council has required the estimates to be professionally scrutinised by Sawyer and Fisher. The scrutiny notes some discrepancies with details on the amended plans, but I would regard these as minor. It also notes under-provision for some aspects of the repair, but notes that this may in part arise from conservation options as to exactly how the frame is to be mended, whether to re-tile ground floors or restore the matchboard dado panelling. While surety on these matters would be ideal, the application notes that it is not currently possible to determine the complete extent of replacement framing, or even the most appropriate method of repair, and that some leeway is needed. To my mind the issue of the floors and dado panelling is secondary, given that any replacement would be wholly new in any case. I also note that while some of the figures are reputedly under-called, some of the costs of the fitting out are perhaps exaggerated. I suspect that the estimates are not perfect, but that they do serve on balance as a rough guide to the likely order of costs, and do not overcall the potential expense.

The purchase price originally paid by the applicant is quoted at the low figure of £230,000 for the listed building complex and the housing site. While this does not reflect a nil or negative value that might be ascribed to the near derelict listed buildings, it does not strike as exaggeratedly inappropriate for the site.

The total cost of repairing the listed buildings is estimated on page 2 of the Preliminary Budget Estimate as amounting to just under £4 million, including preliminaries, contingency, professional fees and VAT. The Appraisal Summary in Appendix 2 of the Scheme Viability Report by Bidwells quotes a potential sales value for the listed building complex of £2 million, leaving a conservation deficit of £2 million to be covered by the enabling development (though it is not clear whether the sales value also covers the replacement barn, which is outside the scope of the enabling development).

The Appraisal Summary is set out in the manner advocated by Historic England guidance, and shows that the costs of the repairs and refurbishment, and of constructing and administering the enabling development would be met by the sales value of the listed buildings and the 8 new houses. The total revenue from the scheme would exceed the costs to allow for a modest developer's profit of about 8%. This is not unduly excessive, but necessary to provide incentive for development, and is low compared with usual expectations.

What is not wholly clear is how the applicant has arrived at the figure of eight houses as necessary to cover the costs. Would it have been possible to get away with less, thereby reducing the degree of harm?

These are valid questions. The applicant may well be able to throw more light on the last. As for the issue of use options and alternative marketing, it is clear that he does not regard these as relevant. He is presenting his proposals as the only (and therefore optimal) proposals to have arisen and been pursued since the site was marketed in 2012 and received no sign of other interest. They are the only set of proposals on the table for saving the listed buildings. They have taken years to formulate, cost and prepare, during which the listed buildings have inevitably declined further, despite his best efforts, and are now at a tipping point. However one arrives at this conclusion, I have to agree that the last point is true, and that the circumstances of the



listed buildings are acute. In these circumstances the proposals are not only the only option under current discussion. They may well also be the last option.

In this context it will be worth considering the degree of additional surety that further questioning and consideration might. While the questions may be perfectly valid questions, they branch into the unknown and require research and further information that will take time to pursue. This is time that the listed buildings do not have. If they collapse in the meantime, the loss of significance will be total and the degree of harm substantial. In heritage terms this would evidently outweigh the less than substantial harm to the setting.

This is not a comfortable equation. The condition of the listed buildings must, however, be a material consideration, as Planning Practice Guidance acknowledges, and the knock-on consequences of delay or refusal will need to be considered.

It is my opinion, after nearly 15 years of trying to find a solution for these buildings, that the application is not perfect, but that it does present a last chance for saving their significance, and that the benefits outweigh the harms in heritage terms. For heritage reasons I would urge approval as long as conditions and obligations secure the benefits to the significance, in terms of quality and timeliness of restoration.

The wider picture:

In wider planning terms I acknowledge that there are major costs. I cannot not venture into this wider balance other than to remind of the "considerable weight" to be given to the conservation of the significance of heritage assets, and the value of these particular buildings.

Any negative decision will need to have taken account of the likely loss of the buildings within the near future. If the Council wishes both to refuse the application and to avoid the loss, it will need to consider new means of stemming the decline of the buildings. In this context it will be difficult to arrive at effective urgent works, given that most options are now exhausted (though full covering of the barns would help). The survival of the house will depend on the possibilities of finding a new solution that speedily funds full repair. At best this would be achieved by working with the current owner. At worst it could require use of the Council's powers to issue a Repairs Notice, and follow through with compulsory purchase. Speed would need to be a prime consideration in any event.

The consultation responses which follow the Listed Buildings observations have been summarised and should members of the public wish to view consultee comments in full, they can refer to PublicAccess on the Council's website.

**District Housing Officer**

These comments reflect the earlier policy advice provided to the applicant at the pre-application stage since they remain valid.

Core Strategy Policy CS8 sets requirements for the level of on-site affordable housing provision and states that on sites which have 8 or 9 dwellings, at least two affordable housing units should be provided. Policy CS10 further states that it is the Council's strategy to seek a minimum of 70% affordable rented and a maximum of 30% shared ownership (or other intermediate housing option). Policy CS11 also states that where less than 10 affordable dwellings are proposed they should all be one and two bedroom dwellings.

**Buckinghamshire County Council Highway Authority**

Access Arrangements

As the A40 Oxford Road is subject to a speed restriction of 50mph in the vicinity of the site, visibility splays of 2.4m x 113m are applicable, commensurate with current Manual for Streets guidance. These splays are

achievable in both directions onto the A40 in this location. Traffic arriving from the direction of Gerrards Cross would require vehicles to turn across the lane of high-speed traffic in order to enter the site. In my previous comments, I had requested that the applicant investigate the viability of providing a right-hand turn lane on the A40, to ensure that the free-flow of vehicles would not be impeded as a result of the development and to reduce the risk of rear end shunts. Whilst this has not been shown or commented upon in the amended information submitted by the applicant, I have undertaken my own assessment of the situation, and can confirm that there is sufficient space within the publicly maintained highway in the vicinity of the site for this to be provided. If the Local Planning Authority are minded to grant planning consent for the development, I would expect the provision of this right-hand turn lane to be secured by way of a suitably worded condition.

In terms of the access width, I note from the submitted plans that the access would be widened to 4.8m for the initial 20m of the site, before the road would continue with a 3.3m width, with a 1.5m wide grass-crete section on the east side of the road, which would be over-runnable. This access road would continue for a distance of 180m, resulting in an overall access width of 4.8m for over 200m, which I can confirm is acceptable in this instance.

With regard to waste collection, I note that there is an existing arrangement with the dwellings along the access road to collect outside the property boundary. It is my understanding however, that this arrangement would not be continuing for the proposed new dwellings, and that roadside collection from Oxford Road is more likely in this instance. Correspondence from the Chiltern District Council Waste Management team indicates that for health and safety reasons collection teams would be likely to enter the site for a few metres given the nature of Oxford Road. Manual for Streets guidance states that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. The proposed site plan does not accord with these requirements, and residents will therefore have to carry their waste bins in excess of this distance to enable roadside collection from Oxford Road. Whilst this is not ideal, as the access road will not be adopted by the Highway Authority, I am not in a position to justify this as a reason for refusal of the application. It would appear that an area clear of Oxford Road has been provided by the applicant in order to allow for refuse collection to take place, however no swept-path analysis of a 9.59m refuse vehicle have been provided in order to demonstrate that refuse vehicles are able to turn within this area and leave in a forward gear. If the Local Planning Authority are minded to grant planning permission, I would ask that a scheme for refuse vehicles to turn within the site is secured by way of a suitably worded condition.

#### Sustainability

Concerns were previously raised regarding the sustainability of the site, as it is located approximately 4km from the centres of Gerrards Cross and Beaconsfield in either direction, and does not link with the existing footway or cycleway network. From the proposed residential dwellings and church it is in excess of 800m to the nearest bus stop. As the recommended maximum walking distance to a public transport access point is a 400m/5 minute walk, the development site is therefore considered to be in a comparatively unsustainable location from a public transport accessibility perspective. Furthermore, there is no safe crossing point on Oxford Road to link the site with the bus stops on the opposing side of the road; however given the classification and speed of the road, it would not be safe to provide a pedestrian crossing point in this location in any event. Paragraph 35 of the NPPF states that "developments should be located... to... have access to high quality public transport facilities". A development which does not provide any pedestrian footway links, cycle links or access to public transport is therefore in direct contradiction to the aims of the NPPF.

#### Site Layout

Within my previous comments, I had also raised concerns over how the access road serving the church car park would be enforced as one-way system on Sundays and event days, and the available reversing distance

and vehicle parking for the garage plots for the residential dwellings. This information has not been forthcoming at present, however I am also satisfied that this could be dealt with by way of suitably worded conditions requiring the submission of a car parking management plan for the church and revised parking layout for the residential dwellings.

#### Conclusion

Mindful of the above, I must recommend this application for refusal.

### **Buckinghamshire County Council - Transportation for Buckinghamshire**

#### **Travel Plan Team**

The Travel Plan Team notes that the site does not seem to lend itself towards sustainable travel due to the location of the existing bus stops and the sites rural nature, the inclusion of a minibus could make up for this. If the applicant was to include the promotion of car share the Team would approve the Travel Plan.

#### **District Waste Team**

The Waste Team have acknowledged the existing waste collection agreement which is a historic agreement predating the Serco contract for the existing bungalows within the site. However, they also advise that current policy is to require all new development to show provision for the storage and presentation of 180L/240L wheelie bins.

### **Buckinghamshire County Council Archaeology**

The County Archaeological Service have consulted the Buckinghamshire Historic Environment Record (HER) and confirmed that the application site includes certain Grade II listed buildings, including Barns, Stables and the Farmhouse. They have provided information regarding the historic interest of Stampwell Farm, identifying the proposed development area as former Assarted enclosures and Orchards. 'Assart' refers to the enclosure and clearance of woodland to create private farmland. Typically, such clearance occurred from the medieval period through to the 18th century. Clearance of any remaining orchard could contribute to the rapid decline of this landscape type in the Chilterns. However it is also noted that the proposals include re-planting of orchard to maintain and restore this landuse. Aside from the landscape type identified, the development area appears to have low archaeological interest. Therefore the proposed development is unlikely to have significant archaeological implications, and as such no conditions relating to archaeology are recommended.

#### **District Tree Officer**

The Tree Officer acknowledges the presence of TPO woodland and ancient semi-natural woodland within the vicinity of the application site, and also notes the presence of historic orchards within the application site. The Officer provides detailed comments on the application impacts and also on the proposed planting plan, noting inconsistencies in these and concluding that the proposals are not clear and may involve excessing and unnecessary loss of existing traditional orchard trees in order to replant new more productive trees. In addition, although the extent of tree loss is uncertain, precautions to avoid unnecessary tree damage and tree protection measures would need to be ensured during the construction phase.

#### **County Ecological Advisor**

The County Ecologist has emphasised that orchard is a priority habitat within Buckinghamshire and Milton Keynes, and has asked for its retention if possible. However she has also discussed with the applicant the offsetting of any loss of orchard through mitigation and enhancements elsewhere in order to improve overall habitat value and maintain wildlife connectivity. As a result she has requested that should planning permission be granted appropriate conditions are imposed including the submission of a management plan.

### **Buckinghamshire County Council - SuDS Approval Body**

No objection subject to recommended conditions.

### **District Building Control - Fire Fighting Access**

Building Control Team originally objected to the application as the plans did not provide for Fire Brigade access. However, they have now confirmed that the revised plans demonstrate that the road meets the minimum load requirements and a suitable condition could be imposed in this respect should planning permission be granted.

### **Buckinghamshire County Council Rights of Way/Strategic Access Officer (including disability access comments)**

Public Footpath 30 (CSP/30/2) and Public Bridleway 34 (CSP/34/1) Chalfont St Peter Parish share private vehicular access to the farmstead and a number of residential properties.

While I am content the shared access drive is of sufficient width to accommodate shared use, allowing pedestrians room to step aside if confronted by vehicles, I have a number of concerns.

The access road drawing (No. 0663.1.3A) illustrates both gates and cattle grid. Neither structure would qualify to receive highway authority permission as no stock control is required. It is noted a small pedestrian gate is included on the west side, but this is not satisfactory as walking access across the full width is required. Cattle grids on public rights of way should be used exclusively for stock control and not as de facto drainage structures or to retain visual amenity. The application illustrates grass-crete which is not a material the highway authority maintains, so should be replaced with 'tar-spray and chip'. This surface should be of a bitumen construction sufficient to withstand vehicular traffic.

Grass-crete is not an acceptable surface for use on a bridleway (or other route likely to be used by horses). Where it has been used in the past on public footpaths there is very limited durability, lasting only 5 years in the case of the Thames Path. Therefore it should not be used on a Public Right of Way for health and safety reasons, and because the County Council does not maintain this surface. Grass-crete would be less even than tarmac for pushchair and wheel chair users and therefore flawed in terms of disability access/provision.

### **District Building Control - Disabled Access**

This matter is addressed above in the Access Officer's comments.

### **District Environmental Health Officer - Noise**

Has raised no objection with the application.

### **The Chiltern Society**

Object to the proposal on the basis that it is contrary to the Development Plan/intrusion into countryside.

### Other consultations

Having reviewed that application documents and local view constraints map, the proximity of Ancient Woodland became apparent and as such Officers extended the consultation to the following non- statutory but relevant organisations to comprehensively address biodiversity, ecology and tree preservation:

- The Forestry Commission on the development proposal as it is near ancient woodland or/and veteran trees;
- The Woodland Trust;
- Common Ground and
- The Peoples' Trust for Endangered Species.

The following representations were received:

### **The Forestry Commission**

Made a representation in which it states that Ancient Woodland is an irreplaceable habitat. It refers to NPPF paragraph 118 which states: "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss". The response also indicated that The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees which it refers the Council to in determining this application and in assessing potential impacts.

### **People's Trust for Endangered Species**

Whilst the response received indicates that this proposal is positively conceived as the new dwellings are modest in size and character and because the proposal makes a change to the usual wholesale destruction of sites, which it objects to, some issues are raised in relation to a tree distribution range to make the proposal acceptable. This is addressed by the Council's Tree Officer in greater depth.

### **POLICIES**

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS4, CS19, CS25, CS26.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GC10, GB2, GB30, LB1, LB2, LB3, LB4, TR11 and TR16.

### **OTHER LEGISLATION AND GUIDANCE**

National Planning Policy Framework (Revised July 2018) (NPPF).

National Planning Policy Guidance (NPPG).

Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16, 66 and 72 require the LPA to have regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Historic England guidance documents and advice notes (and more specifically those listed below).

Historic England Guidance; Managing Significance in Decision-Taking in the Historic Environment - 2015, and Making Changes to Heritage Assets- 2016.

English Heritage, 'Enabling Development and the Conservation of Significant Places' 2008, (Revised 2012).

### **EVALUATION**

1. As stated above in the relevant 'planning history' section of the report, planning permission has previously been granted for the temporary permission (ref: CH/2014/0555/FA) for a change of use of the land and buildings from agricultural use to mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship, together with the erection of play equipment. This permission lapsed on 30 June 2017. Whilst the current application is an attempt to formalise the temporary operations at the site along with additional development.

### **Principle of development**

2. The site is within the open Green Belt. Policy CS1 of the Core Strategy aims to protect the Green Belt by focusing development on land within the built-up areas of existing settlements. The presumption in favour of sustainable development is not applied in the Green Belt unless the development proposed is appropriate to the Green Belt. The categories of such development are set out in detail in policy GB2 which has been

updated by the National Planning Policy Framework. Any other development is considered to be inappropriate development which is by definition harmful to the Green Belt.

3. It is noted that Chiltern District Council together with South Bucks District Council has commenced work on a new joint local plan which will establish development needs over the periods 2014 to 2036. The Councils commissioned jointly with the other Buckinghamshire authorities a county wide Green Belt assessment. Little weight can be given to the emerging Local Plan at this stage. As such, the proposal needs to be assessed against current planning policies. Notwithstanding this, the first phase, assessed the Green Belt as a whole against the 'five purposes' of including land in the Green Belt. The five purposes that the Green Belt serves are set out in NPPF paragraph 134 as being:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4. The phase one assessment recommended areas of the Green Belt which were lower performing against the five Green Belt purposes for further assessment in phase two. The Stampwell farm area was included in such an area the consultants concluded that the parcel maintains a strong, unspoilt rural character. As a result this parcel of Green Belt was not recommended by the consultants for further study in part two.

5. Taking the above into account the site is within the Green Belt and currently makes an important contribution towards its purposes. It is therefore necessary assess the proposal with regard to current national and local plan policies.

6. The National Planning Policy Framework (NPPF) advises at paragraph 133 that the Government attaches great importance to Green Belts. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Plan Policy GB2 and The NPPF, in paragraph 145 (g) indicate that the construction of new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions including the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development.

7. The proposal would include some development on the previously developed part of the site, including the repair, restoration and conversion of the listed building courtyard to provide hospitality use to support the proposed church and extensions to the barns and stables with the aim of restoring the farmstead arrangement at the site. This would involve the construction of elements destroyed by arson. It is acknowledged that these elements would include the restoration of previously existing buildings. However, it is clear that they would introduce new built form when compared with what currently exists on site and would therefore have a greater impact on the openness of the Green Belt than existing.

8. In addition to the above, the application also includes the erection of substantial new buildings within this open Green Belt location comprising 8 new dwellings and a new church hall. These new buildings would not meet with any of the exceptions to inappropriate development set out in Local Plan Policy GB2 and paragraph 145 of the NPPF.

9. Taking the above into account the proposed development would constitute inappropriate development which is by definition, harmful to the Green Belt. This must be accorded substantial weight.

10. The applicant's planning agent has acknowledged that parts of the proposal would constitute inappropriate development. However, she has stated that if the Council was to assess the proposal as inappropriate development, this should only apply to the church and the new build elements of the Listed Building range (i.e. replacement of fire damaged/destroyed buildings). She also considers that this should not be applied to the enabling development aspect of the proposal (8 cottages).

11. The planning agent's points are noted. However, as has already been noted above, the development proposed, which includes the erection of substantial new buildings, would not meet with any of the exceptions to inappropriate development. As such, it is very clear that the proposal would constitute inappropriate development. The NPPF in Paragraph 143 sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' 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.

12. Notwithstanding their points regarding whether the development constitutes inappropriate development, the applicant's agent has put forward evidence to suggest that the proposed 8 houses would constitute enabling development and is necessary to finance the works to the listed building. In this respect it is acknowledged that the NPPF states in Paragraph 202 that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Having regard to this, it is accepted that, depending on the circumstances, such 'enabling development' can amount to very special circumstances. The applicant has also put forward a further case of very special circumstances relating to the need for the new church and the other development proposed. The applicant's overall case of VSC, including the matters relating to the potential of enabling development, are considered in detail towards the end of this report. However, it is first necessary to consider the scheme in terms of any other harm (in addition to that by reason of inappropriateness).

### **Impact on the openness of the Green Belt and its purposes**

13. The existing site (excluding the unlawful temporary barns and tents) comprise the former farmhouse and agricultural buildings. These are set within a largely open countryside location and of a design and scale that reflects their former agricultural use.

14. The proposal would include a substantial amount of new development on parts of the site that are currently undeveloped. This includes four pairs of two storey semi-detached cottages with a total floor space of 777sq.m and a substantial new church building would have a floor space of 348sq.m. In addition to this the development would be served by a large car park area which would provide parking for approximately 100 vehicles. Further new development would also be introduced through the need to widen and upgrade the long access road to serve the development. The proposal would also introduce a significantly greater amount of activity to the site including vehicle movements the parking of vehicles.

15. Given the above the proposal would introduce a large amount of built form and activity onto undeveloped land resulting in a considerable loss of openness within this part of the Green Belt. Furthermore, the introduction of this development would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. This is contrary to Local Plan Policy GB2 and Section 13 of the NPPF.

### **Design/character & appearance**

16. The site is in a fairly isolated rural location. It forms part of the Beaconsfield Mixed Use Terrace (Landscape Character Area 22.1 in the Buckinghamshire Landscape Character Assessment (LCA), prepared by

Bucks County Council). The LCA describes the landscape character as being a large scale, mixed use, elevated plateau with a mosaic of open farmland, undulating parkland and woodland, a low and highly dispersed settlement density comprising isolated farmsteads and intermittent properties, large scale open fields, generating long views, which contrast with areas of enclosure associated with woodland. Away from the transport corridors, a tranquil and calm landscape exists. From the description in the LCA, it is clear that this is a very rural, isolated and fairly tranquil location. Local Plan Policy GB30 applies to all land within the Green Belt which is not included within the Chilterns Area of Outstanding Natural Beauty, the Area of Attractive Landscape, Locally Important Landscape Areas and Parks and Gardens of Special Historic Interest. This policy states that development must be well integrated into its rural setting and so conserve the scenic beauty and amenity of the landscape in the locality of the development. As previously noted, the lawful buildings on the site are of a rural nature comprising a farmhouse and former agricultural buildings which are largely derelict. To the southwest of this is a pair of detached dwelling (1 and 2 Stampwell Cottages). Adjoining this is the site formally occupied by Stampwell Farm Bungalow. Overall, whilst the application site and its surroundings include derelict buildings, in the absence of the existing unlawful temporary buildings/uses, the site retains a very rural and open character, which is evidently an important part of the character of the surrounding LCA.

17. The proposed buildings would reflect the vernacular style of the locality and they have been sited in an attempt to reflect the pattern of development, including the existing dwellings at Stampwell Cottages. However, the introduction of such a substantial amount of development (including 8 dwellings, a new church, a large open car parking area for 100 cars, a widened access road and a notable increase in activity on the site), it would result in a significantly more urban appearance on the site than currently exists. Mindful of the important character of this LCA, highlighted above, the amount of new development would be to the detriment to the rural and open character of the area. Furthermore, as set out below, the proposal would also result in a significant loss of trees. The LCA highlights the importance of trees in this landscape, by stating that woodland blocks and smaller wooded areas are interspersed across the plateau, creating a contrast to the more open landscape which predominates. As such the loss of trees would fail to preserve this character. The LCA states that, in terms of the perceptual and experiential value of this landscape area, it is a large scale landscape, with open, extensive arable fields, extensive parkland and several large tracts of woodland. There is a varying sense of enclosure, with a significant contrast between the wooded parts, which convey a strong sense of enclosure and open, expansive fields, which allow for long vistas across the character area. The overall strategy and vision for this character area is to conserve and protect the mosaic of woodland, open farmland and parkland, and to maintain the remaining areas of tranquility. One of the landscape guidelines in the LCA is to maintain the open views across the fields, and monitor the introduction of additional infrastructure and built form, which it states would adversely affect views within the landscape. Given the amount of new development proposed, including the row of new dwellings and church, together with the infrastructure proposed, including a large car parking area, access road and more activity on the site, the proposal would not respect the rural, open and tranquil character of the locality and is contrary to Local Plan Policies GC1 and GB30, and Core Strategy Policy CS20.

### **Trees and landscaping**

18. As part of the development, new landscaping is proposed together with a replacement orchard. The District Tree Officer raises a number of issues with the landscaping proposals and tree retention plans as submitted. He states:

*"The main area of tree loss on the site would be in the orchard area for the proposed semi-detached houses and car parking area. Although the application does not appear totally consistent, it seems likely that much of the apple orchard in this area would be lost along with a smaller area of older cherry trees.*

*There also appear to be inconsistencies in the landscaping and restoration proposals. The proposals on the Landscape Framework Plan generally appear to be reasonable but do not seem to totally agree with the planting*



*shown on the Planting Plan. Furthermore the more recent ideas for denser replacement planting with trained dwarf varieties of apple do not accord with the earlier proposals or with the principles of traditional orchard restoration.*

*Overall I am concerned that the proposals are not clear and may involve excessive and unnecessary loss of the existing traditional orchard trees in order to replant new more productive trees. In addition, although the extent of tree loss is uncertain, I would like to see precautions to avoid unnecessary tree damage during the construction phase through appropriate tree protection measures."*

19. Taking the above into account the proposal would result in a substantial loss of trees and it is not considered that the landscaping scheme proposed would be sufficient to mitigate this. The loss of trees would add to the above concerns regarding the impact of the development on the character and appearance of this rural location.

### **Affordable housing**

20. Policy CS8 of the Core Strategy sets out the affordable housing requirements for the District. It requires that schemes of 8 or 9 dwellings, two affordable units should be provided. If this cannot be achieved, then it would be for the applicant to demonstrate and justify this, providing a viability assessment setting out what they consider to be a more appropriate amount or justifying zero provision. The recently published NPPF states in para 63 that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (which include the AONB). For housing, major development is defined in the glossary as 10 or more homes, or the site has an area of 0.5 hectares or more. In this case the part of the site that would contain the dwellings and their gardens would not exceed 0.5 hectares. Furthermore, the houses are proposed as a means of financing the restoration of the listed buildings and given the Green Belt location it is not considered that the site could in this instance be considered to be capable of accommodating additional dwellings to exceed the NPPF thresholds. As such, no objections are raised to the lack of affordable housing in this instance.

### **Impact on Listed Buildings**

21. The site has a range of traditional and modern buildings including a Listed Grade II Farm house, barn to the North of the Farmhouse and the remnant stables link to the North-East, arranged in a C-shaped footprint. A second barn which was attached to the stables block was destroyed by fire in 2008.

22. The Council's Historic Buildings Officer (HBO) has provided a comprehensive assessment of the impacts of the proposal on the heritage assets within the site. She considers that the reinstatement of the missing barn will be of overall benefit to the significance of the listed buildings in terms of their relationships and grouping as parts of a historic farmstead.

23. In respect of the eight houses, the HBO considers that these would introduce a new settlement that would intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will strike as almost suburban in character and appearance. She notes, however that the buildings are more tactfully grouped as far away from the historic farm group as space and access allow and will associate most closely with existing replacement buildings of similar architectural character. She considers that it will remain possible to see the farm group as separate and more distinct from the new cul-de-sac, without substantial harm to their listed setting or complete loss of significance. As such, she acknowledges that the harm is mitigated to some extent.

24. In respect of the proposed church building she states that this will be a very large new element that will be readily seen in association with the historic farm group, from the approach track and from the public

footpath to the west. The building would be alien to the historic function of the farmstead, and surprising within the rural agricultural setting. The building would therefore give rise to some harm to the significance and heritage value of the listed buildings. However, she considers that the degree of harm is mitigated by the simplicity of the building and its attempt to echo the agricultural style, with single large roof and timber cladding. Its mass also helps to form part of a second courtyard arrangement associating with the more recent timber-clad modern buildings rather than directly with the historic group. She states that these factors will not conceal the change to the context of the listed buildings, but will help to blunt the visual impact. As such, she considers that the harm identified would not destroy the significance of the listed buildings and would therefore be less than substantial.

25. The HBO also notes that the infrastructure requirements for an enlarged access to the site and for large parking areas will be of some harm to the rural setting of the historic farmstead. The smaller areas of parking to the rear will be relatively discreet and will replace informal hardstanding currently in place, but the large new car park in the green space to the south west will be more visible from the main approach and will contribute to a more institutionalised character. Parked coaches will appear particularly intrusive. New planting and grass-crete surfacing will help over time to soften the everyday visual impact on the site, though not when the church is in full use and the site is most visited, with arrays of cars and parked vehicles visible in the landscape. As with the church building, with such mitigation in place the harm would not be substantial and could be moderate.

26. Overall, the HBO considers that the church building, wider access, car parking and housing are all of some harm individually. However, she states that this would not eradicate the significance, and therefore the harm could not be regarded as substantial.

27. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 also states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

28 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm, as is the case here, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this respect it is noted that the opinion of the HBO is that, "after nearly 15 years of trying to find a solution for these buildings, that the application is not perfect, but that it does present a last chance for saving their significance, and that the benefits outweigh the harms in heritage terms". As such for heritage reasons she urges the approval of the development provided conditions and obligations secure the benefits to the significance, in terms of quality and timeliness of restoration.

29. Whilst the above support of the HBO for the proposal is acknowledged, the application also needs to be balanced against any other harm resulting from the development. This is considered in more detail below, in terms of the applicant's case of Very Special Circumstances.

### **Residential amenity/amenity of neighbours**

30. The existing occupiers of the Stampwell Cottages have raised objections to the scheme including its impact by reason of the visual impact of the buildings, increase in noise and disturbance and potential overlooking from the new cottages. However, a 10 metre wide buffer zone would be maintained between the gardens of the existing and proposed dwellings and there would be a distance of approximately 30 metres between the buildings. These distances would ensure that the development would not appear unduly prominent or over-overbearing when viewed from the neighbouring properties and would not allow for an

unacceptable level of overlooking. Furthermore, the proposed Church and hospitality uses and associated car parking are considered to be sited a sufficient distance from the neighbouring cottages to ensure that the proposal would not result in an unacceptable level of disturbance which would warrant an objection on amenity grounds. As such no objections are raised with regard to the impact on the amenities of neighbouring properties.

### **Parking/Highway implications**

31. The comments of the County Highway Officer are set out in the Consultation Section of this report. He has not raised objections with regard to highway safety impacts subject to conditions to secure the provision of a right-hand turn lane on the A40 and necessary upgrades to the existing access. In terms of parking provision, around 150 car parking spaces are proposed, along with space for three coaches. This is adequate provision for the uses proposed, notwithstanding the visual harm and harm to the Green Belt and landscape character. However, the Highway Authority has raised an objection regarding the sustainability of the site for the types of uses proposed within this application. In this respect he considers that the location of the site is such that it has only limited access to non-car modes of travel. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that it is likely to be reliant on the use of the private car contrary to local and national transport policy. As such the development is contrary to Local Plan Policy TR2, Core Strategy Policy CS4, the National Planning Policy Framework and the aims of Buckinghamshire LTP4.

### **Sustainability**

32. Core Strategy Policy CS4 seeks to ensure that development is sustainable and sets out sustainable development principles for new development within Chiltern District. These principles refer to locations which are easily accessible by local transport, walking and cycling. They also encourage the use of renewable energy technology, water efficiency measures, the re-use of construction and demolition materials and the use of locally produced building materials. It also refers to the protection and enhancement of the historic and cultural heritage of the District. As already noted the application site is located in a relatively remote location, away from the main villages and settlements of the District, and is likely to result in a reliance on car journeys.

### **Ecology**

33. There have been no objections raised with regard to ecology, subject to the inclusion of a condition, as proposed by the Council's Ecological Advisor. Following the ongoing consultation between the Applicant's agent (Bidwells) and the Ecologist, the issues which were initially raised in regards to the orchard (its retention, maintenance of the habitats and full connectivity value for wildlife) have been clarified and as such no objection is raised, with a condition attached.

### **Buckinghamshire County Council - Lead Local Flood Authority**

34. Buckinghamshire County Council as the Lead Local Flood Authority has reviewed the information provided and has no objection to the proposed development subject to conditions.

### **The Applicant's proposal and case for very special circumstances:**

35. As set out above, the proposal would constitute inappropriate development which is by definition harmful to the Green Belt. Further harm has also been identified with regard to the impact on the openness of the Green Belt and its purposes, the character and appearance of the area, the setting of the listed buildings and sustainability.

36. In support of the application, the Applicant has made reference to the proposed 8 houses as being 'enabling development' as a means of funding the rescue of the listed buildings from near-dereliction. In essence the supporting arguments are that: the listed buildings are in dire need; the applicant has been the only party to see any future for them; the applicant's interest in this site stems from his vision for a church community inspired by monastic precedent with close links to the natural farmland (set out in his Holistic

Report); the community can make good use of the listed buildings, but a church, associated facilities and parking will be essential to achieving the vision and maintaining the applicant's interest in the site; the costs of the church and associated new build/development will be funded by the community, but the high costs of bringing the listed buildings back into use will need to be subsidised by enabling development of eight new dwellings.

Very special circumstances in relation to the Church and community uses

37. The church would be provided in a new freestanding building while the uses secured through enabling development (hospitality, assembly and guest accommodation) are part of a self-sustaining argument regarding increased levels of demand from users of the site and opportunities for hospitality and education. These factors are presented as the justifications for meeting very special circumstances.

38. However these operations could be accommodated within town centre locations, particularly as the Applicant's Partner clearly expressed at the site visit that the farming of the land does not generate sufficient income to maintain the site. The preservation of the agricultural use of the site is therefore used as a means of supporting the proposed uses within the Green Belt, but the proposals do not rely on the need to farm the land.

39. Part of the justification for the proposals relies on a 'sequential test' undertaken by the Applicant, which identified a number of alternative site locations as far as Oxford, as potential sites to locate the Church. These alternative locations were explored prior to September 2012 (i.e. before the (expired) temporary uses at Stampwell Farm commenced). The sequential test demonstrates that the location was secured on the basis of the initial levels of demand for the site and a smaller congregation. Under these circumstances, the sequential test selected the site on the basis of uses that could be (predominantly) accommodated through the re-use of existing agricultural buildings on site rather than the extent of inappropriate development now required to accommodate the Church.

40. Under these circumstances the sequential test undertaken by the applicant carries reduced weight in demonstrating the appropriateness of the proposals. It is necessary to update the sequential test on the basis of an assessment of the current proposed uses and demand for the site. It is reasonable to expect that this would change the scoring under certain criteria (e.g. 'Land Designations' regarding inappropriate development in the Green Belt and 'Access' having regard to the larger congregation and limited opportunities for public transport). Regard should also be had to the mix of uses, and whether alternative sites could accommodate the current level of demand within existing buildings.

41. In addition to the above, the re-use of older buildings as community/commercial meeting spaces and the reuse of the existing modern barns would appear to leave the farm with no useable agricultural buildings which is contrary to the Applicant's aim of maintaining a working viable farm unit. The orchard alone and minimal farming at the site has been said to be a poor income generator by the Applicant's Partner during the site visit and, as such, the proposed uses (D1 and D2) could be located within more suitable non-Green Belt locations.

42. The application proposals are a material departure from the nature and scale of uses covered by the (expired) temporary permission covering the land. The Officer's Report for application CH/2014/0555/FA approved development largely on a premise representing the re-use of existing agricultural buildings, thereby comprising appropriate development in the Green Belt.

The recent changes to Permitted Development Rights seeking to provide more flexible uses for agricultural buildings were applied in this context, and likewise the temporary uses satisfied the requirements of Policy GB29 for existing buildings. It was noted, however, that in granting the temporary permission "it may transpire that the longer-term scheme may not be acceptable, or it may transpire that the enterprise dwindles". The

requirement for significant new development and introduction of hospitality and education uses represents a substantial increase in terms of scale and intensity of use not explored by the principles accepted under the earlier temporary permission.

43. As such, although the Planning Statement includes a site search for a suitable location for a new church building it is not clear, and or justified within the statement, why the church building has to be located on the Stampwell Farm site or indeed if the location of the church building has to be co-terminus with the farm complex to enable a viable farm unit to remain. It is also not clear from the submitted Planning Statement how many of the site users are indeed from the local community and consequently if there is a local need to justify the community elements of the scheme as an exception to the normal Green Belt restrictions.

44. The provision of a new Church is a central element of the Applicant's case and it is not considered that there is a proven need to secure a religious facility of any size in this specific location.

#### Very special circumstances in relation to the 8 houses - Enabling Development

45. The Applicant has sought to justify the proposed 8 dwellings as enabling development. Historic England (formally English Heritage) provides guidance as to the assessment of such 'enabling development' in their document, 'Enabling Development and the Conservation of Significant Places' 2008 (Revised 2012). This document sets out a number of criteria that should be met before a development can be considered to be enabling development and this is considered a reasonable approach to assessing the current proposal. The guidance states that enabling development that would secure the future of a significant place, but which contravenes other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting
- b) it avoids detrimental fragmentation of management of the place
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e) sufficient subsidy is not available from any other source
- f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

46. This report will therefore look at each of the criteria in turn.

#### **a) It will not materially harm the heritage values of the place or its setting**

47. The comments of the HBO provide a detailed assessment of the impact of the proposal on the listed buildings. The HBO considers that the proposal would result in intrusion to the rural setting, and would detract from the original character of the farmhouse and former barns as parts of the historic farmstead. However, she also notes that efforts have been made to minimise this impact. As such, having regard to the HBO's comments, the proposal would result in some harm to the setting of the listed buildings, although this harm could be justified (in respect of this criteria) if the remaining criteria have also been met and if it is found that the proposed development is the minimum necessary to secure the future of the listed buildings.

#### **b) It avoids detrimental fragmentation of management of the place**

48. The HBO has not raised any specific concerns regarding the fragmentation of the site and it is considered that the proposal would not be contrary to this criteria.

**c) The proposal will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose.**

**d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid**

49. In order to consider compliance with criteria c) and d) it is first necessary to understand the needs of the building. In this respect, it is accepted that the listed buildings are in a poor state of repair. As such there is need for structural repair as well as ground works and general refurbishment to make the building thoroughly desirable use in the medium-long term.

50. Enabling development should not provide an easy way out for owners of listed buildings who might have acquired sites through poorly-judged transactions, such as overpaying for a property/land in the first place. Enabling development should be seen as a long-term solution of last resort, with proposals coming forward when other solutions have been tried but have failed, together with long-term viable options which are not of detriment to the protections afforded to the Green Belt. In order to establish the best possible use for a heritage asset, the English Heritage Guidance refers to the need for an option appraisal to establish the least damaging option. The Guidance also states that "the case for subsidy through enabling development normally depends upon the cost of repair and conversion to beneficial use being greater than market value on completion of those works. Market testing is normally the first step in establishing the need for subsidy..." As such, it would normally be necessary to first look at different options for a listed building to establish what would best secure its long term future and also potentially a period of marketing to test whether there is interest based on its current lawful use or appropriate alternative uses. In this case, the Applicant has not carried out any market testing, although it is accepted that prior to the Applicant purchasing the site, it had been vacant for a long period without interest for alternative uses. Therefore, the proposal has the potential to secure the long term future of the listed buildings provided that funding is secured through the enabling development.

51. As set out by the HBO, the Applicant's proposal is a package of new church community uses and enabling development that is very much driven by the Applicant's interest in the site as a church community. The proposal has not looked at alternative options such as the use of the listed buildings as residential housing units, and it is clear that the Applicant is only truly interested in the site for his particular purpose. The Applicant has not therefore undertaken a thorough appraisal of potential uses for the listed buildings or explored whether there are alternatives to the proposed development that could be carried out without the need for enabling development or with less harmful new development. As such, it is considered that the Applicant has not comprehensively demonstrated that all the development proposed is necessary to resolve problems arising from the inherent needs of the place.

52. The English Heritage Guidance sets out that in financial terms, the case for enabling development normally rests on there being a conservation deficit. This is when the existing value (often taken as zero) plus the development cost exceeds the value of the place after development.

53. As noted, it clear that there is a need for the building to be restored and in this respect the Applicant has provided details of the estimated costs associated with the restoration of the listed building repair, based on a Preliminary Budget Estimate by Selway Joyce. The Council has had these estimates professionally scrutinised by Sawyer and Fisher and this scrutiny notes some discrepancies with details on the amended plans and some under-provision for some aspects of the repair. Having regard to the conclusions by Selway Joyce, the HBO acknowledges that the costings are not perfect, but considers that they serve to provide a rough guide to the likely order of costs, and importantly she does not consider the costs to have overestimated the potential expense of carrying out the proposed works.

54. The purchase price originally paid by the applicant is quoted at the low figure of £230,000 for the listed building complex and the housing site. This does not reflect a nil or negative value that is normally considered appropriate for a near derelict site such as this.

55. The total cost of repairing the listed buildings is estimated as amounting to just under £4 million, including preliminaries, contingency, professional fees and VAT. The Appraisal Summary in Appendix 2 of the Scheme Viability Report by Bidwells quotes a potential sales value for the listed building complex of £2 million, leaving a conservation deficit of £2 million to be covered by the enabling development. However, it is not clear whether the sales value also covers the replacement barn, which the Applicant has indicated should be considered outside the scope of the enabling development.

56. Overall it is clear that the buildings are in need of repair and restoration and given the costs involved it is likely that some form of subsidy would be required. The proposed development has the potential to secure the long term future of the listed buildings. However, the Applicant has not looked at potential alternatives, other than that which is proposed within this application and it is clear that the proposal has been developed to meet the Applicant's interest in the site as a church community rather than to address the specific problems arising from the inherent needs of the listed buildings. As such, it is not considered that the Applicant has provided sufficient information to meet criteria d of the English Heritage Guidance.

**e) Sufficient subsidy is not available from any other source**

57. In respect of criterion e) the Applicant states that no other viable use would resolve the inherent decline of the listed buildings. As noted this has not been fully demonstrated by market testing, although it is accepted that prior to the Applicant purchasing the site, the site had gone for a long period without interest. The listed building is Grade II Listed and will therefore not attract any funding from Historic England. In addition, as a privately owned building, it is unlikely to attract funding from other public sources.

**f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimised harm to other public interests**

58. The Applicant has sought to concentrate on the proposal for 8 houses as the enabling development and it is this which is proposed to finance the restoration of the buildings. However, the long term future of the listed buildings is predicated upon the future use of the buildings as a Hospitality Centre and this is also related to the overall vision and is driven by the Applicant's interest in the site as a church community. The proposed long term solution for the listed building therefore has to be looked at as a whole, and the other aspects of the development, including the new church building, associated car parking and widened access road all need to be considered. All these elements would result in substantial harm to the Green Belt. The Applicant has not explored alternative proposals for a type of enabling development that could be brought forward for the whole site without the need for the church and hospitality facilities. For example, it may be possible to fund the restoration of the listed building and secure its future by bringing forward a purely residential scheme for the whole site, which would exclude the need for a large church building and hospitality centre with the associated car parking and access widening. The Applicant has not therefore undertaken a thorough appraisal of potential uses for the listed buildings or properly explored whether there are alternatives to the proposed development that could be carried out without the need for enabling development or with less harmful new development. As such, it is considered that the Applicant has not comprehensively demonstrated that all the development proposed is necessary to resolve problems arising from the inherent needs of the place.

59. Given the above, it is not considered that the proposed solution for securing the long term future of the listed buildings, including the 'enabling development' element and the church facilities, is the minimum

necessary to secure the future of the listed building, and that its form has minimised harm to other public interests.

60. Given the above, it is not considered that the proposed solution for securing the long term future of the listed buildings, including the 'enabling development' element and the church facilities, is the minimum necessary to secure the future of the listed building, and that its form has minimised harm to other public interests.

**g) The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other policies**

61. The harm of the works to extend and convert the listed building must be weighed, as required by paragraph 134 of the NPPF, against the public benefits of restoring the listed building and returning it to a viable use that would be appropriate to the character of the building and likely to endure into the long term. In this respect, the Applicant has not demonstrated that all the tests normally required to demonstrate enabling development have been adequately met. Furthermore, the long term future of the listed building is dependent on securing the new church and hospitality elements. The Council's Historic Buildings Officer acknowledges that the application is not perfect, however she states that after nearly 15 years of trying to find a solution for these buildings, she considers that this does present a last chance for saving their significance, and that the benefits of the proposal outweigh the harms in heritage terms. For heritage reasons alone, she urges approval as long as conditions and obligations can secure the benefits to the significance, in terms of quality and timeliness of restoration.

62. Whilst the support of the HBO is acknowledged, it also necessary to consider whether the potential benefits to the listed building would outweigh the other harm identified. The harm resulting from this development is considerable, including harm by reason of inappropriate development in the Green Belt and substantial loss of openness and encroachment into the Green Belt. Further harm has also been identified with regard to the impact on the character and appearance of the area and sustainability. It is accepted that some sort of enabling development would be necessary to secure the restoration and long term future of the listed building, however, the overall scheme put forward is driven by the Applicant's personal interest in the site as a church community rather than finding a suitable use for the listed building and a type of enabling development that could be designed to minimise its overall impact. The Applicant's solution to secure the long term future of the listed building is to create a large scale community use in a location that is not sustainable and that would result in considerable harm to the Green Belt and the rural character of the area.

63. To conclude on the issue of enabling development and also the overall case of very special circumstances, it is regrettable that the listed buildings have been allowed to deteriorate and an appropriate solution has yet to be found. However, it is not considered that the benefits to the listed building and the other circumstances put forward by the Applicant are sufficient to outweigh the considerable harm to the Green Belt and other harm identified. The application is therefore recommended for refusal.

**Working with the applicant**

64. In accordance with section 4 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 Council has sought to work with the applicant through the pre-application process and during the course of the application. The Applicant's Agent was also informed that the Officers considered that the proposal did not accord with the Development Plan and was provided with an opportunity to comment before refusal was recommended.

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



**RECOMMENDATION: Refuse permission**

For the following reasons:-

1 Within the Green Belt, most new development is considered to be inappropriate and there is a general presumption against such development. Development which is not inappropriate is set out in Local Plan Policy GB2 and the National Planning Policy Framework. The proposal would include a substantial amount of new development on parts of the site that are currently undeveloped. The proposed buildings and infrastructure constitute inappropriate development which, by definition, is harmful to the Green Belt. The proposal would result in a considerable loss of openness within this part of the Green Belt. Furthermore, the introduction of this development would conflict with one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment. As such the proposed development fails to comply with national and local Green Belt policy. No very special circumstances exist that are sufficient to outweigh the harm caused to the Green Belt by the reason of inappropriateness and other harm identified. As such, the proposal is contrary to Policy GB2 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011, and Government guidance set out in the National Planning Policy Framework.

2 The site is in a fairly isolated rural location and forms part of the Beaconsfield Mixed Use Terrace (Landscape Character Area 22.1 in the Buckinghamshire Landscape Character Assessment (LCA). The landscape character is a large scale, mixed use, elevated plateau with a mosaic of open farmland, undulating parkland and woodland, a low and highly dispersed settlement pattern, open fields and with a largely tranquil and calm landscape. The overall strategy and vision for this character area is to conserve and protect the mosaic of woodland, open farmland and parkland, and to maintain the remaining areas of tranquility. The introduction of such a substantial amount of development (including 8 dwellings, a new church, a large open car parking area for more than 100 cars, a widened access road and a notable increase in activity on the site), would result in a significantly more urban appearance on the site than currently exists. Furthermore, the proposal would also result in a significant loss of trees. The amount of new development would therefore be to the detriment to the rural and open character of the area. As such the proposal fails to respect the rural, open and tranquil character of the locality and is contrary to Policy CS20 of the Adopted Core Strategy for Chiltern District (November 2011), and Policies GC1 and GB30 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011.

3 The proposed eight houses would introduce a new settlement that would intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will appear suburban in character and appearance. The proposed church building would be a large new element that will be readily seen in association with the historic farm group, from the approach track and from the public footpath to the west. The building would be alien to the historic function of the farmstead, and would give rise to less than substantial harm to the significance and heritage value of the listed buildings. The infrastructure requirements for an enlarged access to the site and for large parking areas will also be of some harm to the rural setting of the historic listed farmstead. The NPPF states that where a development proposal will lead to less than substantial harm, as is the case here, this harm should be weighed against the public benefits of the proposal. Whilst it is acknowledged that securing a future for the listed buildings is a public benefit, in the absence of a legal agreement to secure the benefits to the listed buildings, the proposal fails to comply with Policies LB1 and LB2 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011 and Government guidance set out in the National Planning Policy Framework.

4 Policy CS4 of the Adopted Core Strategy District seeks to ensure that development is sustainable and sets out sustainable development principles for new development within Chiltern District. These principles refer to locations which are easily accessible by local transport, walking and cycling. The application site is in a remote location with an absence of adequate infrastructure, and this would inevitably result in an increase in reliance on the use of motor vehicles contrary to local and national transport policy. As such the proposal would constitute an unsustainable form of development and is contrary to Policy CS4 of the Adopted Core Strategy for Chiltern District (November 2011), Policy TR2 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011 and Government Guidance set out in the National Planning Policy Framework.

## **CH/2017/1044/HB**

Case Officer: Sukhpreet Khull  
Date Received: 01.06.2017 Decide by Date: 07.12.2017  
Parish: Chalfont St Peter Ward: Gold Hill  
App Type: Listed Building Consent  
Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2)  
Location: Stampwell Farm  
Oxford Road  
Gerrards Cross  
Buckinghamshire  
HP9 2XD  
Applicant: C/o Agent

### **SITE CONSTRAINTS**

Article 4 Direction  
Area Special Adv. Control  
Adjacent Listed Buildings  
Adjacent Public Footpaths and Public ROW  
Within Green Belt other than GB4 GB5  
Listed Building  
Mineral Consultation Area  
Neighbourhood Plan  
Public footpath/bridleway  
On/within 250m rubbish tip  
Tree Preservation Order (A/G/W)  
Thames Groundwater Prot Zone GC9

### **CALL IN**

Councillor Wertheim has requested the corresponding planning application, reference CH/2017/1039/FA, be referred to the Planning Committee regardless of the Officers' recommendation (this is on the same Planning Committee agenda).

This is the corresponding application for Listed Building Consent, for the works, and as such the application has also been brought to the Planning Committee.

### **RELEVANT PLANNING HISTORY**

CH/2005/0313/FA - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional permission. This was not implemented and has lapsed.

CH/2005/0314/HB -Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional consent. This was not implemented and has lapsed.

CH/2005/0315/FA - alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional permission. This permission was not implemented and has lapsed.

CH/2005/0316/HB - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional consent not implemented and now lapsed.

CH/2013/2054/FA - Recladding of 3 barns with timber weather boarding and erection of a timber storage building (Retrospective). (These buildings are located to the north of the cluster of historic farm buildings and the current application proposal is to retain the buildings for D2 use, as shown on the applicant's proposed plans and outlined within the description of the proposal ".....retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church...." Conditional permission.

CH/2014/0555/FA - Change of use of land and buildings from agriculture to a mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship. Erection of play equipment. (Retrospective) - Temporary planning permission granted for a limited period which will expire on 30 June 2017. This temporary permission was granted to enable the Local Planning Authority to review the suitability of this use at this location in the light of experience gained during the period of this permission and to allow short term care of the Listed Building setting and the opportunity to explore the long term viability of the Listed Buildings.

CH/2017/1039/FA - Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2); erection of 8 dwellings (comprising 4 two-storey, semi-detached pairs) with associated carports/garages (Use Class C3); erection of single storey church building (Use Class D1) and retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction/creation of visitor coach/car parking areas and associated landscaping.

Under consideration - see separate report on this agenda.

## **THE APPLICATION**

The application seeks Listed Building Consent for the restoration and extensions/alterations to the existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); the restoration of and extensions/alterations to the existing listed barn for use as a function room (Use Class D2); works to the existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2).

The application proposals are described below :

### **Farmstead:**

The applicant proposes to restore and convert the Farmhouse, Barn and Cartshed/ Granary together with a replacement linking structure, to provide a 5 bedroom Dwelling over two storeys (Use Class C3).

The remaining elements of the listed Stable will be retained, restored and converted and together with replacement structures running broadly along the lines of the original footprint and profile of the northern fire-destroyed structures to provide a Hospitality Centre comprising 4 Hospitality Suites, Refectory and Kitchen over two storeys (Use Class D2).

The above works are dependent on the enabling development to fund the Listed Buildings works which are discussed in full in the full planning application report and for ease summarised in the other matters section below.

## **PARISH COUNCIL**

Chalfont St Peter Parish Council -

"Object to development within the Green Belt. Strongly object to 4 pairs of semi-detached houses in the Green Belt. Concerned about change of use in the area and potential for further development if allowed. Concern car park for congregation of 350 and also access onto A40. CSPPC will seek advice from Parish Planning Consultant."

## **REPRESENTATIONS**

The following documents have been submitted in support of the application:

Design and Access Statement; Visual Structural Appraisal (VSA); Preliminary Budget Estimate, February 2018; Method Statement Stampwell, Planning Statement; Stampwell Farm Scheme Viability Report, May 2017 by Bidwells; A41212 Land Holding Plan; 948.12 B4 Staircase Revised Plan; 948\_Drawing Issue 12.5.17; 948\_WBA Existing Drawings; 948\_WBA Proposed Drawings 10.6.17; Landscape Framework Plan 0663.1.1, May 2017; Planting Plan 0663.1.3; Landscape and Visual Assessment for Proposed Church, Farmstead, and Restoration and Enabling Residential Development, 15.5.17.

## **CONSULTATIONS**

### **District Historic Buildings Officer (HBO):**

A summary of the HBO's comments are set out below and under the various titles in this report. The HBO's comments are assessed in the evaluation section of this report.

Stampwell Farm has Grade II listed buildings that have suffered more than 15 years of neglect and are now in such poor condition as to be at a tipping point, with loss imminent if major repair works are not carried out on a near-immediate basis.

These applications propose a package that will provide means and incentive for the repair and future use of the listed buildings in a new context as part of a church community, entailing re-instatement of missing buildings, change of use of the site, and development to include a new church building, widening of the access road, and provision of car and coach parking. This contextual development is to be funded by the community, but eight new residential units are proposed as enabling development to fund the specialist repairs and works to the listed buildings.

The Council is obliged to have special regard to the desirability of preserving the listed buildings and their setting by Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This obligation has been considered by the courts to carry considerable weight.

Paragraph 132 of the NPPF states that "great weight" should be given to the conservation of a designated heritage asset. While this weight must be in proportion to the importance of the asset, substantial harm to or loss of a Grade II listed building should be exceptional.

My comments contend that the listed buildings retain very considerable significance despite their dilapidated condition, such that their Grade II status is not in question, and such that the buildings remain important. This importance is not of the very top Grade I or Grade II\* order, but is equivalent to that of the middle order of the Grade II range. The above obligations and weights therefore remain relevant.

My comments describe the proposed works to the listed buildings as reasonably appropriate to their historic character, with potential for a strong balance of benefit in conserving and enhancing their significance, and in allowing for a use that will sustain them into the future.

### **Full comments on the listed building aspects**

#### The Application:

The application proposes a change of use for the site and its listed buildings, and enabling development as a means of funding their rescue from near-dereliction. In essence the supporting arguments are that: the listed buildings are in dire need; the applicant has been the only party to see any future for them; the applicant's interest in this site stems from his vision for a church community inspired by monastic precedent, with close links to the natural farmland (see his Holistic Report); the community can make good use of the listed buildings, but a church, associated facilities and parking will be essential to achieving the vision and maintaining the applicant's interest in the site; the costs of the church and associated new build/development will be funded by the community, but the high costs of bringing the listed buildings back into use will need to be subsidised by enabling development of eight new dwellings.

#### Prime heritage considerations will include:

The Council's obligation under Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the listed buildings and their setting.

The considerable weight that this obligation has carried in legal case history;

The similar desirability set out in paragraph 131 of the NPPF of "sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

The principle of paragraph 132 of the NPPF that great weight should be given to the conservation of a designated asset - while the weight should be in proportion to the importance of the asset, substantial harm or loss of a Grade II listed building should be exceptional.

The principles implied by paragraph 134 of the NPPF, in relation to the weighing of harm against the benefits of securing the optimum viable use of the building.

Planning Practice Guidance (Para 18a-015-20140306) that stresses the value of viable use as an incentive for active conservation, and that harmful development may sometimes be justified in the interests of realising optimum viable use as long as harm to the significance is minimised.

Historic England guidance on Enabling Development, as to whether the benefits of these enabling proposals would both secure the conservation of the listed buildings and outweigh the disbenefits of departing from other planning policies (paragraph 140 of the NPPF).

### **POLICIES**

Core Strategy for Chiltern District - Adopted November 2011: Policy CS4(m).

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies LB1, LB2, LB3 and LB4.

## **OTHER LEGISLATION AND GUIDANCE**

National Planning Policy Framework (Revised July 2018) (NPPF): Chapter 16.

National Planning Policy Guidance (NPPG).

Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16, 66 and 72 require the LPA to have regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Historic England guidance documents and advice notes (and more specifically those listed below).

Historic England Guidance; Managing Significance in Decision-Taking in the Historic Environment- 2015, and Making Changes to Heritage Assets- 2016.

English Heritage, 'Enabling Development and the Conservation of Significant Places' 2008, (Revised 2012).

## **EVALUATION**

### **Principle of development**

1. The application buildings are Grade II listed. In this instance the only issue for consideration is whether the proposal would unduly affect the architectural or historic character or setting of the listed buildings.

2. Stampwell Farm has a range of listed buildings including the farmhouse, timber barn/stockshed/hayloft range. The farmhouse has not been occupied for decades, and the whole site suffered a period of total vacancy and neglect from about 2004 until purchase by the current applicant. When the site went into receivership, the land holding was subdivided into separate plots, the historic farmstead and retained small holding failed to attract buyers. It is the view of the Historic Buildings Officer that establishing a viable use for the site will be vital to any hope of rescuing the listed buildings, as it will be the only means of providing incentive for their restoration and future maintenance, and for the restoration of their setting. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation is a major thread within the policy of the NPPF and is reflected in the "paramount importance" accorded to heritage assets in the Core Strategy.

### **Designation**

Which listed buildings at Stampwell Farm survive?

3. Historic buildings identified in the Grade II listing descriptions now comprise:

- Stampwell Farmhouse;
- The barn to the north of the farmhouse;
- One full bay and other remnants of a two-bay stable building, along with remains of a byre that formerly linked the stables to a second barn.

4. The second barn, listed as being to the north-east of the farmhouse, was destroyed by fire in 2008, and further fire and wind damage has been responsible for the subsequent losses to the byre and stable.

5. A lower building attached to the south-west end of the barn, last used as a cowshed, also survives. The list descriptions are silent about this building, but it is considered here that it forms part of the listed group by virtue of attachment and because of its function ancillary to the use of the house as a farmhouse.

The condition of the listed buildings

6. The desperate condition of the surviving listed buildings is evident. Some detail of the problems and repairs needed are described and illustrated in the submitted Visual Structural Appraisal (VSA), which suggests that the farmhouse in particular is now "at a tipping point". This reflects a long history of neglect that is worth understanding as part of the context for the current proposal and any possibilities for the future.

7. When the HBO visited in 2003 (see photos reproduced in Appendix 2 of the submitted Planning Statement), the farmstead showed signs of recent agricultural use and the buildings were maintained in basic order, but the farmhouse had evidently not been used for many years. It appeared to be without mainstream domestic services and had no heating other than open fireplaces. The top of the front wall was already cracking away from the left gable, and there was clear need for major repair and refurbishment.

The condition of the listed buildings and background history

8. To further this end the Council gave approval in 2004-5 for conversion of the barns, with options for their use either as ancillary accommodation to the farmhouse, or with the far ranges forming a second dwelling. Subsequent marketing and inactivity, however, suggested that the owner was holding the property as an "investment opportunity". Thus it languished. While the Council managed to secure urgent works to tarpaulin the increasingly leaking roof, and to board up the openings, the remote location made it impossible to keep the buildings secure. Tiles, windows and fireplaces disappeared gradually, and the north-east barn was reduced overnight to a few charred fragments.

9. When receivers made further applications in 2010, the loss of this barn made it impossible to extend the time limits of the earlier approvals. It became apparent in the following informal discussions of 2010-11 that the previous conversion schemes would not be attractive to purchasers, given both the need for greater works and the changed financial climate. Possibilities for re-instating the missing barn and converting the remainder as part of a scheme for a larger number of small residential units were discussed, and the property was marketed with our informal conclusions and provisos potentially available for the agent to share with any purchaser. The HBO was concerned that the number of enquiries received as a result was extremely low.

10. The applicant purchased the site in 2012, and shared his vision of establishing a church community within and around the hub of the listed buildings. Since then we have been in regular discussion about the most urgent needs of the buildings, and he has carried out emergency works endeavouring to maintain stability, and improve ventilation and security. Some of these works, however, are ceasing to be effective. Most notably, the roof membrane for the farmhouse has again failed and there are major leaks. The VSA identifies resultant wet rot in the timber roof structure and eaves plates. It would be too perilous to attempt a further similar replacement given the further decay. The only answer will be proper repair with replacement timbers where required, and full regard for scaffolding and safety, as now proposed. The VSA makes clear that this work is needed as a priority on an immediate basis, and that failure to address it will lead to structural failure. The rear chimney has already collapsed.

10. Works undertaken to the barn range in 2013 allowed for patching the roofs and cladding, and for propping the cowshed structure. Movement and high winds/snow potential, however, prompted removal of the cladding (with salvage of the tiles and boarding) in early 2016 to allow righting of the timber framework. This is now propped, strapped and more stable, but is clad only with battened membrane over the roofs. The wall framing is exposed. Without further work the benefits will be lost and the framing will be short-lived.

11. The stable building is propped and the exposed central partition structures protected with battened membrane, but these measures will only be of temporary benefit. The roofless remnants of the damaged half, and of the link byre, are fragile.



12. It should be evident that the time for temporary holding works, such as might be taken on an urgent works basis, is over, and that a scheme that incentivises full, prompt and appropriate repair and refurbishment will be essential if the buildings are to have any future. They will very soon be in extremis if no action is taken.

### **Significance of the listed building**

How does the condition affect the significance of the listed buildings?

13. These comments assess the significance of the listed buildings as required by paragraph 129 of the NPPF in order to inform determination. In this instance the assessment must take account of the reduced circumstances of the buildings. The HBO has also commented on the scope for appropriate repair as this would affect the potential significance. It should be recognised that some repairs would be equivalent to standard maintenance inevitable for any historic building, but that more drastic works may merely simulate rather than restore historic character. Inappropriate repair will detract from the significance. The significance of the buildings will lie in the degree to which the architectural interest of their distinctive historic appearance and construction survives, and in the historic interest of their capacity to illustrate past rural life and farming practice, as follows in paragraph 15.

14. The farmhouse retains prime 17th century features, including its distinctive plan form with front doorway, lobby and chimney in line, and its timber-framed construction. The framing of the earliest front range is visible internally, where it currently retains original daub panels, while the mid-later 17th century framing and brick panels of the rear wings are exposed to the approach from the south-west. Blocked timber mullion windows and low ceiling beams are visible inside. Given the extent of the damage the VSA estimates that about 35-40 per cent of the framing is compromised and will need to be replaced, the majority at eaves-plate and roof structure level. Traditional replacement carpentry could preserve the historic style, but it would take time to acquire the patina of age. The brick frontage provided c.1800 to smarten the farmhouse, is in better condition, and would only require lesser work such as tying-in, patching at the top-left corner and re-pointing. It will, however, need a replacement matching door, replacement window frames and new window casements. The current lack of roof cladding could readily be made good with new clay roof tiles of appropriate colour and texture, as standard historic building repair. Such works would do much to restore the former attractive external appearance and character of the building, but would require full prior repair of the roof structure.

15. The simple traditional interior of the farmhouse survived until the last decade with little alteration, and was of some particular interest for the consistency of its lime plaster wall and ceiling finishes. Many of these are now fallen or de-bonding, with the need for replacement estimated in the VSA at about 80 percent. New lime plaster finishes could do much to restore the visual historic character and breathability of the structure. There are still some traditional brick floors, a wide flat kitchen sink and water pump, traces of a closed-over well, matchboard dado panelling, and some of the c.1800 splat balusters for the staircase. The main central fireplace at the heart of the house survives with its 19th century modifications, but the c.1900 grates fitted to the parlour and bedroom fireplaces have all gone missing. The losses have not affected understanding of the spatial areas of the house, with original hall and parlour flanking the off-centre chimneystack, food preparation and storage areas (including a sunken cellar) to the rear and at the end nearest the former cowshed, and bedrooms at first-floor level.

16. The barn to the north retains its 18th century timber frame and brick plinth, and its 18th century layout of four bays with opposing cart doors and gabled porch, thereby allowing historically for a through cart way for loading and a through draught for threshing, as well as grain storage. Of the cladding materials currently missing, the old clay tiles are in storage ready for replacement, and traditional weatherboards would restore the historic appearance.

17. The former cowshed attached to the barn also retains late 18th-early 19th century timber framing, now better revealed by the removal of concrete cattle stalls. Its external appearance could readily be restored as

above. The building is distinctive in retaining a loft with rear loading dormer, and posts along the original elevation to the yard show that it was once open-fronted. The routine 20th century brick walling built in front of this elevation is not of special significance and detracts from the historic character.

18. The stable retains one full bay of 19th century vernacular structure, with brick lower walls, timber framing above, and old tile roof. Feeding troughs with drops from the loft give evidence as to how the stables were used. The link byre is much more fragmentary but evident in plan. In my opinion its previous value lay more in its role as a very simple link structure than in the detail of its construction.

19. The horseshoe layout of the buildings was very important to the significance and individual setting of the buildings as parts of a historic farmstead. It demonstrated the very close historic relationship between the farmhouse and its farm buildings, and the grouping of the farmstead around the historic farmyard. The close relationship between the farmhouse and north barn range survives, but the loss of the barn to the north-east, along with part of the link range, has left the stable in comparative isolation and left the farmyard without proper sense of enclosure. Replacement of the missing buildings in sympathetic manner would be of benefit in restoring that sense of enclosure.

20. The setting of the buildings in rural countryside, with old orchards and agricultural fields around, remote from the road and distant even from the nearby pair of houses, is also of high importance to their significance and understanding of their historic purpose. This setting is perceived by visiting the site, and in views of it from the public rights of way passing to the south and west.

21. The skeleton of the former storage barn to the north east of the farmstead does not add aesthetically to its setting but is consistent with its historic farming purpose. The utilitarian 20th century agricultural store buildings to the north-west, now clad in timber, are also neutral. The caravans, whether timber-clad or not, and the very large white and yellow-striped marquee that currently serves as a church, are alien and intrusive to the significance.

#### How important is this significance?

22. While diminished, the surviving structures undoubtedly retain heritage significance because of their construction, plan form, historic features, grouping and setting, albeit the former attractiveness of their appearance is compromised. In my opinion the farmhouse and barn continue to meet criteria for listing and I cannot foresee that Historic England would wish to review the Grade II status in the light of the decay and loss. Even the stable remnant would still have some value as part of the group. I therefore do not see any reason for waiving the statutory obligation regarding the desirability of preservation.

23. The current significance is undoubtedly less than that of Grade I or II\* listed buildings, and is not as great as that of better preserved, more complete or more exceptional Grade II buildings. However, it is as important as for the many buildings in the middle order of the Grade II range. Even in their raw state the Stampwell buildings show greater historic character and more immediate evidence of the past than many a timber-framed cottage or converted farmstead "done-up" in the 1980s, even though they do not appear as "pretty". The HBO therefore is clear that there should be no reason for according low weight in any planning decision.

24. Refurbishment could not fully restore the significance exhibited by the buildings in 2003, but if appropriately carried out it could go a long way to preserving them and complimenting/enhancing the surviving historic character such that the significance was more readily understood and attractive. The significance would reduce and become less important, however, in the case of inappropriate works.

#### **The reason for the proposed works**

25. To repair and reinstate the heritage assets.

### **Impact on designated heritage assets**

#### The impact of the proposals on the setting of the listed buildings (extensions)

26. The effect of the proposal to reinstate a building in place of the missing barn will be positive to enhance the significance. The proposed building takes the footprint and proportions of the former building and will differ visually only in terms of a tiled rather than a slate roof, a small number of roof lights, a gabled rather than a hipped "cart entry" feature, and residential use. The larger domestic glazing is tactfully recessed behind the posts and overhanging roofs that replicate the former catslide animal shelters to the south west of the barn. This building will acknowledge the former agricultural character and, along with reinstatement of the byre, will re-enclose the farmyard in reasonably tactful manner. This will be of overall benefit to the significance of the listed buildings in terms of their relationships and grouping as parts of a historic farmstead.

#### The Church

27. The proposed church building will be a very large new element that will be readily seen in association with the historic farm group, from the approach track and from the public footpath to the west. As a building alien to the historic function of the farmstead, and surprising within the rural agricultural setting, the building must give rise to some harm to the significance and heritage value of the listed buildings. The degree of harm is, however, mitigated by the simplicity of the building and its attempt to echo the agricultural style, with single large roof and timber cladding. The scale will not be dissimilar to that of a modern barn or equestrian building, and will not eclipse the existing buildings in height or fussiness. Its mass helps to form part of a second courtyard arrangement associating with the more recent timber-clad modern buildings rather than directly with the historic group. These factors will not conceal the change to the context of the listed buildings, but will help to blunt the visual impact. In the opinion of the HBO, the harm would not destroy the significance and would therefore be less than substantial, and indeed moderate.

#### Access arrangements for the proposed uses

28. The knock-on requirement for enlarged access to the site and for large parking areas will also be of some harm to the rural setting of the historic farmstead. The parking to the rear will be relatively discreet and will replace informal hardstanding currently in place, but the parking in the green space to the south west will be more visible from the main approach and will contribute to a more institutionalised character. Parked coaches will appear particularly intrusive. The applicant points out that the existing orchard on the site will in any event need to be replanted, but the introduction of the parking will greatly exaggerate the loss.

29. New planting and grass-crete surfacing will help over time to soften the everyday visual impact on the site, though not when the church is in full use and the site is most visited. As with the church building, with such mitigation in place the harm would not be substantial and could be moderate.

#### Enabling Development

30. The eight houses proposed as enabling development will introduce a new settlement that will intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will strike as almost suburban.

31. The houses have, however been reduced in number compared with previous informal proposals, and are more tactfully grouped as far away from the historic farm group as space and access allow. They will associate most closely with existing replacement buildings of similar architectural character. It will remain possible to see the farm group as separate and more distinct from the new cul-de-sac, without substantial harm to their setting or complete loss of significance. In this sense the HBO acknowledges that the harm is mitigated to some extent.

### Conclusion

32. Overall, the church building, wider access, car parking and housing are therefore all of some harm individually. In sum, the combination of harm will be slightly greater. It would still not eradicate the significance, and therefore could not be regarded as substantial.

### Is the extent of harm to the setting and significance justified by the benefit to the use of the listed buildings?

33. As the harm is "*less than substantial*" it must be weighed as required by paragraph 134 of the NPPF against the public benefits, including that of securing the optimum viable use for the listed buildings. Optimum viable use is defined in the Planning Practice Guidance as the use "*likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes*". If there is only one viable use, that use is the optimum viable use. The Guidance continues: "*Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised.*"

34. The applicant's proposal is a package of new church community use and enabling development that is very much driven by the applicant's interest in the site as a church community. The submitted Scheme Viability Report does include a short section on options, but it refers only to the unlikelihood of commercial use. It does not re-visit the options previously investigated for residential housing units, and it is clear that the applicant is only truly interested in the site for his particular purpose, and that his new use alone cannot provide for the works to the listed buildings. They therefore state that the enabling development of the new houses is also necessary.

### The applicant's approach is therefore open to question:

35. Why is the church use necessary if the new houses are to provide the funding? In the light of the enabling development, should the property be re-marketed to see if there is new interest in a residential use alone, without need for the church and the parking? There will also be questions as to whether so much enabling development is necessary, and whether the harm could be minimised by reducing the number of houses? The HBO offers the following comments on the enabling argument.

36. The costs of the listed building repair are based on the Preliminary Budget Estimate by Selway Joyce. This is a professional assessment that looks in some detail at the costs, but Historic England guidance warns that such assessment is not a precise art, and the Council has required the estimates to be professionally scrutinised by Sawyer and Fisher. The scrutiny notes some discrepancies with details on the amended plans, but these could be regarded as minor. It also notes under-provision for some aspects of the repair, but notes that this may in part arise from conservation options as to exactly how the frame is to be mended, whether to re-tile ground floors or restore the matchboard dado panelling. While surety on these matters would be ideal, the application notes that it is not currently possible to determine the complete extent of replacement framing, or even the most appropriate method of repair, and that some leeway is needed. The issue of the floors and dado panelling is secondary, given that any replacement would be wholly new in any case. The HBO also notes that while some of the figures are reputedly under-called, some of the costs of the 'fitting out' are perhaps exaggerated. The estimates are therefore not perfect, but they do serve on balance as a rough guide to the likely order of costs, and do not overcall the potential expense.

37. The purchase price originally paid by the applicant is quoted at the low figure of £230,000 for the listed building complex and the housing site. While this does not reflect a nil or negative value that might be ascribed to the near derelict listed buildings, it does not strike as exaggeratedly inappropriate for the site. The total cost of repairing the listed buildings is estimated on page 2 of the Preliminary Budget Estimate as amounting to just under £4 million, including preliminaries, contingency, professional fees and VAT. The Appraisal Summary in Appendix 2 of the Scheme Viability Report by Bidwells quotes a potential sales value for the listed building complex of £2 million, leaving a conservation deficit of £2 million to be covered by the

enabling development (though it is not clear whether the sales value also covers the replacement barn, which is outside the scope of the enabling development).

38. The Appraisal Summary is set out in the manner advocated by Historic England guidance, and shows that the costs of the repairs and refurbishment, and of constructing and administering the enabling development would be met by the sales value of the listed buildings and the 8 new houses. The total revenue from the scheme would exceed the costs to allow for a modest developer's profit of about 8%. This is not unduly excessive, but necessary to provide incentive for development, and is in fact low compared with usual expectations.

39. What is not wholly clear is how the applicant has arrived at the figure of eight houses as necessary to cover the costs. Would it have been possible to get away with less, thereby reducing the degree of harm? These are valid questions. The applicant may well be able to throw more light on the last. As for the issue of use options and alternative marketing, it is clear that he does not regard these as relevant. He is presenting his proposals as the only (and therefore optimal) proposals to have arisen and been pursued since the site was marketed in 2012 and received no sign of other interest. They are the only set of proposals on the table for saving the listed buildings. They have taken years to formulate, cost and prepare, during which the listed buildings have inevitably declined further, despite his best efforts, and are now at a tipping point. However one arrives at this conclusion, I have to agree that the last point is true, and that the circumstances of the listed buildings are acute. In these circumstances the proposals are not only the only option under current discussion. They may well also be the last option.

40. In this context it will be worth considering the degree of additional surety that further questioning and consideration might. While the questions may be perfectly valid questions, they branch into the unknown and require research and further information that will take time to pursue. This is time that the listed buildings do not have. If they collapse in the meantime, the loss of significance will be total and the degree of harm substantial. In heritage terms this would evidently outweigh the less than substantial harm to the setting.

41. This is not a comfortable equation. The condition of the listed buildings must, however, be a material consideration, as Planning Practice Guidance acknowledges, and the knock-on consequences of delay or refusal will need to be considered.

42. It is the opinion of the Council's HBO, after nearly 15 years of trying to find a solution for these buildings, that the application is not perfect, but that it does present a last chance for saving their significance, and that the benefits outweigh the harms in heritage terms. For heritage reasons officers would urge approval as long as conditions and obligations secure the benefits to the significance, in terms of quality and timeliness of restoration.

#### **Assessment of the degree of harm and benefit**

43. The HBO describes the development within the setting of the listed buildings as being more harmful to the significance. As the degree of harm has been greatly reduced compared with previous informal proposals, she considers the harm of the individual elements to be moderate in heritage terms, but that the total sum of harm is slightly greater than moderate. This harm would be less than substantial in that it would not destroy the significance or prevent perception of the farm group as a discrete historic entity.

44. Paragraph 134 of the NPPF requires that less than substantial harm to the significance is weighed against the public benefits of the proposals, including securing the optimum viable use of the listed buildings. The Planning Practice Guidance discusses the "optimum viable use" as being the use least harmful to the significance and recognises that if there is only one use, that use must be optimal.

45. In this case assessment of the balance of harm and benefit is muddled by two complications:

(a) The applicant leaves it open to assume that his proposed use is the only (and therefore the optimum) use because of the lack of any other interest in the marketing campaign of 2012. No new marketing has taken place since, despite the introduction of enabling development that might well change the baseline and be attractive in the context of other uses.

(b) The information submitted with regard to the enabling development does not specifically identify the conservation deficit. It shows how the houses could finance the repairs, but not whether the eight houses are all wholly necessary to cover the deficit.

It is therefore not possible to be absolutely certain that the whole of the harm is necessary, and that it has been minimised.

46. In the opinion of the HBO, there is also need for some consideration of the harm that could very well arise from further delay or refusal. It has taken years to get to this stage. Since 2005 no-one but the applicant has pursued proposals that would achieve the benefit for the listed buildings. Further marketing would take time, during which the listed buildings may well be lost. Loss of the buildings would mean loss of the significance, and harm that is substantial. The weight of the substantial harm of losing the buildings would be greater than that of the "less than substantial harm" to their setting.

47. In these circumstances, given the less than substantial heritage harm, the HBO suggests that the heritage benefits outweigh the heritage harm, and would urge approval as long as conditions and obligations secured the benefits. As the benefit relates to a last-chance opportunity to preserve the listed buildings, she suggests that this should carry considerable weight.

48. The HBO recognises, however, that heritage harm is not the only harm and that the balance may appear more negative in relation to other planning matters. In this case it may be more important to pursue whether the whole of the harm is necessary and justified. In this case, however, she strongly urges the Council to consider what exactly is needed and limit requirement to what may be achieved in speedy manner. It will also need to consider measures that might serve to prolong the existence of the listed buildings in the meantime.

Will works to make the listed buildings fit for use truly enhance or restore their significance and provide meaningful public benefit?

49. The proposals to alter the listed buildings (i.e. those requiring Consent) include: works to adapt the farmhouse for continuing residential use, mainly as bedrooms; replacement and enlargement of the previous link to the cowshed to provide a single-storey kitchen/breakfast room; conversion of the cowshed to a family room with room aloft room above; refurbishment of the main barn as a living/dining/function room for the community; a glazed passage extension to link the farmhouse to the converted barn and a rebuilt NE range beyond; and re-instatement of the missing parts of the byre and stable to provide three new residential suites, with small ensuite bathrooms instead of the former shacks to the rear of the byre.

The proposals would be harmful in that:

50. A new doorway into the bathroom for bedroom 1 in the farmhouse would result in the loss of a small blocked 17th century window with timber frame and mullion, currently semi-concealed in the walling. The flat sink and water pump would be lost, as would the remnants of brick floor. The 19th century brick wall between the farmhouse and cowshed would be lost, to be replaced by a slightly recessed new wall on new foundations; there would need to be new openings in the central partition wall of the stable, albeit amended drawings have greatly reduced the need to cut historic timbers. The new rooms inside the stable would be small, and it is not proposed to retain the feeding troughs. These harms are in my opinion minor harms given the scale of the works, and could be mitigated by recording of the window with possible preservation of it on site as a feature.

51. In terms of benefit, the proposals for the listed buildings call for minimal alteration of the existing layout of the farmhouse, and look to preserve the large historic spaces of the cowshed and barn. External elevations would be restored to make good or match their historic appearance, albeit with glazing inserted into the existing openings and doorways of the farm buildings. The number of new windows needed is relatively small, and they have been designed either to match existing openings or to appear agricultural in character, set around existing wall studs. In providing incentive for repair and future use and maintenance of the buildings, the benefit would be enormous as long as the works are carried out sensitively and appropriately.

52. Provision for this is set out in the application in: the notes and materials included on the submitted drawings; the works scheduled in the Preliminary Budget Estimate by Selway Joyce; and in the two Method Statements prepared by Wintle Property Services and Dylan Hartley. The specification is a little spread across these documents, and would need to be tied together by means of a condition, but gives the impression of a strong conservation approach, aiming to minimise unnecessary loss, match existing materials, use lime mortars and plasters, and provide for carpentry repairs in new oak timber with traditional joints of matching size and type.

53. It is, however, recognised that the timber repairs will depend on further investigation and that this is not yet possible given the poor condition. Mention is made of further approval by the conservation officer, and officers would strongly recommend conditions requiring further approval for the materials and mortars, and for repair details that depart from the approach suggested or are more extensive than currently noted. It may be perfectly reasonable to adopt alternative methods in the interest of greater conservation of the existing fabric, but there will be need for expert opinion on the acceptability. The HBO also has some reservations about the specifications for a concrete, as opposed to a lime-crete floor slab, but does not think that it would be reasonable to require retention of the remnants of brick floor given the very poor condition.

54. With these provisos, the HBO is in no doubt that the impact on the significance would be positive, and that the heritage benefits of the works to the listed buildings would outweigh the small degree of harm in arising from these particular works.

### **Other matters**

The other development elements of the combined proposals for the site include:

55. Enabling Residential Development, which will comprise four pairs of two storey 3 bedroom semi-detached cottages (Use Class C3), each of 97sq.m. 1046sq.ft. GIA, giving a total of 8 dwellings of 777sq.m. 8,370sq.ft. GIA.

56. A church is also proposed as additional development in the Green Belt and the Listed Buildings restoration is to be an ancillary use to the church operations. The internal area (GIA) of the new church building is 348sq.m. and it proposes to accommodate a seated congregation of 346 people in capacity terms.

57. In addition to these elements, the retention of the 3 existing barns is proposed as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction of visitor coach/car parking areas and associated landscaping.

58. The Church is not required in this Listed Buildings application as it does not require Listed Building Consent. The same could be said in terms of references to "enabling development" and "access arrangements" although the delivery of the Listed Buildings restorations relies on the enabling development.

## **Conclusions**

59. In terms of the works proposed to the Listed Buildings there are no overall work concerns. The reinstatement of the farmstead is important to the significance of the Listed Buildings, whilst it is acknowledged that this would be at an additional cost and influences the extent of enabling development potentially required. The extensions do not cause any harm to the Listed Buildings and the proposal would enhance and better preserve the designated heritage assets.

60. Although the proposed use is not required for the use of the Listed Buildings and the planning objections are noted; the alterations would facilitate use of the Listed Building as a dwelling or for alternative use and in this respect there is benefit in making the buildings viable in their own right. As such there is no objection to the Listed Building application.

61. The proposed works would not adversely harm the significance or character of the building and as such no objections are raised in this regard, in accordance with Paragraph 196 of the NPPF and policy LB1, LB2, LB3 and LB4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011.

62. The loss of an agricultural 'landscape/setting' would impact on the significance of the heritage assets therefore other factors in terms of character, appearance and setting would be vital in any assessment. These are addressed in the full planning report and the relevant conditions and informative below are proposed to ensure the works are undertaken as specified. That said, the argument of enabling development (as a funding stream) should be accurate in terms of bringing the buildings back into a state of good repair and viable use, and limited to the minimum necessary.

The proposed Church would introduce additional built form, which should be the subject of a separate application, since it has not been demonstrated that the provision of the Church is necessary to achieve the restoration of the listed buildings.

### The wider picture:

#### Recommendations to the Council:

63. In wider planning terms I acknowledge that there are major costs. I cannot not venture into this wider balance other than to remind of the "considerable weight" to be given to the conservation of the significance of heritage assets, and the value of these particular buildings.

64. Any negative decision will need to have taken account of the likely loss of the buildings within the near future. If the Council wishes both to refuse the application and to avoid the loss, it will need to consider:

- New means of stemming the decline of the buildings. In this context it will be difficult to arrive at effective urgent works, given that most options are now exhausted (though full covering of the barns would help).
- The survival of the house will depend on the possibilities of finding a new solution that speedily funds full repair. At best this would be achieved by working with the current owner. At worst it could require use of the Council's powers to issue a Repairs Notice, and follow through with compulsory purchase. Speed would need to be a prime consideration in any event.

#### **Working with the applicant**

65. In accordance with section 4 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.

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

### **Human Rights**

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

### **RECOMMENDATION: Conditional consent**

#### **Subject to the following conditions:-**

1 C141A Listed Building Consent Time Limit

2 All new or disturbed work to the interior and exterior of the building shall be finished or made good to match the existing or in accordance with approved details. This shall extend to the use of matching lime mortar where appropriate.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

3 Prior to commencement of works, details of the scaffolding superstructure to support and protect the existing buildings prior to and during works on site, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

4 Prior to commencement of works, recording of site and buildings as existing including, however not limited to, the interior and exterior photographs of all listed buildings on the site including more detailed photographs of timber framing, windows, doors, fixtures and fittings, built fabric, ceiling and wall finishes to be removed, repaired and/or replaced, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

5 Prior to commencement of works, a detailed up to date, condition and structural survey including specification and methodology for works required, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6 Prior to commencement of works, a detailed schedule and phasing of works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

7 Prior to the reinstatement of the masonry wall and brick chimney stack to the south west corner of the farmhouse, detailed drawings at 1:20 shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

8 Prior to installation of the relevant materials listed below, details and sample panels shall be made available for inspection on site, and these shall be approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

- a) Brick
- b) Roof tiles
- c) Timber weatherboarding
- d) Flat roofing material

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

9 Notwithstanding the submitted documents, prior to commencement of works to the floor slabs, details of a limecrete floor slab construction for all relevant buildings shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

10 Prior to installation of thermal 'Ty- Mawr wood fibre insulation board', detailed scaled drawings of the roof and wall construction including application of insulation to all the buildings at no more than 1:20 in scale, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

11 Prior to installation of any fire and sound proofing to any of the buildings, details of type of material to be used and method of application including detailed scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

12 Prior to any damp treatment works, details and methodology of works shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

13 Prior to installation of service pipes and flues to the buildings including soil vent pipes, details of locations, materials and appearance shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

14 Prior to works to the foundations, methodology and locations of strengthening works shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

15 Prior to any rendering, repointing or any internal plastering works, details and sample panels to be inspected on site, of the lime mortar, render and plaster ratio mixes, and pointing and bonding style to external brickwork, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District,

Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

16 Prior to works to any timber framing, a detailed written report including a schedule and methodology of works and scaled detailed drawings of timber replacements and extent of repairs shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

17 Prior to the replacement and installation of windows hereby permitted, details of the appearance, materials and joinery profiles at an appropriately drawn scale, of these windows shall be submitted to and approved in writing by the Local Planning Authority, for the following buildings:

- a) Farmhouse
- b) Cart shed/ granary
- c) Barn
- d) Stables
- e) Reinstated buildings
- f) New buildings

Works shall be carried out in accordance with approved details and no other windows shall be inserted into any of the buildings.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

18 Prior to installation of the doors hereby permitted, details of the appearance, materials and joinery profiles of all internal and external doors, at an appropriately drawn scale, shall be submitted to and approved in writing by the Local Planning Authority, for the following buildings:

- a) Farmhouse
- b) Cart shed/ granary
- c) Barn
- d) Stables
- e) Reinstated buildings
- f) New buildings

Works shall be carried out in accordance with approved details and no other doors shall be inserted into any of the buildings.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

19 Prior to installation of glazing within the cart entrance to the barn, detailed drawings at an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

20 Prior to installation of new staircases, detailed drawings of the staircase and detailed cross-sections of the staircase within the buildings listed below, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

- a) Family room (cart shed/ granary)
- b) Living room (barn)
- c) Suite 1 (stables)

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

21 Notwithstanding approved plans, prior to installation, scaled detailed drawings including cross-sections of the mezzanine floor within the south west bay shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

22 Prior to works to the existing farmhouse staircase a full survey of the existing structure, schedule of extent and methodology of repairs required and scaled detailed drawings shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

23 Prior to installation of any roof lights, further details including manufacturer information, colour and appearance shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall have a slender metal frame construction with a vertical glazing bar, and shall be fitted/set flush with the surface of the roof. Works shall be carried out in accordance with approved details and no other rooflights shall be inserted into the roofslopes.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

24 Prior to works to rebuild the existing dormers to the cart shed/ granary building, detailed drawings at 1:20 in scale shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

25 Prior to any works to the well, details of works to the well to make it safe and covered, including scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details and no alterations shall take place thereafter.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

26 Prior to installation of any rainwater goods, details of the guttering, down pipes and hoppers including their material, appearance, manufacturer information and how they are fixed to the buildings shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and no alterations shall take place thereafter.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

27 Prior to any cleaning works taking place, details of the methodology and type of cleaning system to be used, the process and the areas to be cleaned shall be submitted to and approved in writing by the Local Planning Authority. Any cleaning shall only be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

28 Works shall stop if evidence of existing daub panels is found within the farmhouse and the Council's Conservation/ Listed Building Officer shall be contacted in the first instance. Any daub panels shall remain in situ thereafter and any repairs shall only take place once details of those repairs have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

29 Pursuant to the provisions of Section 8 (1) & (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the consent hereby granted expressly authorises the execution of the works shown on the deposited plans hereby approved and listed below.

Reason: Because the building is included in the Statutory List of Buildings of Special Architectural or Historic Interest.

**INFORMATIVES**

1       INFORMATIVE: The applicant is advised to note that this approval extends only to the works detailed as part of this application for Listed Building Consent. In the event that the works cannot be implemented without a greater degree of alteration, the applicant is advised to contact the District Historic Buildings/Conservation Officer in order to ascertain whether further Consent might be required.

2       INFORMATIVE: The applicant is advised to note that any scaled detailed drawings required under the above conditions should be submitted at no more than 1:20 in scale, unless otherwise stated in the condition.

## **CH/2018/0480/FA**

Case Officer: Emma Showan  
Date Received: 14.03.2018  
Parish: Penn  
App Type: Full Application  
Proposal: **Demolition of existing dwelling and erection of a detached building comprising 9 flats, with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store, and associated landscaping.**  
Location: **Newbury House  
2 Knottocks Drive  
Knotty Green  
Buckinghamshire  
HP9 2AH**  
Applicant: **Mr V Hanspal**

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to A and B Road  
Adjacent to Unclassified Road  
Mineral Consultation Area  
A and B Roads  
Townscape Character

### **SITE LOCATION**

The application site is located on a corner plot to the east of Penn Road and to the south of Knottocks Drive, within the built-up area of Knotty Green. The existing property is a large two storey dwelling situated at the eastern side of a large spacious plot, with a large wrap around garden. The site is adjacent to, but not within, an Established Residential Area of Special Character (ERASC).

While Penn Road is characterised by large, two storey detached properties of varying character in addition to a number of apartment blocks, Knottocks Drive has a more uniform character and is characterised by detached chalet style bungalows of an Anglo-Scandinavian style with wide, open frontages.

### **THE APPLICATION**

This application proposes the demolition of the existing dwelling and erection of a detached building comprising 9 flats with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store and associated landscaping.

The proposed apartment block would resemble two buildings which are attached along the middle by a glazed link. This would give the block a symmetrical appearance. The building would have a maximum height of 10.6 metres at the gable and 9.5 metres along the main ridge, with an eaves height of 6.6 metres, width of 34.2 metres and depth of 23 metres. The central glazed section would have a flat roof with a maximum height of 7.2 metres.



The building would contain 4 duplex apartments split over the ground and basement levels, and 5 apartments located over the first and second floors. The apartments would all have 3 or 4 bedrooms.

Basement parking is proposed to include 16 spaces, 4 of which would be accommodated in garages. An access ramp would be located forwards of the front elevation and a further 12 spaces would be located on an area of hardstanding to the front of the building. Access would remain as existing, off Knottocks Drive.

A bin store is also proposed and this would be sited forward of the apartment block and alongside the access drive serving the building.

A Design and Access Statement has been submitted in support of the application.

### **RELEVANT PLANNING HISTORY**

CH/2017/1455/FA - Demolition of existing dwelling, erection of a detached building comprising 12 flats with accommodation in the roofspace, basement parking with vehicular access ramp, the erection of a bin store and associated landscaping. Refused permission for the following reasons:

- The proposed development would appear cramped, out of character and would relate poorly to surrounding plots and buildings, appearing as an incongruous and poor form of development that would be unduly prominent and visually intrusive within the street scene which immediately abuts a designated ERASC. The proposal would therefore have a detrimental impact on the character and appearance of the locality.
- There is insufficient information in the submitted Sustainable Drainage Strategy to demonstrate that the proposed drainage scheme is viable.
- No Legal Agreement has been completed as part of the application so there are no mechanisms to provide the financial contribution required as part of the application.

CH/2015/2062/FA - Demolition of existing dwelling and erection of 2 two-storey detached dwellings with accommodation in roofspace, basements, car lifts and entrance gates (amendment to planning permission CH/2014/0939/FA), conditional permission.

CH/2014/0939/FA - Demolition of existing dwelling and erection of two detached dwellings, refused permission but appeal allowed.

CH/2013/2007/FA - Demolition of existing dwelling and erection of two detached dwellings, refused permission.

### **PARISH COUNCIL**

Strong objection - conversion to 9 flats versus individual properties is overdevelopment in terms of intensity and effect on infrastructure, overbearing on its neighbours in size and mass, changing the character/street scene of Knottocks Drive with its detached family homes. Overlooking adjacent properties means a loss of privacy and amenity to neighbours. Access to underground parking is required, space cannot also be allocated to parking. We do not believe any of these issues have been adequately addressed.

### **REPRESENTATIONS**

21 letters of objection received which can be summarised as follows:

- Objections are the same as those submitted for application CH/2017/1455/FA
- Little difference between this application and the previously refused scheme
- Reference to similar developments along Penn Road are irrelevant as these developments are happening on much larger plots and front a busy main road
- Out of character development with limited garden
- Incremental development

- Strong local objection to this planning application
- No comparison should be made with Penn Road
- Application site is in Knotty Green village not Beaconsfield Town so proposal is inappropriate
- Excessive number of windows
- Unreasonable noise and disruption
- Over supply of flats in the area
- No Section 106 has been lodged
- No affordable housing
- Pressure on local infrastructure
- Concern regarding flooding
- Substantial hedging is not an effective boundary screen
- Entrance is onto Knottocks Drive, a residential road of medium sized houses with gardens
- No other apartments along Knottocks Drive
- Concern over a precedent being set
- Concerns in regards to size and bulk of the proposal
- Footprint comparable to previous scheme
- Overbearing appearance
- Lack of boundary screening
- Lack of privacy and intrusion to the neighbouring property, particularly from balconies
- Number and size of windows is excessive
- The business/commercial appearance of the building is unattractive and out of place
- Increased disruption for future residents and their guests
- Excessive height
- Overdevelopment
- Increase in traffic at a dangerous bend and onto a congested Penn Road
- Increase in vehicles would be hazardous
- Can solar energy panels provide enough electricity for 9 apartments?
- Lack of affordable housing would be an issue
- Little space to re-provide landscaping
- Objection to the increasing trend of developers putting in plans for 2 houses and then reapplying for a block of flats
- Concern over contractor parking
- No enforcement of the Highways Act 1980 s.137 in regards to other development along Penn Road
- Lack of consideration for further improvements to the ground water drainage
- Lack of neighbour notification
- Not sustainable development
- Proposal is bigger than the Town Hall
- Garden size is a concern
- Oversupply of flats in the area
- Not quality design
- Inadequate surface water drainage
- Too great plot coverage
- Looks like a hospital
- Ugly ramp to basement

## CONSULTATIONS

**Buckinghamshire County Highways Officer:** 'I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2017/1455/FA, which in a response dated 30th August 2018, the Highway Authority had no objection subject to conditions. This application differs from the previous application in that it now proposes 9 flats, instead of the previously proposed 12 flats.'

Knottocks Drive is an unclassified road subject to a speed limit of 30mph. The site benefits from pedestrian footpaths fronting both sides of the site. The application seeks planning permission to redevelop the site by the demolishing the existing dwelling and erecting a detached building comprising 9 flats.

In terms of trip generation, I would expect the existing dwelling to generate between 6-8 daily vehicular movements (two-way). In comparison, I would expect each flat to generate between 2-4 daily vehicular movements (two-way). Therefore the overall development has the potential to generate in the region of 18-36 additional daily vehicular movements (two-way). I am satisfied that these additional vehicle movements can be accommodated within local highway network.

Having reviewed the submitted plans, it is apparent that the existing access is to be retained for use by the proposed flats. As the development will lead to an intensification of the site, it is imperative to ensure that the access is safe and suitable to accommodate additional vehicle movements. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions from the proposed access commensurate with a speed limit of 30mph. I am satisfied that these visibility splays can be achieved within land owned by the applicant or within the extent of the publicly maintained highway.

For a development of this quantum an access width is required to be a minimum of 4.8m wide. The site access measures 5m in width which allows for simultaneous two-way vehicular flow in addition to the safe passing of pedestrians. The access ramp that leads to the basement parking measures a width of 4.1m which allows for two-way vehicular flow. Pedestrians will not be required to use this ramp as there is a separate pedestrian entrance to access the basement.

With regard to parking provision, 28 parking spaces are proposed overall with 16 of these being in the basement and 12 on the forecourt of the site. Whilst I trust that the Local Planning Authority will determine the adequacy of the proposed parking provision, I can confirm that there is adequate space within the site for vehicles to turn and egress in a forward gear. Mindful of the above, I have no objection to the proposals.'

**District Tree and Landscape Officer:** 'The application includes a revised Tree Protection Plan for the site but does not include the Arboricultural Survey submitted with the previous refused proposal CH/2017/1455/FA.

The current application has a similar footprint to CH/2017/1455/FA and would have a similar effect on the trees and hedges on the site.

In recent years several trees have been removed from within the site. The remaining trees are mainly around the boundaries on the site and most of these are shown to be retained. There are many large trees present including various cypresses, limes, sycamores and field maples and also an oak, a Scots pine, a Norway spruce and a Bhutan pine. There has also been some fairly recent planting of young cypresses just inside the boundary on the Knottocks Drive frontage. These trees are all a sufficient distance from the proposed building so as to not suffer any significant root damage.

Four Lawson cypresses about 8m in height beside the existing access drive are shown to be removed. These are all in fairly poor condition.

The proposed access drive would pass within the root protection areas of T8 Scots pine and G1 Lawson cypress (both classified as Category B). A considerable proportion of the roots of T8 Scots pine would be affected and, bearing in mind that the roots of this tree would already be compromised by Knottocks Drive and the existing access, it would be appropriate to use no-dig construction in this area.

Some parking would quite close to the cherries T10 & T11 and the Tree Protection Plan shows no-dig construction in this area but these trees are already showing some signs of decline.

I have no objections to the proposal provided there is adequate protection for the retained trees including no-dig construction in the root protection area of the Scots pine T8.'

**Buckinghamshire County Ecology Advisor:** No new comments received. Previous consultation response to CH/2017/1455/FA stated no objection subject to the recommendations contained within the ecology report being adhered to in full. The same ecology report has been submitted for this application.

**Thames Water Ground Supply Officer:** 'On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.'

## **POLICIES**

National Planning Policy Framework (NPPF), 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS24, CS25, CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GC4, GC10, H3, H12, H16, H18, TR2, TR3, TR11, TR15 and TR16.

Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012.

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

## **EVALUATION**

### **Background**

1. This application is being referred to the Planning Committee following the re-classification, and subsequent re-publicising, of this application as a major application. The relevant dates and facts relating to the application are set out for the benefit of Members below.
2. Application CH/2018/0480/FA for the demolition of existing dwelling and erection of a detached building comprising 9 flats, with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store, and associated landscaping was submitted to the Local Planning Authority on 14 March 2018. The application was registered and classified and advertised as a 'minor application'.
3. The application was not 'called in' by any Councillors during the 28 day Call In period and so was not taken before the Planning Committee. Instead, the application was to be determined under delegated authority. Having considered the application, the Officer recommendation was to approve the application subject to the completion of a legal agreement and to defer and delegate the application to the Director of Services. This recommendation was agreed by the Team Leader on 10th May 2018.
4. In June 2018 before any planning permission was issued, the LPA was made aware of a material consideration in that the application had been registered in error as a 'minor application' and not as a 'major

application'. Legal advice was sought regarding this procedural error and how to best rectify it in order to ensure the determination of the application is not liable to legal challenge. It was confirmed that the LPA had misinterpreted the definition of major and minor applications contained in the Development Management Procedure Order 2015 ("DMPO") in that the development proposed a building comprising 9 flats with a floor area exceeding 1,000 square metres and so would fall under the definition of 'major development' as set out in Article 2 (d) of the DMPO. As a result the wrong publicity procedures had been followed. To rectify this procedural error, the application was publicised again in accordance with both statutory and local publicity requirements for major applications which entailed the re-advertisement of the application and erection of a site notice which triggered a new 21 day consultation period.

5. Legal advice also confirmed that re-publicising the application did not extend the time for Councillors to exercise the right to call-in because the Councils Constitution provides that Councillors must exercise this right within 28 days of the date an application is registered.

6. The Councils Constitution provides that Officers retain the discretion not to exercise their delegated authority. Due to the procedural error the public had lost an opportunity to ask their local members to call in the application for determination by the Planning Committee therefore it was considered appropriate to take the application to the Planning Committee to be determined by Members in view of the need for a fair and transparent planning process.

7. Nine further objections were received during the re-publicising of the application which did not raise any new material planning considerations. Therefore notwithstanding the updated NPPF it is considered that there have been no changes in material planning circumstances or policy since Officers recommended the planning application for approval subject to the satisfactory completion of a legal agreement and therefore the recommendation to Members is again one of approval subject to the satisfactory completion of a legal agreement as discussed below.

### **Principle of development**

8. The site is located within the built-up area of Knotty Green where in accordance with Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. Proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges. It is also noted that the site is adjacent to, but not within, an Established Residential Area of Special Character.

9. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements outside of the Green Belt and Area of Outstanding Natural Beauty. Limited development will take place in villages including Knotty Green.

10. It is also noted that this application follows application CH/2017/1455/FA for a block of 12 flats which was refused on the following grounds:

- The proposed development would appear cramped, out of character and would relate poorly to surrounding plots and buildings, appearing as an incongruous and poor form of development that would be unduly prominent and visually intrusive within the street scene which immediately abuts a designated ERASC. The proposal would therefore have a detrimental impact on the character and appearance of the locality.
- There is insufficient information in the submitted Sustainable Drainage Strategy to demonstrate that the proposed drainage scheme is viable.
- No Legal Agreement has been completed as part of the application so there are no mechanisms to provide the financial contribution required as part of the application.

11. To overcome these reasons for refusal, the applicant has amended the proposal so that the building has a reduced size and bulk and would now accommodate 9 residential units as opposed to 12. The appearance of the building has also been amended and the footprint is more in line with the two dwellings approved as part of CH/2015/2062/FA. Further information in regards to the SUDs scheme has also been submitted.

### **Design/character and appearance**

12. There are a mix of properties in the area, including two storey detached properties of varying styles along the junction between Knottocks Drive and Penn Road, with larger detached properties being sited within spacious plots along the western side of Penn Road and blocks of flats of modest heights being located along the eastern side of Penn Road, and to the south of the application site.

13. The proposed building would have a side elevation onto Penn Road and front elevation facing onto Knottocks Drive which is characterised by detached dwellings set back from the road with large front gardens and established planting. Although there is spacing between dwellings, many of the properties are sited close to the boundaries, particularly at two storey level.

14. Although application CH/2017/1455/FA was refused on the grounds that it would be overly bulky and detrimental to the character of the street scene, in April 2015, an appeal was allowed which permitted the demolition of the existing dwelling and the erection of two large detached dwellings with accommodation in the roof space (application reference: CH/2014/0939/FA). In the appeal decision, the Inspector commented that: 'The surrounding area is character by detached dwellings of varying styles and designs. Along Knottocks Drive, dwelling plots are spacious due to their large garden size, especially to the front ... there is significant variation in building design and gaps between dwellings.'

15. Taking into account the previous refusal for a block of 12 flats and the upheld appeal decision for two residential dwellings, the scheme has been amended so that the proposed block would now be more comparable to the scale and bulk of the two approved dwellings. Although it would constitute one building, the design is such that it would appear as two separate buildings which are attached down the middle by a glazed link. This would enable the building to accommodate the provision of 9 flats as opposed to the previously approved scheme for two detached residential dwellings.

16. The proposal would now have a ridge height comparable to that of the previously approved dwellings, while the width and depth of the proposed building too would be comparable to that allowed for the two detached dwellings. The building would be characterised by a stepped roof ridge which would help to reduce its bulk and the reduction to the width would mean that there is now a more compact arrangement of built form on site in comparison with the previously approved scheme for two dwellings. The Inspector previously stated that: 'the proposal would result in two attractively designed dwellings of substantial size which individually would be approximately 9 metres in height and 14 metres in width. Their height and width would be less or similar to many dwellings in the vicinity within Knottocks Drive and Penn Road.' As the main roof ridge would equal the height of the previously allowed dwellings, and as the width would be approximately 3 metres less, this is considered to be acceptable. It is acknowledged that the previous scheme allowed for two detached dwellings which would have had spacing in between (of 2 metres) which would have reduced some of the bulk of the scheme, but this application proposes to separate the two 'wings' of the building by a glazed link with a height equal to the proposed eaves height. This glazed link would be of a modest height and simple form that would also help to break up the bulk of the scheme in terms of its visual impact from the street scene.

17. The proposed building would be set a minimum of 7.4 metres from the boundary with Penn Road, 26 metres from the boundary with Knottocks Drive and 17.4 metres away from the rear boundary with No. 74

Penn Road. It would also be sited on the same footprint as the previously approved dwellings but would be set slightly further away from the boundaries with the neighbouring properties than the two approved dwellings would have been. Accordingly, given the substantial plot size and the distance to the boundaries, the proposed building is considered to maintain the spacious character of the area as it does not appear cramped or result in an overdevelopment of the plot.

18. Taking into account the previous appeal decision which allowed for two large detached dwellings on site in addition to the reduction to the proposed building's scale and the introduction of a glazed link which visually separates the two 'wings' of the building, it is considered that the proposal would maintain the character of the area and no objections are raised to the proposal in relation to its impact on the character and appearance of the locality. The proposal would have a comparable footprint to the previously approved dwellings and the proposed siting and height would be similar also. In addition, the established planting around the site and design of the building in the context of a variety of buildings, including other blocks of flats along Penn Road, would further ensure that the proposal integrates with the existing pattern of development in the area.

### **Residential amenity**

19. Policy GC3 of the Local Plan seeks to achieve good standards of amenity for the future occupiers of development and to protect the amenities enjoyed by the occupants of adjoining and neighbouring properties. In this respect, the most affected neighbouring property is No. 4 Knottocks Drive which is situated to the east of the application site, although it is also noted that neither the proposal for two detached dwellings on site or the previously refused proposal for a block of 12 apartments on site raised any objection in regards to loss of neighbouring amenity.

20. The proposed building would retain 5 metres from the flank wall of the neighbouring property and this remains unchanged from application CH/2017/1455/FA where this distance was considered acceptable. It is also noted that the Inspector previously stated that a separation distance of 5 metres 'would ensure no significant loss of privacy from its first floor windows which serve en-suites. Similarly, this separation would ensure no loss of outlook even taking into accounts its height.' As such, it remains that the proposal would not be overly overbearing to No. 4 Knottocks Drive. In terms of a loss of privacy, a privacy screen is proposed on the first floor balcony closest to this neighbour which can be secured by condition and the closest first floor windows and rooflights in the east flank elevation too would be obscurely glazed to prevent intrusion. This can be secured by way of a condition also. As such, no objections are raised with regard to the impact of the proposal on No. 4 Knottocks Drive.

21. In terms of the impact of the proposal on other neighbouring properties, it is considered that the distance between the proposal and other properties along Knottocks Drive and Penn Road is considered to be sufficient to prevent the proposal from appearing overbearing or intrusive to these properties. It is noted that the height and width would be less or similar to many dwellings in the vicinity of Knottocks Drive and Penn Road.

22. With regard to the amenities of the future occupiers of the apartments, Policy H12 of the Local Plan requires the provision of adequate communal amenity areas for new developments and recommends a standard of 40 square metres for 3 bedroom units. This proposal includes balconies and an outdoor amenity area which far exceeds this standard and, as such, is considered to be acceptable. A store for refuse and recycling is also proposed to the front of the building and its erection can be secured by condition.

### **Parking/highways implications**

23. The parking standard in Local Plan Policy TR16 for dwellings or flats with a floor area which exceeds 120 square metres is 3 spaces, and the standard for dwellings or flats where the floor area is less than 120

square metres is 2 spaces. Based on these figures, the development has a parking standard of 27 spaces. As 28 spaces are to be provided, no objections are raised in regard to the level of parking provision. The Highway Authority has also confirmed that there is adequate space within the site for vehicles to manoeuvre into the spaces and exit the site in a forward gear.

24. With regard to the impact of the development on the highway network, the Highway Authority has confirmed that the additional vehicle movements from the development can be accommodated onto the local highway network and that visibility splays of 2.4 metres x 43 metres can be achieved within land owned by the applicant or within the extent of the publicly maintained highway.

25. The concerns of third parties in regards to highway safety are noted, however given the assessment of the Highway Authority, it is clear that the local highway network can accommodate the additional vehicular movements and adequate visibility splays can be achieved. The provision of adequate visibility splays and the parking arrangements can be secured by way of condition to ensure that they are provided in accordance with the approved plans.

### **Ecology**

26. Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance the biodiversity within the District. In this respect, it states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with Paragraph 118 of the NPPF which aims to conserve and enhance biodiversity.

27. In this respect, an ecology report has been submitted with the application and, in consultation with the County Ecologist, no objections are raised subject to a condition requiring the recommendations made within the report to be adhered to. It is also recommended that biodiversity enhancements are sought as part of a landscaping scheme.

### **Trees and landscaping**

28. Local Plan Policy GC4 states that existing trees and hedgerows in sound condition and of good amenity and wildlife value, together with any other existing landscape features of the site which are an important part of its character, such as ponds, should be retained.

29. In this regard, an arboricultural survey and Tree Protection Plan have been submitted with the application and in consultation with the Council's Tree and Landscape Officer, no objections are raised subject to conditions requiring the adequate protection of the retained trees.

### **Drainage**

30. Policy CS4 of the Core Strategy seeks to ensure the long term sustainability of development and all new developments are expected to have regard to the sustainability principles set out in Table 1 of Policy CS4, including the assessment of surface water drainage impacts and the reduce risk of flooding in appropriate circumstances.

31. The previous application for a block of 12 residential units was refused in part on the grounds that there was insufficient information included in the Sustainable Drainage Strategy to demonstrate that the proposed scheme was viable. In order to overcome this reason for refusal, a more detailed strategy has been submitted as part of this application.



32. However, as the proposal has been reduced in scale so that only 9 units are proposed as opposed to 12, the SUDs Officer has not provided comments for this application. Nonetheless, it is apparent from the information submitted by the applicant that, following ground investigations, infiltration would not be feasible to manage surface water on the site and so it is proposed to discharge to the foul network. Provided that Thames Water has no objection to the connection, then no further objections are raised.

33. Accordingly, Thames Water has been consulted and they have advised that with regard to water network and water treatment infrastructure capacity, there is no objection. It is also recommended that the developer should take account of the minimum Thames Water pressure in the design of the proposed development.

### **Affordable housing**

34. In accordance with Policy CS8 of the Core Strategy, there should be at least 2 affordable housing units on sites of 8 or 9 dwellings, unless there are exceptional circumstances which would justify an alternative to on-site provision. Paragraph 10.4 of the Core Strategy requires that there may be occasions where there are unsurmountable problems with securing on-site provision and alternatives may be suggested.

35. As part of the previous application, reference CH/2017/1455/FA, it was accepted that Hightown Housing Associate and L&Q Housing Association would not be interested in taking on affordable housing within the development and so it was concluded that a financial contribution would be necessary in lieu of on-site affordable housing provision. The amount calculated based on the approach agreed by the Council's Cabinet on 11th December 2012 and updated on 19th March 2013 was £729,300. As the applicant did not enter into a legal agreement to secure this financial contribution, the application was recommended for refusal on the basis that in light of no adequate mechanism to provide the required financial contribution, the application would be contrary to Policy CS8 of the Core Strategy.

36. Within this application, it is proposed to reduce the number of residential units from 12 to 9. Accordingly, the contribution towards off-site affordable housing provision would also be less than that which was previously required. Paragraph 63 of the revised NPPF (published 24th July 2018) states that the provision of affordable housing should not be sought for residential developments that are not major developments. For housing, major development (solely for affordable housing purposes) is defined in the glossary as a development comprising 10 or more homes, or where the site has an area of 0.5 hectares or more. In this case, the current application is for 9 residential units and the site has an area of 0.32 hectares. The total gross internal floor area (not including balconies and communal hallways) is approximately 1,900 square metres.

37. The NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses and states that decisions should support development that makes efficient use of land. As such, it is appropriate to consider whether the overall floor space of the development is capable of accommodating 10 homes or more to meet the NPPF threshold such that the affordable housing requirements set out in Policy CS8 of the Core Strategy should be applied.

38. In terms of establishing the potential number of homes that the proposed building could accommodate, it is considered that the National Technical Housing Standards published by the Department for Communities and Local Government (March 2015) should provide the benchmark for the unit sizes. The document provides internal space standards, including the appropriate gross internal floor area, for new dwellings. The standards are organised by storey height and deal separately with one storey dwellings (typically flats) and two and three storey dwellings (typically houses). The standards also provide a range to account for the number of bedrooms and bed spaces. In this case the relevant standards are those that apply to flats and the table below provides a summary of the range of floor spaces that are considered appropriate having regard to the number of bedrooms as well as an average for each type.

### National Space Standards (DCLG 2015)

Number of Bedrooms Range  
(square metres)  
Average (square metres)

1	37 - 58	47
2	61-79	70
3	74-108	91
4	90-130	110
5	103-134	118
6	116-138	127

39. The proposed building would have a total gross internal floor area of approximately 1,900 square metres. Having regard to the above National Space Standards it is considered that 10 flats (to meet the NPPF threshold) could easily be accommodated within the proposed floor space without needing to increase the overall scale of the building or resulting in adverse planning impacts. It is therefore considered that Policy CS8 of the Core Strategy should be applied in this instance.

40. Policy CS8 of the Core Strategy states that on sites of 8 or 9 dwellings, 2 units of affordable housing should be provided, or in this case, as local affordable housing providers are not interested in taking on units in this development, based on the requirements set out in the Affordable Housing SPD and Council's Cabinet report of 11/12/2012, a financial contribution of £691,220 towards off-site affordable housing provision would be required. The Applicant has agreed to pay this financial contribution, which will be secured by way of a Legal Agreement, and so no objections are raised in this respect.

### Conclusion

41. Based on the above assessment, the proposal is considered to adequately overcome the previous reasons for refusal. No new reasons of objection are raised and so the proposal is recommended for approval, subject to conditions and the completion of a Legal Agreement.

### Working with the applicant

In accordance with Section 4 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.

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

**RECOMMENDATION: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Planning & Economic Development**

**Subject to the following conditions:-**

1 C108A General Time Limit

2 Before any construction work commences on the site, details of the materials to be used for the external construction of the development hereby permitted, including the facing materials, roofing materials and surface materials for the paths and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, in accordance with policies GC1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

3 Prior to the commencement of any construction works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the residential amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

4 Prior to the occupation of the development hereby permitted minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Knottocks Drive shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

5 Prior to occupation of the development hereby permitted space shall be laid out within the site for parking for cars, cycles, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6 No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include details of

- Construction access

- Management and timing of deliveries

- Routing of construction traffic

- Vehicle parking for site operatives and visitors

- Loading/off-loading and turning areas

- Site compound

- Storage of materials

- Precautions to prevent the deposit of mud and debris on the adjacent highway.

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.

7 No development shall take place until a revised Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing, no-dig construction within the root protection areas of the retained trees, including T8 Scots pine, and any other appropriate tree protection measures. Before any other site works commence on the development hereby permitted this tree protection fencing shall be erected around all the trees and hedges to be retained in accordance with both this plan and British Standard 5837:2012. The fencing shall then be retained in these positions until the development is completed. Within the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels. The tree protection measures shall then be implemented in accordance with the details in the approved plan.

Reason: To ensure that the existing established trees and hedgerows within and around the site that are to be retained are safeguarded during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

8 No tree or hedge shown to be retained on the Tree Protection Plan approved under condition 7 shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

9 Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the residential units hereby permitted.

Reason: To protect, as far as possible, the character of the locality and the amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

10 The bin store for the residential units hereby permitted shall be implemented in accordance with the approved plans prior to the occupation of the residential units and shall thereafter be permanently retained for that purpose.

Reason: To ensure that the occupiers of the residential units hereby permitted have space to store waste, so that the development does not appear cluttered, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

11 Prior to the initial occupation of each of the residential units as shown on the approved plans, the balconies for each unit shall be provided in accordance with the approved plans. The balconies shall thereafter be permanently retained in that condition.

Reason: To ensure that the occupiers of the residential units hereby permitted have access to outdoor amenity space, in accordance with policies GC3 and H12 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

12 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 roof lights, windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the east side elevation of the building 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 2001) consolidated September 2007 and November 2011.

13 The obscurely glazed windows in the east and west side elevations as shown on the approved plans of the building hereby permitted will remain obscurely glazed.

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 2001) consolidated September 2007 and November 2011.

14 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - E of Part 1 of Schedule 2 to the said Order shall be erected or constructed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality, in accordance with policies GC1 and H3 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011.

15 The recommendations made in the Ecological Report dated 9 October 2017 and submitted by AA Environmental Limited to the Local Planning Authority shall be adhered to in full.

Reason: To ensure adequate protection for biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, in accordance with Policy CS24 of the Core Strategy for Chiltern District - Adopted November 2011 and the NPPF.

16 AP01 Approved Plans

## INFORMATIVES

1 INFORMATIVE: It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development should therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

2 INFORMATIVE: The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.

3 INFORMATIVE: The Applicant is advised that it is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

4       INFORMATIVE: No vehicles associated with the building operations on the development site should be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

5       INFORMATIVE: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed online.

## CH/2018/0582/FA

Case Officer: Kirstie Elliot  
Date Received: 28.03.2018  
Parish: Little Chalfont  
App Type: Full Application  
Proposal: Change of use of ground and first floor to A3 Use Class Restaurant with associated alterations to shop front, installation of extract flue/ducting/housing (retrospective).  
Location: Little Istanbul  
Nightingales Corner  
Little Chalfont  
Buckinghamshire  
HP7 9PY  
Applicant: Mr Siddik Kocak

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to A and B Road  
Adjacent to C Road  
Adjacent to Unclassified Road  
Bovingdon Technical Radar Zone  
A and B Roads  
Townscape Character  
Shopping Area, not PSF

### CALL IN

Cllr Phillips has requested that the application be called into committee for determination regardless of the officer recommendation due to the level of interest in the application.

### SITE LOCATION

The application site comprises a part single/part three storey, mid terrace building located on Nightingales Corner, close to the junction of Burtons Lane/Chalfont Station Road. Nightingales Corner comprises a mix of commercial properties on the ground floors and residential on the floors above. The previous use of the ground and first floor was for A1 purposes, with the sales floor located on the ground and ancillary office on the first floor. There is a residence occupying the second floor which has its own access from street level.

### THE APPLICATION

The current application seeks retrospective planning permission for use of the entire ground floor and first floor as a restaurant (use Class A3), alterations to the shop front comprising the insertion of an additional door to the southern part of the building and the installation of extract ducting which runs along the flat roof of the single storey part of the building before rising up against the side elevation of the three storey part of the building.

### **RELEVANT PLANNING HISTORY**

CH/2013/0067/FA - Change of use of part of ground floor from Use Class A1 (Shop) to Use Class A3 (Restaurant) with associated new shop front and extract ducting/flue/housing. Conditional permission granted, condition 3 of which states:

The proposed Class A3 Use hereby permitted shall be limited to the area shown on drawing number P5 received by the Council on 14th January 2013 and shall not at any time extend into the retained Class A1 retail shop.

Reason: In order to maintain the vitality and viability of the Local Shopping Centre.

Permission not implemented and has now lapsed.

CH/2013/0629/FA - Change of use of ground and first floor of building from Use Class A1 (Shop) to Use Class A3 (Restaurant) with associated new shop front and extract ducting/flue/housing. Permission refused, contrary to Policy S7 of the Local Plan (loss of retail unit).

CH/2014/1318/FA - Change of use of ground and first floor of building from Use Class A1 (Shop) to Use Class A3 (Restaurant) with associated new shop front and extract ducting/flue/housing. Permission refused, contrary to Policy S7 of the Local Plan (loss of retail unit).

### **PARISH COUNCIL**

Objection - wish to encourage and maintain a variety of shops in the village, the centre of which has an excessive proportion of eating establishments. The Parish Council does not want to lose more of the large and attractive Class A1 (shop) premises in the village. There is no justification (apparent or claimed) for a potentially 118 seater restaurant in the village. In the event planning permission is granted the Parish Council requests that this should be conditional on the enforcement of the requirements specified in the environmental health report regarding extraction and sound insulation.

### **REPRESENTATIONS**

Although not required, the applicant's agent has submitted a short Design and Access Statement.

The applicant's agent has also submitted account details from Companies House as evidence that the previous business was not 'making a lot of profit'.

### **CONSULTATIONS**

#### **Bucks County Council Highway Authority:**

No objections and no conditions to include on any planning consent.

#### **Environmental Health:**

No complaints recorded however, this does not preclude the possibility of future complaints.

In order for the applicant to demonstrate the acoustic impact of the installation is unlikely to result in noise nuisance it is recommended that an acoustic report, produced in accordance with British Standard 4142 2014 be submitted in support of this application.

Odour impact - insufficient information provided within the application which specifically considers the extent to which odour mitigation is required. This is largely determined by the specific catering activity and applicant is therefore advised to provide full details in relation to this together with an appropriate risk assessment as per best practice. This risk assessment should indicate to what extent any odour mitigation is required within the ventilation system and suitable proposal put forward in line with this outcome.



Conclusion - from an Environmental Health viewpoint, it is not currently possible to recommend approval of the proposed kitchen filtration and ventilation systems specification and further information is required from the applicant in order to do so. However, if these details cannot be obtained prior to determination and the application is granted, conditions recommended.

## **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, GC7, S7, S11, TR11 and TR16

## **EVALUATION**

1. By way of background, notwithstanding the 2013 planning permission (ref: CH/2013/0067/FA) for the change of part of the ground floor from Use Class A1 to Use Class A3, in 2015 the current A3 restaurant opened occupying the entire ground floor of the property. The applicant advised that he understood he could change the use of the A1 part of the building to use for A3 purposes as permitted development under the then newly introduced temporary flexible uses afforded by Class D of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.
2. Planning enforcement officers were of the view that by reason the former A1 part formed part of the larger A3 use of the ground floor building and was created as one single operation, the 2013 planning permission had not been implemented and as such the entire use of the ground floor for A3 purposes was unauthorised and 'permitted development' rights could not be claimed for the change of use of part of the building to form an integral part of that A3 use and taken together, the use of the entire ground floor would fail to comply with the conditions and limitations of Class D.
3. However, planning enforcement officers considered the fall-back permitted development position in that if remedial works were undertaken to cease the unauthorised use of the ground floor and then the 2013 planning permission was implemented to create an A3 unit in the southern part of the building and the northern part used for A1, it would then be possible under the aforementioned Class D permitted development rights to change the use of the A1 unit to a separate A3 unit with the result being the same (i.e. loss of all A1 floorspace, albeit for a temporary period). By reason the temporary flexible use right allows for a temporary 2-year period of use, planning enforcement officers considered it not expedient to take any enforcement action in respect of the unauthorised use at that time.
4. The use of the ground and first floor of the building for A3 purposes as a restaurant (the first floor is used for purposes ancillary to the restaurant and for this reason would be regarded as A3 under the Use Classes Order) has continued since 2015. The current application seeks to regularise this position as a means of remedying the breach of planning control.
5. It is noted that the application form submitted with the application describes the previous use of the application site as Use Class A2 (financial and professional services) By way of clarification, prior to the unauthorised change of use to the current A3 use the application site was used for the retail sale of rugs to the public such a use falling within the A1 Use Class, the A1 use being referenced in the previous planning applications relating to the site. Accordingly, the current application has been assessed with reference to its previous A1 use.

### **Principle of development**

6. The application site is located within the Local Shopping Centre of Little Chalfont, wherein Policy S7 aims to balance the proportion of Class A1 shop uses in order to protect the shopping function and character of the centre whilst enabling other services and facilities to be provided. The policy allows for the change of use to or between non-Class A1 uses where the Council considers that the proposed use will make a positive contribution to, or will not detract from, the vitality and viability of that part of the shopping centre in which the development is located. The policy continues to provide 7 criteria the Council will consider in assessing applications.

7. Nightingales Parade comprises 24 units (counting the application site as two units and including the 2 units located on Burtons Lane to the south but separated by the access to the rear service area). If the 2013 planning permission had been implemented this would have resulted in 9 of the 24 units being in A1 use (37.5%). The current use of the site leads to there being 8 units in A1 use (33.3%). Within the parade, 5 of the 24 units are in A3 use (including the current use of the application site). This amounts to 20% in A3 use. Isolating the frontage in which the application site is located (eastern side of Nightingales Corner), the application site has non-A3 uses either side and indeed no A3 uses in the units to the south and 1 to the north ('Koho' which was granted planning permission for change of use to A3 under reference CH/2014/1593/FA). As such, whilst it is accepted that the majority of units are in non-A1 use, it is not considered that there is a concentration or indeed domination of A3 uses but that the parade offers a range of services, goods and facilities.

8. In the previous refusals of planning permission for the change of use of the entire ground floor for A3 purposes, concern was raised in respect of the prominence of the application site. However, as this is a retrospective application the actual impact is such that the dominance of the building within the frontage is actually due to its height, being taller than the buildings either side. Although the ground floor frontage may measure a greater width than some of the units, it is visually comparable in size and symmetry of the 'Pharmacy' immediately to the north such that the premises is not overly prominent in the frontage or indeed the parade.

9. Notwithstanding the 7 criteria listed in policy S7, at the heart of policy S7 is the vitality and viability of the local shopping centre as a whole, indeed this was the approach taken by the Inspector in the 2005 appeal decision (ref: APP/X0415/A/05/1179185) allowing the change of use of 1 Nightingales Corner from A1 (travel agent). The character profile of the Little Chalfont Local Shopping Centre is described as trading predominantly in food and convenience goods, relying on the local population to make regular visits and depending mostly on providing adequate shops and convenient parking facilities to meet frequent 'top up' shopping trips of the local population. In viewing the local shopping centre as a whole (as identified on Local Plan Policies Map - Little Chalfont Inset) there are 57 units of which 28 are currently in A1 use (49%). As such, the 'about 50%' split of A1 and non-A1 uses is maintained in the local shopping centre (including the current A3 use of the application site). Further, visits to Little Chalfont confirm there is a well-balanced mix of uses in the local shopping centre offering a range of goods and services such that the centre remains an active and vibrant shopping centre. As such, in considering the impact of the development on the local shopping centre as a whole there is no evidence that the use of the application site for the past three years for A3 purposes has detrimentally affected the vitality and viability of the local shopping centre. Further, the approved redevelopment of the site located to the east of Chenies Parade and the (VW) garage building is to include a mix of A1, A2 and D1 uses on the ground floor (most recent planning permission reference CH/2017/1832/FA) thereby adding to the number of units in the local shopping centre and ultimately to the vitality and viability.

### **Design/character & appearance**

10. The external alterations that have been made to the building by virtue of the shopfront and the installation of the extract duct are not materially different to the details that were approved under the 2013

planning permission. The installation of the shopfront and extract do not detract from the appearance of the building and are not dominating features of the building or the parade of which it forms a part.

### **Residential amenity**

11. There are residential flats located above and to the north side of the application site. The Council's Environmental Health Officers have advised that they have received no noise/odour complaints in respect of the site since the A3 has been operating. Notwithstanding this, and despite requests, no acoustic report or ventilation/filtration equipment has been submitted. As such, in accordance with the comments of Environmental Health, it is reasonable and necessary to require details of the existing system via condition. Furthermore, given the proximity of neighbouring residential properties it is both reasonable and necessary to control the hours of operation of the use, as per the 2013 planning permission.

### **Parking/Highway implications**

12. The comments of the County Highway Engineer are noted in that no objection to the application is raised and no conditions considered necessary given the sustainable village centre location and the proximity of public parking.

### **Conclusions**

13. The application site is located within a local shopping centre wherein the policies of the development plan seek to protect the vitality and viability of that shopping centre. Whilst the development under consideration is not in strict accordance with one of the assessment criteria of the relevant policy (S7), given that the development has existed for three years there is no evidence that the actual change of use of the site has had a negative impact on the vitality and viability of the local shopping centre and further it continues to be a vibrant and active centre offering a balanced mix of goods, services and facilities as per its character profile.

14. 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 The use hereby permitted shall not be open to customers outside the following times:  
09.00 - 23.00 hours Monday to Saturday  
09.00 - 22.30 hours on Sundays and bank holidays.

Reason: In the interests of the amenities of nearby residential properties, in accordance with Policy GC3 of the The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

- 2 No delivery or collection vehicles shall service the site outside the following times:  
09.00 - 23.00 hours Monday to Saturday  
09.00 - 22.30 hours on Sundays and bank holidays.

Reason: In the interests of the amenities of nearby residential properties, in accordance with Policy GC3 of the The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

- 3 The operation of all fixed plant and equipment associated with air moving equipment, refrigeration, compressors or equipment of a like kind within or associated with the use of the ground and first floor of the building hereby permitted, shall not exceed a noise level of 5 dB(A) below the existing Background Levels, or

10 dB(A) if there is a particular tonal quality at any time when calculated or measured in accordance with British Standard 4142 2014, received at one metre from the nearest residential properties.

Reason: To protect the amenities of neighbouring residential properties from noise nuisance, in accordance with Policy GC3 of the The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

4 Within 2 months of the date of this permission, works shall be undertaken to fix the existing mechanical kitchen extract ductwork, fans and silencers with anti-vibration mountings. These mountings shall thereafter be permanently retained and maintained.

Reason: To protect the amenities of neighbouring residential properties from noise and disturbance, in accordance with Policy GC3 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

5 Within 2 months of the date of this permission, details of the specific catering activity undertaken by virtue of the use hereby permitted together with an appropriate risk assessment to include the extent to which any odour mitigation is required within the existing ventilation system and how this will be achieved shall be submitted in writing to the local planning authority. Any alterations or remedial works required to be undertaken to the existing ventilation system as identified in the submitted details shall be undertaken within 2 months of the date of the approval of these details. The ventilation system shall thereafter be retained and maintained in accordance with the approved details.

Reason: To protect the amenities of neighbouring residential properties, in accordance with Policy GC3 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

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## **PL/18/3418/VRC**

Case Officer: Emma Showan  
Date Received: 17.09.2018 Decide by Date: 26.11.2018  
Parish: Coleshill Ward: Penn And Coleshill  
App Type: Variation or Removal of a Condition  
Proposal: Variation of Condition 8 of planning permission PL/18/2622/VRC (Redevelopment of site to provide two detached dwellings with new vehicular access CH/2017/0246/FA)

Location: Bowers Croft  
Magpie Lane  
Coleshill  
Buckinghamshire  
HP7 0LS

Applicant: Hitchambury Homes

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to C Road  
Area Special Adv. Control  
Within Chilterns AONB  
Within Green Belt other than GB4 GB5  
Overhead Cables  
GB settlement GB4,6,12,23,H7,13,19

### **CALL IN**

Councillor Burton has requested that this application be determined by the Planning Committee if the Officer recommendation is for approval.

### **SITE LOCATION**

The application site is located on the south-western side of Magpie Lane on the southern edge of the rural village of Coleshill. It is situated within a row of 5 detached dwellings, defined in Policy GB4 of the Local Plan, and within the Chilterns Area of Outstanding Natural Beauty (AONB).

### **THE APPLICATION**

This application proposes to vary condition 8 of planning permission PL/18/2622/VRC (redevelopment of site to provide two detached dwellings with new vehicular access CH/2017/0246/FA).

Condition 8 states that the development should be erected in accordance with the approved plans.

It is proposed to amend the approved plans in order to incorporate a single pitched roof dormer in the front elevation of each of the approved dwellings. It is noted that the two dwellings already have a pitched roof dormer in their rear elevations and habitable accommodation in their roof spaces.

The proposed dormers will have a maximum width of 1.7 metres and height of 2.2 metres. They would be set above the eaves and below the main ridge line.

## **RELEVANT PLANNING HISTORY**

PL/18/2622/VRC - Variation of condition 8 of planning permission CH/2017/0246/FA to allow changes to the fenestration and roofs of the approved new dwellings, conditional permission.

CH/2018/0152/NMA - Application for a non-material amendment to planning permission CH/2017/0246/FA (redevelopment of site to provide two detached dwellings with new vehicular access (amendment to planning permission CH/2016/1640/FA)), accepted.

CH/2017/0246/FA - Redevelopment of site to provide two detached dwellings with new vehicular access (amendment to planning permission CH/2016/1640/FA), conditional permission.

CH/2016/1640/FA - Redevelopment of site to provide two detached dwellings and new access, conditional permission.

## **PARISH COUNCIL**

Objection - For the reasons under Policies GC1, GC3, specifically 3.10 a loss of privacy, also because of GB2 (c) 'The limited extension, alteration or replacement of existing dwellings in accordance with Policies GB6, GB7 etc.' Also that it is not in keeping with the street scene of a rural lane with no other intrusive dormer windows in evidence.

## **REPRESENTATIONS**

One letter of objection received at time of drafting report which can be summarised as follows:

- Proposed dormer windows will look into and over the property at The Spinney, impacting on privacy
- Proposal would not be in keeping with the adjacent houses

## **CONSULTATIONS**

None relevant.

## **POLICIES**

National Planning Policy Framework, 2018 (NPPF)

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, GB2, GB4, LSQ1, H11, H12, H18, TR2, TR11 and TR16.

Chilterns Buildings Design Guide, February 2010.

## **EVALUATION**

### **Principle of development**

1. This application is submitted under Section 73 of the Town and Country Planning Act 1990 as outlined above, seeks a variation of condition 8 of planning permission PL/18/2622/VRC. In determining this application the National Planning Practice Guidance states that Local Planning Authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original permission.

2. In this instance, the application site is located within an existing row of dwellings and other substantial buildings as defined on the Proposals Map and as listed in Local Plan Policy GB4. In accordance with this

Policy, the Council will accept limited infilling which is defined as the construction of one or two dwellings in a small gap in an existing row of dwellings and other substantial buildings, which form an otherwise fully developed frontage to a road. New infill developments must also meet three other criteria which states that the width of the development site must be closely similar to the width of existing adjoining sites as measured along the row of dwellings, the curtilage for each dwelling must be of a size and shape comparable to existing adjoining development, and the siting, scale and appearance of each dwelling should be compatible with the character of existing dwellings in the vicinity of the development site. This is supported by Paragraph 145 of the NPPF which also allows for limited infilling in villages as an acceptable form of development in the Green Belt.

3. It was previously considered as part of a number of applications (CH/2016/1640/FA, CH/2017/0246/FA and PL/18/2622/VRC) that the development of two houses on this site would be acceptable and permission has been granted. The latter planning permission, PL/18/2622/VRC, has been implemented and the dwellings are currently under construction. Therefore, there remains no objection in principle to the erection of two dwellings on this site.

4. It is noted that the Parish Council has referred to Local Plan Policy GB2 as part of their reason for objecting to this application. It is stated that this current application is not in-keeping with the provisions of this Policy which allows only for the limited extension, alteration or replacement of existing dwellings. Both this application and the previous applications on site do not concern alterations to an existing dwelling, but concern the replacement of one dwelling and the erection of a second. It has already been set out above that infilling is an acceptable form of development in villages in the Green Belt. Nonetheless, in the event that the properties had already been built, given that they are sited within a Defined Row of Dwellings in the Green Belt, then in accordance with Policy GB4, extensions to existing dwellings are acceptable in principle.

5. Furthermore, given that there have been no significant changes to national or local policies and no material changes since the granting of planning permission than the principle of development remains acceptable and it is only necessary to establish whether the changes proposed to the appearance of the new dwellings would be acceptable and would comply with the relevant policies set out in the Local Plan.

### **Design/character & appearance**

6. It is proposed to vary the approved plans condition of PL/18/2622/VRC to allow for the erection of a single pitched roof dormer in the front elevation of each of the approved dwellings. Rear dormers have already been approved at the two dwellings and there would be no changes to the internal layout of the habitable accommodation approved within the roof space. In GB4 locations, extensions to existing dwellings are acceptable in principle and so, in principle, once the dwellings have been completed, the addition of dormers could be acceptable.

7. In terms of the appearance of the dormers, they would be pitched and would be sited centrally within their respective roof slopes. Local Plan Policy H18 states that dormer windows will be permitted where they are designed to respect the scale, proportions, existing windows and other features of the external appearance of the roof and elevation in which the dormer window(s) would be constructed. In this case, the dormers are considered to be small and appropriately sited so that they do not dominate the external appearance of the roof. They are also considered to be in keeping with the appearance of the host properties. In terms of the impact of the dormers on the street scene, it is noted that the adjacent properties do not have second floor dormers. However, other properties within the village of Coleshill have second floor dormers (including Mount House, Bramble Cottage and Wellside, all along Village Road) and given the modest size of those proposed, they are considered to be acceptable. In addition, given that the dwellings adjacent to the application site are large themselves, it is not considered that the addition of dormers would result in two new

dwellings that are overly large, bulky or prominent in relation to their neighbours. It is therefore considered that the impact on the street scene is acceptable.

### **Residential amenity**

8. Given the siting of the proposed front dormers, they are not considered to have a detrimental impact on the amenities of either adjacent neighbouring property. A letter of objection has been received from the occupiers of The Spinney raising concern that the proposed front dormers would result in overlooking into their front habitable rooms. Whilst this concern is noted, The Spinney is not located directly opposite the application site and in excess of 40 metres would separate the two plots. Any views from the proposed dormers would be oblique and would be interrupted by Magpie Lane and the mature vegetation along the north side of the highway. There are no other properties directly opposite that would be affected to a detrimental degree as result of the proposal. It is therefore considered that the relationship between the proposed dormers and the neighbouring properties would be acceptable and there would be no loss of amenity.

### **Parking/Highway implications**

9. The proposal would have no adverse parking implications, having regard to the Council's standards.

### **Working with the applicant**

10. In accordance with Chapter 4 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.

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 The development to which this permission relates must be begun before the expiration of 1st June 2020.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2 Prior to the occupation of the dwelling on plot 2, the new means of access shall be sited and laid out in accordance with the approved drawing, and visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations



adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

3 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with policies TR2, TR3, TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

4 The boundary treatments shown on the approved plans shall be erected/constructed prior to the occupation of the dwellings hereby permitted and thereafter retained in situ.

Reason: To protect, as far as possible, the character of the locality and amenities of residential properties, in accordance with policies GC1, GC3, LSQ1 and GB4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

5 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 or dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the side elevations of the dwellings 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 2001) consolidated September 2007 and November 2011.

6 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 1 of Schedule 2 to the said Order shall be erected within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order to protect the amenities of the adjoining properties, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

7 Before the first occupation of the dwellings hereby permitted the two rooflights approved as part of this application (south flank roof elevation of Plot 1 and north flank roof elevation of Plot 2) serving the second floor bathrooms and the sides of the first floor rear elevation bay windows shall be fitted with obscured glazing and be fixed shut. These windows shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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 2001) Consolidated September 2007 and November 2011.

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**The End**



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## Appeal Decision

Site visit made on 21 August 2018

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2018

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### Appeal Ref: **APP/X0415/W/17/3187052**

**Land southeast of Huge Farm, Chesham Road, Bellingdon, Chesham, Buckinghamshire, HP5 2XW.**

- 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 Ms Emma Stratford and Mr Paul Ford against the decision of Chiltern District Council.
  - The application Ref. CH/2017/0817/FA, dated 28 April 2017, was refused by notice dated 12 July 2017.
  - The development proposed is Erection of a 4-horse stable block with hay store and tack room and formation of a 50m x 25m manege on the established equestrian land southeast of Huge Farm at Chesham Road in Bellingdon.
- 

### Decision

1. The appeal is dismissed insofar as it relates to Erection of a 4-horse stable block with hay store and tack room, and the associated access track and hardstanding. The appeal is allowed insofar as it relates to the proposed manege and planning permission is granted for formation of a 50m x 25m manege at Land southeast of Huge Farm, Chesham Road, Bellingdon, Chesham, Buckinghamshire, HP5 2XW in accordance with the terms of the application, Ref CH/2017/0817/FA, dated 28 April 2017, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan ABS005-100-01-C, Site Block Plan ABS005-200-01-C, and Manege Section Details and Timber Fencing ABS005-500-01 .
  - 3) No development shall take place until details of the colours of the surface material and wooden fencing for the manege have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

### Application for costs

2. Applications for costs were made by Ms Emma Stratford and Mr Paul Ford against Chiltern District Council and by Chiltern District Council against Ms Emma Stratford and Mr Paul Ford. These applications are the subject of separate Decisions.

### **Preliminary matters**

3. The appeal concerns a small field, about 0.64ha, on the southern side of Chesham Road, part of a larger landholding historically attached to nearby Huge Farm, but now owned by the appellants along with the neighbouring paddocks. It is in the Green Belt and Chiltern Area of Outstanding Natural Beauty (AONB). When the application was refused the land benefitted from an LDC certifying that the use of the land for 'agricultural purposes (including for the grazing of horses ponies) and for the keeping of up to four horses/ponies for private recreational non-commercial and non-professional purposes' was lawful due to immunity from enforcement. The use for which the LDC was sought was for a non-commercial equestrian use only, and an appeal was made in July 2017 against the Council's refusal to grant the LDC in the terms sought. I allowed that appeal by decision dated 12 September 2018<sup>1</sup> and issued an LDC for use of the land for "Private equestrian use for the keeping, exercising, schooling and riding of horses". Hence the present appeal does not involve any material change of use of the land, and the Council's reason for refusal on this basis can be set aside.
4. However, before the present appeal was made planning permission was granted in October 2017 for the erection of a two horse stable block with attached hay barn, sited close to Chesham Road frontage and involving the removal of two existing structures in the field, a field shelter and a hay barn. The two-stable block with hay barn has now been built and is in use. It is in a part of the field where built development is not proposed in the present application, save for a small portion of the access track. The existing development on the site is not physically incompatible with the appeal proposal.
5. In view of the material changes in circumstances arising from the implementation of the October 2017 planning permission and the success of the LDC appeal, I sought the views of the appellants and the Council, specifically on the question of whether the proposal was considered to be inappropriate development in the Green Belt and how it would interact with the implemented planning permission for the two-stable block.
6. The Council now considers that, as I understand it, a 4-stable/ haystore/tack room building, in its proposed location close to the hedgerow in the southern corner of the field, would be acceptable as not being detrimental to Green Belt openness provided that the existing 2-stable block was removed or relocated to the opposite side of the field close to the hedgerow, but it maintains its objection to the manege on the basis of harm to the character of the AONB. It submitted that a maximum of 4 stables would be more than sufficient to meet the appellants' needs given the size of the field and the number of horses said to have been regularly exercised on the appeal site. The appellants advised that they have no need at present for both the existing and proposed buildings, that it would make no practical or financial sense at this time to construct 4 more stables and another hay store, nor would it make sense to erect the appeal building where proposed when the existing stables are at the opposite end of the paddock. They proposed a compromise solution whereby a 3-4 stable block with tackroom would be erected close to the existing building, with

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<sup>1</sup> Appeal Ref. APP/X0415/X/17/3184571

the manege to be sited alongside. A revised layout plan to this effect was submitted.

7. However, the revised layout and scale suggested is substantially and materially different to that which was originally proposed. To take it into account at this stage would deprive those who should have been consulted on the changed development of the opportunity of such consultation. For this reason, having regard to the principles established in the case of *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37] I consider that it would not be appropriate to consider this appeal on the basis of the revised layout submitted. If the appellants wish the revised layout to be considered the appropriate means would be to make a fresh planning application.
8. No achievable mechanism has been proposed which would prevent the erection of the proposed building in addition to the existing building, should planning permission be granted. I have considered whether the imposition of a Grampian condition would be acceptable or appropriate, but in the circumstances, and in view of the appellants' fair expression of the practical and financial considerations involved, I have concluded that it would not be useful. Accordingly I have proceeded with the appeal on the basis that the proposed development would be in addition to that now permitted and erected.

### **Reasons**

9. The main issues are whether the proposal would be inappropriate development in the Green Belt, the effect on the openness of the Green Belt, whether the development would preserve the character of the AONB, and whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?
10. The relevant development plan policies are: Policy GB2 of the Chiltern District Local Plan (LP) which sets out the general presumption against inappropriate development in the Green Belt. It specifies the categories of development that are not considered inappropriate, which includes new buildings to provide essential facilities for outdoor recreation, subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it; and LP Policy LSQ1 and Policy CSW22 of the Core Strategy for Chiltern District (CS) which are concerned with conserving the natural beauty of the AONB landscape.
11. Although some are dated, these policies are broadly consistent with the National Planning Policy Framework (NPPF), which was revised in July 2018, albeit the NPPF (paragraph 145) approach to the provision of facilities for outdoor recreation is that they should be appropriate rather than essential. The types of facilities proposed in this case are appropriate for outdoor recreation, but they will nonetheless be inappropriate development in the Green Belt if they do not preserve the openness of the Green Belt or conflict with the purposes of including land within it. I consider that the proposed building is of a scale that materially reduces Green Belt openness on the site, and its siting with the manege on the opposite side of the field from the existing stable and hay store would result in a proliferation of buildings and structures within the site which would not be consistent with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. As such it would be inappropriate development which is harmful by definition.

12. The proliferation of buildings and structures on the site as a whole, which would be apparent from both Chesham Road and the public footpath running alongside the opposite field boundary, particularly in winter when the screening by deciduous hedgerows would be much reduced, would also adversely affect the open character of the field and the contribution it makes to the character and natural beauty of the AONB landscape, contrary to the aims of LP Policy LSQ1 and CS Policy CS22.
13. Justification for the development is the need for the facilities, but by the appellant's own account the overall extent of development on the site would go beyond their needs. I consider therefore that there are not material considerations to outweigh the harm by reason of inappropriate development, loss of openness, conflict with the purposes of including land within the Green Belt and the adverse impact on the character and natural beauty of the AONB.
14. However, the overall harm is mainly due to the extent of buildings on the site. Given that access, yarding, stables and a hay store are already present, I consider that the manege can be viewed as physically and functionally separate from the other aspects of the proposal, namely the proposed building, access and yard. The manege itself would not materially reduce Green Belt openness or appear as encroachment on the countryside, and with appropriate surface materials and fencing would not appear incongruous or discordant in the landscape, such that it would conserve the natural beauty of the AONB landscape. When viewed on its own I consider that it would not be inappropriate development and it would not conflict with the development plan, read as a whole. A split decision is therefore justified, and accordingly I shall grant planning permission for the development so far as it relates to the manege, subject to the standard commencement condition, one requiring accordance with the application plans, and a condition requiring approval of surface material and fencing, in the interests of preserving landscape beauty, and I shall dismiss the appeal so far as it relates to the rest of the proposed development.

*Paul Dignan*

INSPECTOR



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## Costs Decisions

Site visit made on 21 August 2018

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2018

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### **Costs application in relation to Appeal Ref. APP/X0415/W/17/3187052 Land southeast of Huge Farm, Chesham Road, Bellingdon, Buckinghamshire, HP5 2XW.**

- The applications are made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - **Application A** is made by Ms Emma Stratford and Mr Paul Ford for a full award of costs against Chiltern District Council.
  - **Application B** is made by Chiltern District Council for a full award of costs against Ms Emma Stratford and Mr Paul Ford.
  - The appeal was against the refusal of the Council to grant planning permission for Erection of a 4-horse stable block with hay store and tack room and formation of a 50m x 25m manege.
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### **Decisions**

1. The applications for an award of costs are refused.

### **Application A**

2. Parties to a planning appeal are normally expected to bear their own costs, but costs can be awarded where the unreasonable behaviour of a party has caused another party to incur unnecessary or wasted expense.
3. Prior to the planning application detailed above, the appellants made an application for an LDC seeking to establish that the use of the land for private equestrian purposes was lawful by virtue of immunity from enforcement. The Council considered that the site, a field or paddock, had been in part-equestrian and part agricultural use for the relevant period and issued an LDC to that effect. The planning application the subject of this appeal was subsequently refused but a later application for a smaller equestrian building on the site was approved. It is argued that the issuing of the LDC and the granting of permission for a stable block on the site established the equestrian credentials of the site, and that it was therefore unreasonable not to grant planning permission for the larger development proposed.
4. It can be inferred from the appellants' submissions that they also consider the decision by the Council to refuse the LDC application in part to have been unreasonable, but while I came to a different view on the evidence that was before me, I could see nothing unreasonable in the Council's approach and the decision it made. The material circumstances pertaining at the time of the Council's consideration of the merits of the proposed development included national planning policy that excluded material changes of use in the Green Belt from the list of development that was not inappropriate, and a development that involved a material change of use in view of the LDC as it

stood, along with considerable additional built development. The development required very special circumstances to exist, but the considerations put forward were far from compelling.

5. Being inappropriate development, the substantial weight of the definitional harm alone had to be clearly outweighed by the other considerations, and I am satisfied on the basis of the Council's defence of its reasons for refusal that it exercised its planning judgement in a reasonable manner. This was not a case where development which should clearly have been permitted having regard to the development plan, national policy statements and any other material considerations was prevented or delayed. I find the allegation of unreasonable behaviour in refusing the application to be unsubstantiated, and it follows that the basis for an award of costs is not met.

### **Application B**

6. The Council considers that the planning application was ill-conceived in the first place since it was predicated on the LDC application having been wrongly determined. It claims that the appellants, who were professionally represented, effectively ignored the LDC as issued and the sensible approach would have been to appeal that first.
7. As the Government's Planning Practice Guidance points out, an appellant is at risk of an award of costs being made against them if the appeal had no reasonable prospect of succeeding. This may occur when the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence. It may have been more straightforward to follow the staged approach advocated by the Council, but this was not a case where the appeal stood no prospect of success or where there was inadequate supporting evidence.
8. Overall, my conclusion is that unreasonable behaviour on the part of the appellant leading to wasted or unnecessary costs for the Council has not been demonstrated, and it follows that an award of costs is not warranted.

*Paul Dignan*

INSPECTOR



## Appeal Decisions

Hearing Held on 4 September 2018

Site visit made on 3 & 4 September 2018

**by Chris Preston BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2018

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### Appeal A

**Ref: APP/X0415/C/17/3190005**

**Land at OS Parcel 2814, opposite Tiles Farm, Asheridge Road, Asheridge, Buckinghamshire HP5 2XB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Mark Loveridge against an enforcement notice issued by Chiltern District Council.
  - The enforcement notice, numbered 2017/00224/AB/EN/1, was issued on 13 October 2017.
  - The breach of planning control as alleged in the notice is: Without planning permission:
    - (1) The material change of use of the Land from agriculture to a sui generis mixed use for the keeping and grazing of horses and a residential caravan park for occupation by gypsies and travellers by the stationing of a mobile home and two touring caravans in residential occupation on the Land (the "Unauthorised Use"); and
    - (2) Integral to the Unauthorised Use the installation of lighting and operational development comprising the erection of close boarded fencing and gates (the "Unauthorised Works") the approximate positions of which are shown between the points marked "A-B-C" and "D-E" on the plan attached marked "Plan B".
  - The requirements of the notice are:
    - (5.1) Cease the Unauthorised Use of the Land for the stationing of caravans for residential purposes;
    - (5.2) Remove from the Land all caravans, mobile homes, any associated bases, skirts or screens and other domestic paraphernalia, including but not limited to, lighting not reasonably required in connection with any agricultural use of the Land;
    - (5.3) Demolish or dismantle all close boarded fencing and gates erected as shown marked between points A-B-C and D-E on Plan B; and
    - (5.4) Remove from the Land all debris and materials arising as a result of compliance with steps 5.2 – 5.3 above.
  - The period for compliance with the requirements is 6 months from the date the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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### Appeal B

**Ref: APP/X0415/C/17/3190019**

**Land at OS Parcel 2814, opposite Tiles Farm, Asheridge Road, Asheridge, Buckinghamshire HP5 2XB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Mark Loveridge against an enforcement notice issued by Chiltern District Council.



- The enforcement notice, numbered 2017/0224/AB/EN/2, was issued on 13 October 2017.
  - The breach of planning control as alleged in the notice is: Without planning permission, operational development comprising:
    - (1) The laying of hardstanding ("the Hardstanding"), the approximate position of which is shown cross-hatched on the plan attached marked "Plan B" ("Plan B"); and
    - (2) The construction of a timber pergola structure the approximate position of which is shown marked "PS" on Plan B.
  - The requirements of the notice are:
    - (5.1) Demolish the pergola structure and remove all resultant debris from the Land;
    - (5.2) Take up and remove the hardstanding from the Land;
    - (5.3) Rip the soil from the part of the Land where the Hardstanding has been removed pursuant to paragraph 5.2 to alleviate compression of the ground;
    - (5.4) Where the hardstanding formerly stood restore the Land to its level prior to the laying of the hardstanding (commensurate with adjacent ground level); and
    - (5.5) Remove from the Land all debris and materials arising as a result of compliance with steps 5.3 to 5.4 above.
  - The period for compliance with the requirements is: For requirements 5.1 to 5.2, 6 months from the date the notice takes effect and; for requirements 5.3 to 5.5 9 months from the date the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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### **Appeal C**

**Ref: APP/X0415/W/17/3189060**

**Bramley Apple Paddocks, Asheridge Road, Chesham, Bucks HP5 2XB**

- 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 Mark Loveridge against the decision of Chiltern District Council.
  - The application Ref CH/2017/1648/FA, dated 26 August 2018, was refused by notice dated 13 October 2017.
  - The development proposed is described on the application form as: Material change of use of land to a mixed use as a residential caravan site for two gypsy families with a total of up to 3 caravans, including no more than one static caravan, and for the keeping of horses. Laying of hardstanding and provision of means of foul drainage.
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### **Decisions**

#### **Appeal A**

1. It is directed that the enforcement notice be varied by the deletion of the words "6 months from the date on which this notice takes effect" in relation to the time period for compliance at section 6 and the substitution of the following words: For step 5.1, 12 months from the date on which this notice takes effect and, for steps 5.2 to 5.4, 15 months from the date on which this notice takes effect". Subject to that variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

#### **Appeal B**

2. It is directed that the enforcement notice be varied by the deletion of paragraphs 6.1 and 6.2 relating to the time periods for compliance at section 6 and the substitution of a new paragraph 6.1 containing the following words: "Within 15 months from the date on which this notice takes effect". Subject to that variation the appeal is dismissed and the enforcement notice is upheld,

and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Appeal C**

3. The appeal is dismissed.

### **Preliminary Matters and Main Issues**

4. Three appeals are before me for determination, two were made against enforcement notices that have been served by the Council and the other against the refusal to grant planning permission. I have referred to them as Appeal A, B and C, as set out in the banner heading above.
5. The breach of planning control to which Appeal A relates includes a material change of use and operational development (the erection of fencing). That to which Appeal B relates is purely aimed at operational development including the formation of an area of hardstanding and the erection of a pergola. Appeals have been made on ground (a) in relation to both appeals. Where a ground (a) appeal is made, planning permission is sought for the matters specified in the alleged breach of planning control.
6. The fact that two separate notices were served has resulted in separate appeals and two deemed planning applications. In essence, the appellant is seeking planning permission for the use of the land and associated operational development as a whole. His case has been submitted in a way that treats the development in Appeals A and B as one entity as has the Council. However, although the two appeals are inextricably linked I must determine each appeal, and each deemed planning application, on its own merits. That said, given the close relationship between the operational development and the use of the land it would be artificial to consider the two appeals completely independently of one another. Consequently, I have considered both appeals together within the main body of my decision using sub-headings to distinguish between the two.
7. The description of the development for which planning permission was sought in Appeal C includes the material change of use of land to a mixed use as a residential caravan site and for the keeping of horses and associated operational development, including fencing, additional hardstanding and a sewage treatment plant, as shown on the site layout plan submitted with the application. With the exception of the pergola, which was not part of the application, the proposals are essentially a composite of the development enforced against in Appeals A and B. The site area and use of the land is the same but there are differences in terms of the proposed landscaping which was put forward to mitigate the visual impact of the scheme.

### *Main Issues*

8. The site is situated within designated Green Belt. Under the terms of the National Planning Policy Framework (the Framework), new development should be considered as "inappropriate" in the Green Belt unless it falls within a limited number of exceptions. Those exceptions are listed at paragraphs 145 and 146 of the revised version of the Framework which was published in July 2018.

9. Paragraph 143 identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
10. In most respects, the exceptions at paragraphs 145 and 146 are the same as those set out in paragraphs 89 and 90 of the former version of the Framework. However, paragraph 146(e) of the revised version allows for material changes of use of land provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it – those purposes being set out at paragraph 134. There was no exception relating to material changes of use in the former version of the Framework but such an exception was included within Planning Policy Guidance Note 2 – Green Belts – which had been Government guidance prior to the publication of the Framework in 2012.
11. Interestingly, due to its vintage saved policy GB2 of the Chiltern District Local Plan (1997) (the Local Plan) reflected the guidance in PPG2 and allows for material changes of use of land, which maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. Whereas that criteria was out of step with the original version of the Framework, the policy is, once again, consistent with national policy.
12. The approach to material changes of use in the Framework has potential relevance because part of the development involved in Appeals A and C relates to the material change of use of land.
13. Within his appeal statement, which was submitted when the former version of the Framework was in place, the appellant accepted that the development in all three appeals amounted to inappropriate development. Both parties were given the opportunity to comment on the revised Framework in advance of the Hearing. No further comments were submitted on behalf of the appellant and, at the Hearing, the agent confirmed his view that the development amounted to inappropriate development. He accepted that there has been some harm to the openness of the Green Belt and the dispute between the parties was not with regard to the question of whether the proposals were inappropriate development but the degree of weight that should be attached to any harm arising from a loss of openness and encroachment into the countryside.
14. I see no reason to take a different view. In terms of Appeal A, there can be no doubt that the three caravans associated with the material change of use (one static and two touring units) have had an impact on the openness of the Green Belt on account of their physical size and visual impact. The associated fencing and landscaping has also enclosed the site and, of itself, has reduced openness. The residential use of the land has also had an urbanising effect on the former paddock and represents encroachment into the countryside, contrary to one of the core purposes of the Green Belt, as listed at paragraph 134(c) of the Framework.
15. In terms of Appeal B, the pergola has had a small effect upon openness and the new areas of hardstanding have enabled the residential use to expand onto areas of the site that were formerly used for grazing resulting in encroachment into the countryside. Thus, the development in both appeals represents inappropriate development within the Green Belt. Given that Appeal C is

essentially a composite of the two enforcement appeals the same conclusion applies.

16. On that basis, the main issues in respect of Appeals A and C are:

- i) Whether the appellant/ occupants of the caravans fall within the definition of "gypsies and travellers" as set out in Annex 1 of Planning Policy for Traveller Sites (PPTS).
- ii) The effect of the development on the openness of the Green Belt and on the purposes of including land within the Green Belt;
- iii) The effect on the setting of adjacent listed buildings;
- iv) The effect on the character and appearance of the area and on the Chilterns Area of Outstanding Natural Beauty (AONB);
- v) Whether the location of the site would facilitate sustainable modes of travel, having regard to the distance from local shops and services;
- vi) The effect of the development on highway safety;
- vii) If the appellant/ occupants of the caravans meet the definition of gypsies and travellers, as defined by the PPTS, whether there is a need for additional gypsy and traveller sites in the area and, if so, whether the Council can identify a supply of sites to meet those needs;
- viii) The weight to be attached to the personal circumstances of the appellants, having particular regard to the best interests of the children; and
- ix) Whether the harm to the Green Belt by way of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other material considerations such that very special circumstances exist to justify the proposals.

17. Not all of those main issues apply to Appeal B. Whilst the hardstanding and pergola are related to the residential use of the site the use could continue if those elements were removed, either by stationing the caravans on grass or on the pre-existing area of hardstanding. Thus, main issues (i) and (v) to (viii) do not apply to Appeal B because they relate to the principle of the use of the land and the implications of that use in terms of traffic generation and travel patterns.

***i) Whether the appellant/ occupants of the caravans fall within the definition of "gypsies and travellers" as set out in Annex 1 of Planning Policy for Traveller Sites (PPTS)***

18. The Council assessed the development on the basis that the occupants of the site fell within the definition of gypsies and travellers at Annex 1 of the PPTS but, within its statement, raised concerns that insufficient evidence had been presented to enable a firm conclusion to be drawn on the issue. I can understand the Council's position because, at the time the planning application was submitted, very little supporting information was provided.

19. The design and access statement submitted included details of the proposed occupants who, at that time, were intended to be Mr and Mrs Loveridge and

their five children and Mr Alan Hughes. I understand that Mr Hughes is the fiancé of the Loveridge's eldest daughter. The document explained that Mr Loveridge made his living carrying out building and roofing work and that he also buys and sells horses. Mr Hughes was said to be a horse trader. Both were said to be of a nomadic way of life, travelling for an economic purpose, including regular visits to horse fairs, beginning in May and running through to October. In terms of ethnic background, the agent stated that they were Romany Gypsies.

20. If Mr Loveridge and Mr Hughes' lifestyles were as described they would fall within the definition on account of the regular travelling pattern and the fact that their travels had a clear economic purpose. Relevant case law has held that travelling does not have to be the primary or major source of family income but should have an economic purpose and be more than a hobby. Due to the regular pattern of travel and the importance of the horse fairs in terms of buying and selling horses that would appear to be the case.
21. The written information was supplemented by oral evidence of Mr Loveridge at the Hearing. He noted that the majority of his work as a roofer was undertaken in the local area but indicated that he would generally be away for 3 or 4 months in a year and that he would seek to generate work on his travels by distributing flyers wherever he was at a particular time. Mr and Mrs Loveridge confirmed that the family travel together and that the school age children have been given dispensation to travel by the school.
22. Using this year as an example Mr Loveridge said that they had travelled to Stow-on-the-Wold in May for between one and two weeks, followed by a 6-7 week period commencing in June and travelling to Epsom, Kenilworth and Appelby. They had travelled to visit family in Bournemouth for 2 weeks in August and he intended to travel to Bournemouth and Cornwall in October, at which time he would be undertaking roofing work.
23. Mr Hughes was said to be away travelling at the time of the Hearing but Mr Loveridge suggested that his work also involved a mixture of building work and buying and selling horses and that he would travel regularly for work related purposes. Whilst it was intended that Mr Hughes would live at the site in future, that would only occur when he and the Loveridge's daughter had married.
24. I appreciate that the evidence I have to go on is largely oral and was not given under oath due to the nature of the Hearing procedure. However, no evidence to the contrary has been submitted that would lead me to doubt that the lifestyle pattern of the occupants, or intended future occupants in Mr Hughes' case, is as described.
25. Information has been provided by an interested party to show that Mr Loveridge's business, "Stay-Dry Roofing" is registered to a residential property in Slough. A Land Registry search relating to the purchase of the appeal site has also been provided which indicates that Mr Loveridge's address at the time he purchased the land was the same residential address in Slough. At the Hearing Mr Loveridge indicated that his parents live at that address and his agent stated that the family had been living in caravans in the back garden prior to moving to the appeal site.

26. Again, I only have oral evidence before me in that respect but have no reason to doubt the evidence presented. Even if Mr Loveridge owns the house in Slough it does not discount him from the definition within the PPTS on account of his nomadic way of life and work related travel patterns. I also have no reason to doubt his ethnic background or the strong desire to reside in caravans over bricks and mortar accommodation.
27. Thus, based on the information before me I am satisfied that Mr Loveridge falls within the definition at Annex 1 of the PPTS. The family travel with him and would fall within the definition as dependants. Less evidence was presented with regard to Mr Hughes who was said to be living elsewhere at the time of the Hearing. However, the information presented indicates that he falls within the definition and I accept that version of events in the absence of anything to the contrary.

**ii) *The Effect on the Openness of the Green Belt and the Purposes of Including Land Within it.***

*Appeal A*

28. Due to the way in which paragraph 146 of the Framework is framed any assessment of whether a material change of use or engineering operation amounts to inappropriate development must include an appraisal of whether the development would fail to preserve the openness of the Green Belt or conflict with the purposes of including land within it. As noted above, the appellant accepts that the development in all three appeals amounts to inappropriate development within the Green Belt and thereby acknowledges a degree of harm in those respects. He also accepts that substantial weight should be attributed to that harm.
29. His principal argument is that the degree of any additional weight that should be attributed as a result of loss of openness will be dictated by the degree to which the development causes harm, based upon its visual and physical impact.
30. Development can have an effect on the openness of the Green Belt in a physical and visual sense. In other words, a building that is erected on land that was previously free from development and open will have some impact on the openness of the Green Belt on account of its physical size. However, the courts have held that it is appropriate to take account of the visual impact of development when assessing the degree of any harm and two buildings or structures of the same dimensions could result in differing levels of harm depending upon where they were sited and their respective degree of prominence.
31. I accept that the majority of the land has remained open and used for the grazing and keeping of horses. Nonetheless, the development has resulted in a significant intensification in the use of the front section of the site, adjacent to Asheridge Road. The caravans themselves are not insignificant in terms of their size and they are visible from surrounding public vantage points, much more so than the pre-existing stable block which is tucked discreetly in the corner adjacent to the hedgerow.
32. The static unit in particular is set further into the site and is visible from the widened entrance, particularly when the gates are open. The gates and close-

- boarded fencing further reduce openness and are particularly noticeable on account of their position at the entrance to the site and design which is intended to block views into the site.
33. In addition the static unit is clearly visible from the public footpath which runs through fields to the south and south-east of the site. In fact, Asheridge Road runs along a ridgeline and the land on either side of the road falls away. Having walked along the public right of way in an easterly direction the static unit was visible from numerous vantage points across the valley on account of its elevated position on top of the ridge, albeit that the visual impact diminishes the further away one is from the site.
34. Therefore, I disagree with the appellant's assertion that the site is discreetly located. It is in an elevated position in the landscape and close by the roadside. The screening offered by the hedgerows does not disguise the visual impact of the development completely and the caravans, particularly the static unit are visible from certain vantage points. I appreciate that a caravan site is a use of land and it may be possible to move the units and the static unit to a different position. However, no suggestion to that effect is before me and I am not satisfied that the impact would be reduced to any significant degree. If the caravans were located closer to the front of the site they may be more visible from the road whereas a location towards the rear may have greater impact from surrounding footpaths.
35. In addition, it appears to me that the various caravans and associated cars and domestic paraphernalia have had a cumulative impact which adds to the impact of the stable block. Instead of a single building surrounded by modest hardstanding and grazing land, the development now extends across a much wider area of the site and the eye is drawn to the new development. Whilst there are gaps between the caravans the over-riding impression of the front section of the site is of a developed residential space.
36. Therefore, I find that the harm to openness could not be described as small scale. Taking account of the local context I am of the view that the development has caused moderate harm to the openness of the Green Belt and, to the same degree, has resulted in encroachment of residential and built development into the countryside. In the round, the harm represents additional harm to the Green Belt, over and above the fact that the development is inappropriate. I attach moderate weight to that matter having regard to the scale of the impacts.

#### *Appeal B*

37. The hardstanding and pergola have had a relatively small impact on the openness of the Green Belt of themselves, although the top of the pergola was visible from surrounding footpaths and that adds to the cumulative impact of the caravans. The hardstanding has facilitated a moderate expansion of the residential use into the site, with associated encroachment into the countryside. In that sense, the knock on effects of the hardstanding have reduced the openness of the Green Belt because it has enabled the static unit and one of the tourers to be located more readily on the land and created an area for parking and the storage of other domestic items. Therefore, when viewed individually, the impact of the hardstanding and pergola have had a limited impact but the hardstanding in particular has helped to facilitate the moderately harmful impact of the development as a whole.

### *Appeal C*

38. As noted above, the development as proposed in Appeal C is largely the same as that constructed on site, with the exception of the pergola and slight differences in the proposed boundary treatments. However, those differences do not fundamentally alter my assessment of the proposed development in relation to Appeal C and the presence of the caravans, landscaping and hardstanding, as proposed, would have a moderately harmful impact on openness and the encroachment into the countryside would not be lessened to any degree.

### **iii) The effect on the Setting of Adjacent Listed Buildings**

#### *Appeal A*

39. Tiles Farm House and the associated barn and attached outbuilding are grade II listed buildings situated on the opposite side of Asheridge Road from the appeal site. The house is of 17<sup>th</sup> century origin with later additions and is of timber framed construction with a variety of walling materials including brick and flint and a tiled roof. The barn and outbuilding date from the 18<sup>th</sup> century and are also of timber framed construction with weather boarded external walls on a brick plinth and a tiled roof.

40. As is usual, the list entry descriptions of the buildings are essentially an inventory of the key features of interest in terms of the fabric of the buildings themselves. One needs to look beyond those descriptions in order to understand how the setting of the buildings contribute to their character.

41. In the glossary of terms at annex 2 of the Framework the setting of a heritage asset is described as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

42. The concept of setting is not restricted to a visual relationship but could include a range of factors that impact upon the way a heritage asset is experienced, including environmental factors such as noise or lighting, or matters of historical association, for example.

43. As noted above, Asheridge Road runs along a prominent ridgeline and the farmstead is situated at the end of the ridge before the road drops down sharply into Chesham to the south-east. At the request of the Council's heritage consultant I viewed the site from the opposite side of the valley in Chartridge and I also walked on the public footpath which runs past the south-east of the appeal site across to Bellingdon. From both of those aspects, the farmstead is conspicuous as a result of its sense of detachment and relative isolation in the landscape.

44. Insufficient information is before me to enable a full understanding of whether the prominent hill top location holds any significance in a historical functional sense. For example, if the farm was developed as a distinct unit following the enclosure of surrounding land. Further information of how the farm was developed would add to that understanding. Irrespective of that, the fact that the buildings are in a prominent hill top location, detached from surrounding



- settlements, portrays a sense of status and enables the farmstead to be appreciated in its rural context.
45. At a more intimate level, the buildings have a close relationship with Asheridge Road, particularly the barn which sits directly adjacent to it. There is a sense of enclosure along the road but the comparatively isolated position of the buildings set them apart from nearby settlements, including Asheridge where buildings are clustered together along the roadside.
  46. Consequently, I find that the countryside surrounding the farmstead plays a critical role in the setting of the listed buildings which appear as a detached and self-contained farmstead. I disagree with the appellant in his contention that the significance of the buildings has been substantially eroded through conversion to residential use. The barn conversion appears to have been thoughtfully considered and few alterations are apparent, particularly when viewed from the roadside where the weather boarding and tiled roof are prominent.
  47. When viewed from the opposing valley sides the roofline of the barn and farmhouse are prominent on the ridgeline and the setting enables one to appreciate the buildings in their rural context. It may no longer be a working farm but the function of the buildings can be readily appreciated as a result of their design. In my view, the relationship with the surrounding fields is key to understanding and appreciating the historical function of the site, as is the sense of detachment.
  48. The low key stable and paddock did not disrupt that sense of isolation and the grazing land did not alter the pastoral nature of the prevailing land use. In contrast, the residential use and associated development has significantly altered the character and feel of the land directly in the setting of the listed buildings. The caravans themselves are of modern utilitarian appearance with brightly coloured exteriors and materials that look out of place when set against the vernacular buildings opposite.
  49. The increase in the area of hardstanding, the introduction of additional fencing and other domestic paraphernalia including the pergola have all markedly altered the appearance of the appeal site. Whilst an element is retained for grazing, the area closest to the listed buildings has a residential air that reduces the ability to appreciate the listed structures in their isolated context. The visual impact is noticeable from the roadside adjacent to the listed buildings, from surrounding footpaths and from within the listed buildings themselves.
  50. Moreover, increased activity in terms of comings and goings and will have reduced the degree of tranquillity surrounding the listed buildings and associated lighting has heightened the visual impact of development at the site. Given the significance of the rural setting to the way in which the buildings are appreciated I find that the development has had a significant and harmful effect on the setting of the adjacent listed buildings.
  51. Some of the harmful factors could be mitigated to an extent through the use of conditions to require additional screen planting and a more appropriate lighting scheme to reduce light pollution. However, the site is in such close proximity to the listed buildings that those details would fail to make any notable difference. It would not be possible to fully screen the site and the effect on

the setting is not limited to matters of visual impact. The incursion of the residential use has increased activity at the site and fundamentally altered the rural context within which the buildings are appreciated.

52. For those reasons, the development has caused harm to the setting of the adjacent listed buildings, contrary to the aims of policy LB2 of the Local Plan which states that planning permission will not be granted for any development that would adversely affect the setting of a listed building.
53. Further, the Framework identifies that great weight should be given to the conservation of heritage assets when considering the impact of proposed development. Any harm to the significance of a designated asset should require clear and convincing justification. Where a proposal would lead to less than substantial harm to the significance of a heritage asset that harm must be weighed against any public benefits of the proposal. I concur with the Council that the harm is less than substantial on account of the fact that it is localised, noticeable from specific vantage points and has not harmed the fabric of the buildings themselves.
54. However, no public benefits have been put forward by the appellant. Consequently, in accordance with the terms of the Framework, the harm to the significance of the listed buildings arising from the impact on their setting is a matter that attracts great weight.

#### *Appeal B*

55. The impact of the pergola and hardstanding is clearly more limited. The increased activity associated with the use of the land is not directly attributable to those elements. Nonetheless, the hardstanding does facilitate the positioning of the caravans and associated cars across a wider area of the site and the pergola emphasises the residential and domestic character at the front section of the land representing an incongruous feature when compared to the previous use as grazing land associated with the stable block.
56. Therefore, when viewed individually, the hardstanding and pergola have caused harm to the setting of the listed buildings, contrary to the relevant policies of the Local Plan and Framework, as set out above. Even though the individual harm is less than substantial that is still a matter that attracts great weight and no public benefits have been put forward.

#### *Appeal C*

57. The harm described in relation to Appeals A and B above relates not only to the visual impact of the development but also to the reduction in tranquillity of the area which is a key component in the setting of the listed buildings. The additional landscaping proposed in Appeal C would not mitigate for the change in the character of the site in that respect as the associated noise, lighting and comings and goings would be the same. I accept that a lighting scheme could be controlled by condition but it would be unreasonable to expect a residential site to be unlit after the hours of darkness. Even with careful thought a lighting scheme would emphasise the residential character of the site, in addition to lighting within the caravans and from car headlights when entering and leaving the site.
58. Moreover, any landscaping would need to be of an appropriate hedgerow mix to integrate with existing field boundaries. That would inevitably lead to a

reduction in any screening during the winter months. Thus, the proposed scheme put forward in relation to Appeal C does not alter my conclusions on the harmful effects on the setting of the listed buildings arising from the development that has already been carried out in relation to Appeals A and B. The detrimental effect on the setting of the listed buildings would be contrary to the relevant policies of the development plan and the Framework and no public benefits have been put forward to compensate for the less than substantial harm to the designated assets. That is a matter that attracts great weight.

***iv) The effect on the character and appearance of the area and on the Chilterns Area of Outstanding Natural Beauty***

*Appeal A*

59. The site is located within the Chilterns AONB. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs which have the highest status of protection in relation to those issues. Similarly, policy CS22 of the Core Strategy for Chiltern District (2011) (the CS) requires, amongst other things, that all proposals must conserve and enhance the special landscape character, heritage and distinctiveness of the Chilterns AONB.
60. The AONB covers a substantial area and no doubt its character will vary across its range. No landscape assessment was provided by either party in terms of the specific character of the local area. From my own observations, the area to the north-west of Chesham is a highly attractive and steeply undulating landscape, predominantly rural and made up of a patch work of relatively small fields surrounded by mature hedgerows and interspersed amongst occasional pockets of woodland on the valley sides. A number of distinct ridges stretch out to the north-west of Chesham, one along Asheridge Road, as described above and the others along the roads to Chartridge and Bellingdon. The result is a mixture of an intimate and enclosed landscape along rural lanes and footpaths with occasional far reaching views across the intervening valleys.
61. Tiles Farm is prominent from a number of those vantage points and the combination of vernacular buildings and the attractive landscape give this part of the AONB an extremely scenic quality. In addition to their heritage value, the listed buildings play an important role in shaping the character of the local landscape as a result of their design, materials and prominent location on the ridgeline. It is difficult to separate the buildings and the landscape in any assessment. The landscape contributes to the setting of the building and the buildings are an integral and historic part of the landscape.
62. I have described how the sense of detachment is important to the setting of the listed buildings. The incursion of the residential caravans and associated structures has harmed that relative sense of isolation and, in heritage and landscape terms, the location is particularly unsuited to a caravan site where structures, by their nature, will inevitably be of modern, modular, appearance.
63. In that sense the harmful impact on the setting of the listed buildings also manifests as harm to the local landscape. The appearance of the caravans contrasts awkwardly against the more traditional materials of adjacent buildings and, as set out in relation to Green Belt issues, the site is more prominent than suggested by the appellant. The fact that the access has been

widened at the entrance opens up views of the caravans, particularly the static unit and of the increased area of hardstanding and associated domestic paraphernalia which has a somewhat cluttered appearance.

64. Illumination during hours of darkness also draws attention to the site and emphasises the suburban nature of the development to the detriment of the tranquil rural character of the vicinity. That is in stark contrast to the character of the site before the development took place. Photographs provided depict a discreet entrance leading to a five bar gate with a generally open paddock beyond, broken up only by open post and rail fencing.
65. I note that paragraph 26(d) of the PPTS states that caravan sites should not be enclosed with so much hard landscaping to give the impression that the occupants are isolated from the rest of the community. That may be a tacit acknowledgement that some degree of visibility is to be expected when dealing with sites in a rural area. However, it does not express support for harmful development within the context of an AONB which is afforded the highest level of protection in terms of landscape conservation. For the reasons given I find that the development has caused significant harm to the scenic beauty of the local landscape within the vicinity of the site, contrary to the aims of the Framework, policy CS22 of the CS and policy LSQ1 of the Local Plan.

#### *Appeal B*

66. As in relation to the impact upon the Green Belt and listed buildings, the impact of the pergola and hardstanding on the landscape character and scenic beauty of the AONB is less harmful when compared to the wider development of the site including the material change of use and fencing. Nonetheless, the hardstanding and pergola add to the sense of urbanisation, particularly when viewed from the entrance to the site. The hardstanding is also integral to the intensification in the use of the land, with associated light pollution and increased activity. Those impacts have had an adverse effect on the scenic quality of the landscape in a visual sense and in terms of its tranquil character, particularly noting the context of the site adjacent to Tiles Farm and the importance of the listed buildings in shaping the character of the landscape.
67. Consequently, the development has caused moderate harm to the scenic beauty of the local landscape within the AONB, contrary to the aims of the Framework and the relevant policies of the Local Plan.

#### *Appeal C*

68. The changes to boundary treatments and additional landscaping proposed in relation to Appeal C do not alter my conclusions on the harmful effect of the development. The site is prominent in the landscape, even in the summer months when hedgerows are in full leaf and any screening would be reduced in the winter period. The suggested layout would not mitigate for the harm caused by the increased clutter and visual impact of the caravans, or the change in the prevailing character resulting from increased activity and light pollution.
69. Overall, the proposal would cause significant harm in the local context to the scenic beauty of the local landscape within the AONB, contrary to the aims of the Framework and the Local Plan.

**v) Whether the location of the site would facilitate sustainable modes of travel, having regard to the distance from local shops and services (applicable only to Appeals A and C)**

70. When describing the relative sense of detachment of Tiles Farm, in terms of the setting of the listed buildings, I was referring primarily to the visual impression of the buildings and how they sit in the landscape. Notwithstanding the fact that Tiles Farm and the appeal site are visually detached from surrounding settlements the actual distance to the centre of Chesham, which has a full range of facilities, is not substantial. In fact, many of the dwellings which stretch out from the town along the roads leading to Chartridge and Bellingdon are equally as far from the centre of town even though they may feel as if they are part of the settlement.
71. Asheridge Road is a relatively quiet lane and it is not inconceivable that residents could walk or cycle to reach local services. However, as with most rural locations I recognise that the majority of trips are likely to be taken by car. Even so, distances are not substantial and I find that the development is not isolated in the sense of paragraph 79 of the Framework. In addition, I am mindful that paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Considering those matters and the scale of the development I am satisfied that the use will not lead to unduly unsustainable patterns of travel.

**vi) The effect of the development on highway safety (Applicable to Appeals A and C)**

72. Asheridge Road is a single track rural lane which is subject to a speed limit of 40mph. I concur with the assessment of the Buckinghamshire County Council Highways department (BCC Highways) that the mixed use of the site as a residential caravan site and grazing land is likely to generate more vehicular trips than the former use of grazing land and stabling, particularly having regard to the likely comings and goings associated with three caravans.
73. Based on the nature of the road and guidance in Manual for Streets, BCC Highways considers that visibility splays of 2.4m x 79m would be required to provide a safe access. Those splays are achievable to the left when exiting the site but visibility to the right is severely hampered by the hedgerow on adjoining land. BCC Highways estimate that the achievable splays in that direction are in the region of 2.4m x 10m. In their view, a suitable vehicle speed for that level of visibility would be 10mph, significantly less than the 40mph limit.
74. The appellant does not dispute the measurements in terms of visibility for exiting vehicles but points out that the road is relatively straight such that forward visibility is good for vehicles passing in both directions. In his view, the access can be seen from at least 75m away from the south-east or the north-west. He also contends that the reality of the nature of the road in terms of its restricted width dictates that drivers are unlikely to travel at the 40mph speed limit.
75. I accept that forward visibility is such that oncoming drivers would be able to detect a vehicle waiting in the entrance to the site from some distance such that they could adjust their speed accordingly. However, that assumes that the exiting vehicle was already in situ in an around the entrance to the site at a

point when the oncoming vehicle was a safe distance away on the highway. The potentially hazardous situation would arise if a vehicle exited the site suddenly when the on-coming vehicle was in close proximity to the access such that it had little time to adjust. That is more likely for a vehicle approaching from the north-west because the adjacent hedgerow obscures views of the access to a greater degree and due to the fact that exiting vehicles have limited visibility in that direction such that they will be required to edge out into the road without full awareness of whether an on-coming vehicle is approaching.

76. Moreover, the assertion relating to vehicle speeds is not supported by any statistical evidence. Although narrow the road is relatively straight in the vicinity of the access and during the time of my visits I noticed that vehicle speeds appeared to vary quite widely, no doubt reflecting the attitude of the particular driver. I do accept that there are many access points along Asheridge Road and that many of those would not meet modern highway standards. Most drivers will drive with caution along such lanes to take account of such circumstances. Whilst residents highlighted historic accidents elsewhere in Asheridge Road there appear to be no accident records of incidents in the vicinity of the appeal site.
77. Having noted those matters, the fact that there have been no accidents to date does not dictate that the access would be safe into the future. Whilst my concerns are tempered to a degree by the generally low levels of traffic on the lane and the fact that many drivers will drive according to the circumstances, I cannot conclude that the access is safe due to the substandard levels of visibility. Accordingly, the increased use of the access is detrimental to highway safety of road users and contrary to the aims of policy TR2 of the Local Plan which states, amongst other things, that satisfactory access onto the highway network should be provided.

***vii) Whether there is a need for additional gypsy and traveller sites in the area and, if so, whether the Council can identify a supply of sites to meet those needs (Applicable to Appeals A and C)***

78. Paragraph 9 of the PPTS identifies that local planning authorities (LPAs) should set pitch targets for gypsies and travellers, as defined in Annex 1, which address the likely need for permanent and transit accommodation in their area. In addition, in producing their Local Plans, paragraph 10 requires LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets.
79. In that context, policy CS14 of the CS is not up to date because the evidence base upon which it relies was the 2006 Gypsy and Traveller Accommodation Assessment (GTAA) for the Thames Valley region. The preamble to the policy notes that the evidence base did not include any assessment for gypsy and traveller pitches beyond 2016 and that further studies would be carried out as part of an emerging Development Plan Document (DPD) to assess the pitch requirement up to 2026. The wording of the policy itself notes that sites for gypsies and travellers will be allocated in a DPD.
80. The Council is intending to identify and allocate sites through the emerging Chiltern and South Buckinghamshire Local Plan. The Local Development Scheme envisaged that plan being submitted to the Planning Inspectorate in December 2018 with an estimated adoption date of November 2019. However,

I was informed at the Hearing that progress is on hold pending the outcome of highway modelling work and that a submission some time in 2019 was likely, albeit that the timescale is currently uncertain. By the Council's admission the eventual adoption of the document is unlikely before 2020. That would be 9 years after the adoption of the CS which, through policy CS14, committed the Council to producing a DPD. To my mind, that represents a failure of policy to provide for sites to meet the needs of gypsies and travellers.

81. Thus, there is no up to date assessment of need that has been tested through the development plan and no allocated sites to meet that need. In that respect, the Council accepts that it cannot demonstrate a five-year supply of deliverable sites<sup>1</sup>.
82. I have been referred to an updated GTAA, which was commissioned by the Council in association with neighbouring authorities, and published by Opinion Research Services (ORS) in February 2017 (the 2017 GTAA)<sup>2</sup>. The 2017 GTAA is intended to be used as the evidence base to aid the future preparation of development plan policies and/or DPDs and the Councils have jointly prepared a 'Green Belt Development Options Appraisal' (November 2017) (the Options Appraisal) to examine potential release of land from the Green Belt for various purposes, including gypsy and traveller accommodation.
83. However, the emerging plan is at an early stage in preparation and, as noted, will not be submitted for examination until at least 2019. Accordingly, I can give little weight to the content of the emerging policy because it is not certain how the Council will decide to proceed in terms of the options for the release of land and any interested parties will need to be given the opportunity to comment on the content of any policy prior to examination by the relevant Inspector. Similarly, interested parties would be able to make submissions relating to the robustness of the evidence base behind any policies, including the 2017 GTAA. Until such time as the evidence base has been examined and found to be sound the precise extent of future need for gypsy and traveller accommodation will remain uncertain.
84. It appears to me that the Local Plan examination is the most appropriate place to conduct that exercise because all interested parties will be able to contribute such that the Inspector can obtain a wide spectrum of opinion. Inevitably, when determining a planning or enforcement appeal, the submissions before me are more focussed on the case for specific parties.
85. In this case the agent for the appellant has made a number of criticisms of the 2017 GTAA, specifically regarding the methodology used by ORS in compiling the data. Those criticisms stem primarily from the conclusion of ORS that none of the existing households on sites within the Chiltern area meet the definition of gypsies and travellers in Annex 1 of the PPTS. On account of that finding ORS conclude that there is no need for any future accommodation for gypsies and travellers that meet the definition.
86. I have not been provided with the interview results and it is difficult to make a detailed assessment but it does seem unusual that none of the 26 households that were identified were considered to fall within the definition. ORS did not

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<sup>1</sup> Paragraph 10.9 of the Planning Committee Report dated 12 October 2017 and paragraph 5.21 of the Council's appeal statement

<sup>2</sup> Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, February 2017, produced by Opinion Research Services

manage to interview 9 of those households and, in the absence of an interview, have made the assumption that none of them meet the definition. However, Mr Brown also acts for the family in relation to the private site at Three Oaks Farm. He notes that a planning application has been submitted to extend the site on account of existing overcrowding and that the Council has not disputed that the residents meet the definition in Annex 1.

87. Similarly, ORS found that the family residing at the Waggoners Bit Stables site in Coleshill did not meet the definition. However, when permission for that site was granted at appeal the Inspector noted that the appellant and his wife regularly attended fairs to 'carry out trading'<sup>3</sup>. A planning application for a permanent permission is with the Council for consideration and there is no indication that their lifestyle has changed since that time.
88. The Inspector in a recent appeal relating to a site in Bicester found that the approach of ORS to 'unknown' households was likely to lead to an underestimate of need<sup>4</sup>. He noted that planning permission had been granted for 28 pitches in Aylesbury Vale since the 2017 GTAA had been published and the residents of all of those pitches were found to meet the definition in contrast to the findings of ORS who concluded that none of those households met the definition. I appreciate that case was in the neighbouring district but the 2017 GTAA was a cross boundary study and the methodology was the same.
89. On the basis of the above, it seems likely that at least a proportion of existing sites will be occupied by families who fall within the definition. The failure to take account of the future needs of those families in terms of pitch provision leads me to conclude that the study underestimates the future needs of gypsies and travellers who fall within the PPTS definition.
90. Moreover, where the head of a family has ceased to travel permanently, thereby taking he/she outside of the definition, ORS assume that there will be no need for future accommodation arising from that household. Mr Brown asserts that it should not be assumed that any children currently living with parents would not wish to travel for an economic purpose simply because their parents had ceased to travel at the time the interviews were undertaken. I can see some logic in that argument, particularly if the parents have had to cease travelling due to ill health as opposed to a desire for a different lifestyle. On reaching adulthood the children may well wish to revert to travelling as a way of life.
91. Mr Brown also claimed at the Hearing that there was evidence of overcrowding at the Three Oaks site which has planning permission for 6 pitches. He suggested that 16 families were living at the site, giving rise to a need for 10 pitches. In addition, he pointed to the sites at Green Acres Farm and Waggoners Bit Stables which have temporary permission for three pitches in total and unauthorised sites including the appeal site and a site in Little Missenden which both contain one pitch. In his view, that points to an immediate need for 15 pitches.
92. Much of that information was delivered orally at the Hearing and it is difficult to attach significant weight to it without further information being available regarding the circumstances of the particular families involved. Nonetheless,

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<sup>3</sup> Appeal references APP/X0415/C/10/2142047 & APP/X0415/A/10/2142288: Paragraph 6 of the decision

<sup>4</sup> Appeal reference APP/J0405/W/18/3193773



the issues raised do heighten my caution relating to the assumptions as to the status of households in the 2017 GTAA.

93. Therefore, on the information before me it seems likely that the future need for sites of gypsy and traveller families who meet the PPTS definition will be somewhat greater than that predicted in the 2017 GTAA. The local plan examination will be the appropriate place for a full assessment of those future needs and all parties will have the opportunity to present information in that respect. My decision does not fetter that process because I can only determine the current appeals on the information before me. However, on the basis of that information, the Council cannot demonstrate a five-year supply of deliverable sites and it accepts that further sites will need to be provided to meet future needs<sup>5</sup>.
94. In terms of alternative provision, it is likely to be at least 2 years before any additional sites will be allocated through the development plan. In that context, the sites referred to in the Options Appraisal cannot be considered deliverable because they are not available now, as required by the PPTS<sup>6</sup>. The Council did not identify any other additional sites within its statement but suggested at the Hearing that planning permission has been granted for an additional 5 pitches at a site known as The Orchards in Chalfont St. Peter. According to the 12<sup>th</sup> October committee report, that site is allocated in the Chalfont St. Peter neighbourhood plan as a traveller site.
95. It is not clear, from the information presented, whether those additional pitches could be considered to be available. The Council did not seem fully aware of the circumstances relating to the site and the Mr Brown suggested that the site was in the ownership of a traveller family and, as such, that it was highly unlikely that it would be available to the appellant who is of Romany Gypsy heritage. Moreover, the 2017 GTAA noted that extended families were living on some of the pitches at the site. Although ORS identified 5 pitches, 9 interviews were carried out. That is perhaps an indication that there is overcrowding at the current site and it may be that the extension will simply meet the needs of the current occupants. On the limited information available, I am not satisfied that the site should be considered available.
96. In view of the above, I conclude that there is an unmet need for additional sites to meet the needs of gypsies and travellers, including the appellant and his family, within the Chiltern district and the Council cannot demonstrate a supply of sites to meet that need. That is a matter that weighs in favour of the appeals.
97. That said, prior to moving onto the site the appellant was living in Horton, near Slough, some distance from the Chiltern area. I appreciate that there is no requirement for an appellant to demonstrate a need for a particular site or that no other site is available having regard to relevant case law in the *South Cambridgeshire* judgement<sup>7</sup>. I also acknowledge that it is an unrealistic burden to place on an appellant to demonstrate that no sites are available elsewhere. Nonetheless, the present site is located within the Green Belt where there are clear policy constraints against inappropriate development. I have also

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<sup>5</sup> Paragraph 5.18 of the Council's appeal statement

<sup>6</sup> Footnote 4 to paragraph 10 of the PPTS states that, to be considered deliverable, sites should be available now, offer a suitable location for development and be achievable with a realistic prospect that development will be delivered on the site within 5 years.

<sup>7</sup> *South Cambridgeshire v SSCLG & Brown* [2008] EWCA Civ 1010

identified other planning constraints in terms of the AONB and setting of the listed buildings.

98. Much of Chiltern District lies within the Green Belt and the AONB and the Council appear to accept that new sites will need to be located within the Green Belt judging by the Options Appraisal. However, that is a matter for the plan led approach which is consistent with paragraph 17 of the PPTS which states that alterations to Green Belt boundaries should only be made in exceptional circumstances through the plan-making process and not in relation to a planning application.
99. The same constraints may not apply to other districts within the wider area. Unlike the *South Cambridgeshire* case the family in this instance did not have any local family ties to the area prior to moving onto the site. Mr Loveridge acknowledged that point at the Hearing. Thus, prior to moving onto the land there was no particular reason why the search for alternative sites should have been limited to those within Chiltern district. The appeal statement submitted on behalf of the appellant only assess the availability of sites within Chiltern district and limited information was presented at the Hearing to detail the extent of any alternative site search.
100. It does not appear that the family are/ were on a Council waiting list prior to moving to the site although Mr Loveridge did say that he had been on the waiting list in relation to a site in Datchet in the past. He also referred to searching on property websites but acknowledged that he hadn't been to view any other sites because none were available. However, little information has been presented to demonstrate how rigorous the search was. For example, there is no indication that the appellant enquired with neighbouring authorities or local agents as to the availability of sites within the wider area. The absence of detail to substantiate what alternatives were investigated is a relevant consideration in the planning balance particularly when viewed in the context of the clear breach of Green Belt policy and other planning constraints.

**viii) Personal Circumstances and Human Rights (Applicable to Appeals A and C)**

101. As noted above, the family did not have any specific local connection to Chesham prior to moving to the site. Nonetheless, two of the children are now enrolled in a local school and the family is registered with a local doctor's practice. The youngest daughter in particular was said to be mixing well and partaking in after school activities and clubs.
102. Mr and Mrs Loveridge did state that the children have dispensation to be absent from school when the family are travelling which is typically a period of 3-4 months a year according to the account of Mr Loveridge, albeit over the summer months when school would be closed for a number of weeks in any event. Whilst that may impact upon educational attainment it appears to me that having a settled base for the remainder of the year would help to facilitate school attendance when compared to a life by the roadside.
103. Mr Hughes was living elsewhere at the time of the Hearing and little information about his needs has been presented. He may wish to reside at the site in future if and when he marries the Loveridge's eldest daughter but the timescale for that is not clear and he is not in need of accommodation at the site at the time of my decision. Thus, his personal circumstances do not add

any significant weight in the planning balance. In any event, I understand that the eldest daughter is now 18 and lives in one of the two touring units, with the two boys in the other and the parents and younger children in the static caravan. Thus, the presence, or otherwise, of Mr Hughes does not alter the scope of the appeals in terms of the number of caravans required on the site.

104. Whilst I have queried the thoroughness of the search for alternative sites it is clear that none are available within the Chiltern District and I do accept that alternative sites with planning permission, including land for keeping horses which is an integral part of the use, as likely to be difficult to come by. Mr Loveridge stated that the family could not move back to their previous address near Slough due to a family dispute and it also appears that there were potential enforcement issues relating to the residential use of caravans within the rear garden of the house. Consequently, if I were to dismiss the appeals and uphold the enforcement notices it seems likely that the family would resort to roadside living, at least in the short term, as suggested by Mr Loveridge.
105. The implications in that regard would have significant consequences for the home and family life of the family and it is clearly a circumstance where Article 8 Convention Rights are engaged<sup>8</sup>. Article 8 imposes a positive obligation to facilitate the Gypsy way of life and, as a minority group, special consideration should be given to their needs and lifestyle. In that respect, the family have a clear preference for living in caravans as part of the traditional gypsy way of life and the option of living in bricks and mortar accommodation would not facilitate that lifestyle.
106. In addition, Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of children must be a primary consideration in all actions made by public authorities. I must consider the Article 8 rights of the children in that context. No other consideration can be treated as inherently more important than the best interests of the children. However, such matters are not necessarily determinative and may be outweighed by other considerations.
107. In other words, rights under Article 8(1) are qualified rights and, in appropriate circumstances, interference may be justified in the public interest. Regulation of land use through development control measures is recognised as an important function of Government and is necessary to ensure the economic well-being of the country. In that sense, the regulation of development for legitimate planning aims can be said to be in the public interest. The aim is to strike the right balance between the general interests and rights of the wider community and the requirement to protect an individual's private rights. Central to the principle of a fair balance is the doctrine of proportionality.
108. I am very mindful of the human rights of the family and must also have due regard to the protected characteristics of Gypsies in relation to the Public Sector Equality Duty (PSED) when applying the duties of section 149 of the Equality Act 2010.
109. In view of the above, continued occupation of the site would facilitate the gypsy way of life of the family. In the absence of any clear alternative provision that would meet the needs of the family I conclude that it would be in the best interests of the children and their well-being to remain at the site due to the

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<sup>8</sup> Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998

fact that a settled base would encourage attendance at school. Whilst the family are registered with the local doctor's practice no specific health needs were raised that would dictate a particular need to live at the site as opposed to elsewhere. Notwithstanding that point, the personal circumstances of the appellant and his family, particularly the interests of the children, are matters that attract significant weight in the planning balance. I attach limited weight to the needs of Mr Hughes who was living elsewhere at the time of the Hearing.

## **ix) The Planning Balance**

### *Appeal A*

110. The development amounts to inappropriate development that has resulted in a moderate degree of harm to the openness of the Green Belt. I am required to attach substantial weight to any harm to the Green Belt in reaching my decisions. Inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm arising from the development, is clearly outweighed by other considerations.
111. The adjacent listed buildings are of significant importance in their own right as a result of their age, design and vernacular style and there is a synergy between the setting of the buildings and the landscape character of the area. For the reasons given, the development at the appeal site has caused substantial harm to the setting of the listed buildings. Whilst the harm to the significance of the assets is less than substantial I must attach great weight to it having regard to the statutory duty at section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Where a development would lead to less than substantial harm to a heritage asset, that harm should be balanced against any public benefits arising from the proposal. In this case, the benefit of the use of the site would be private and no public benefits have been put forward.
112. The AONB is a designation that attracts the highest status of protection and I attach great weight to the harm in that regard. The harm in those respects could not be mitigated by the use of conditions.
113. In addition, visibility when exiting from the site is substantially below modern highway standards. Whilst there are moderating factors such as the narrow nature of the lane and good levels of forward visibility the increased use of the access still poses a danger to road users and highway safety. I attach moderate weight in that regard.
114. In respect of all of those matters, the development is contrary to the relevant policies of the development plan, as identified above. Statute requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant contends that the development plan is not up to date due to a failure to provide for the accommodation needs of gypsies and travellers and that restrictive policies within it relating to Green Belt and the AONB should be afforded reduced weight on account of the likelihood that any new sites to meet those needs will have to be located within areas covered by those designations.
115. The Council cannot demonstrate a supply of sites to meet the needs of gypsies and travellers and there has been a long standing policy failure to

address the issue. In that sense, the Local Plan is out of date. Given the high proportion of land within the District that is covered by the designations it is likely that allocations may need to be made within the Green Belt in order to meet future needs. That said, the PPTS is clear that any alteration to the Green Belt boundary should be made through the plan making process and not in response to a planning application.

116. In addition, the presumption in favour of sustainable development at paragraph 11 of the Framework states that, where development plan policies which are most important for determining the application are out-of-date planning permission should be granted unless the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed. That includes policies relating to the Green Belt, AONBs and designated heritage assets.
117. Given the harm that I have identified in those respects the balance at paragraph 11(d)(ii) of the Framework is not applicable. Notwithstanding the position relating to the supply of sites it remains the case that planning permission should not be granted except in very special circumstances. The wording of policy GB2 of the Local Plan is consistent with the wording of the Framework in setting out how development proposals should be assessed and I attach significant weight to the policy accordingly. Similarly, the wording of policy CS22 is consistent with the Framework with respect of the AONB and I can find no support for the notion that reduced weight should be given to the harm to the landscape in national policy.
118. However, the policy failures identified are matters that add significant weight to the appellant's case due to the lack of availability of alternative sites to meet local needs. That weight is tempered by the fact that the needs, at the time of moving onto the site, were not limited to the Chiltern district and the fact that limited detail has been provided regarding the attempt to find sites with planning permission, or where planning permission may have been possible to secure, outside of the Green Belt within the wider local area.
119. Nonetheless, the family presently have a settled base at the appeal site and that has enabled three of the children to enrol in school. It is in their best interests to continue with their education and, at least in the short term, dismissal of the appeals would be likely to lead to roadside living which would be disruptive in that regard. Those matters attract significant weight in favour of the development.
120. Harm to the Green Belt, the AONB, and the setting of the listed buildings are all matters that attract great or significant weight individually. The totality of the harm in those respects, when added to the moderate weight to matters of highway safety, is extremely significant. In my view, the combined harm substantially outweighs the material considerations in favour of the development in terms of the personal circumstances of the appellant and his family. In short, due to the number of planning constraints, the location of the site is highly unsuitable for the development in question. Given that the harm arising is not clearly outweighed by the benefits, the very special circumstances needed to justify the development have not been demonstrated.

### *Appeal B*

121. The hardstanding and pergola amount to inappropriate development in the Green Belt. The pergola also has a limited impact on the openness of the Green Belt and the hardstanding and pergola combined have a detrimental effect on the setting of the listed buildings and the character of the AONB as a result of the increased urbanisation of the land and introduction of domestic paraphernalia. The development is contrary to the relevant policies of the development plan in those respects. In line with the requirements of the Framework and statutory scheme I must attach great weight to the harm to the heritage assets, great weight to the harm to the AONB and substantial weight to the harm to the Green Belt.
122. Whilst the harm to heritage assets is less than substantial, no public benefits have been advanced in support of the development. The only rationale behind that development is to serve the residential use of the site. Having concluded that the harm arising from that use clearly outweighs the benefits there is no justification, in planning terms, for the development to which Appeal B relates and the very special circumstances needed to justify it have not been demonstrated.
123. That would indicate that planning permission should be refused.

### *Appeal C*

124. For the reasons set out above, the landscaping scheme and layout put forward in relation to Appeal C has not led me to alter my conclusions on the harmful effects of the development. Thus, there is no difference in the weight and balance of the relevant material considerations in relation to Appeal C when compared to Appeal A. My conclusions in respect of Appeal A apply equally to Appeal C and the very special circumstances needed to justify the development have not been demonstrated.

### *Temporary Permission*

125. During the discussion on potential conditions the appellant's agent put forward a suggestion that a temporary permission be considered, in the event that I was not minded to grant permission for permanent occupation. That suggestion applied to all three appeals. No rationale for that was advanced in the statement of case but I understand that the aim would be to allow the family to continue to reside at the site and for the children to continue their schooling until such time as sites could be allocated to meet local needs through the emerging local plan. A period of 3 to 5 years was suggested.
126. Having regard to the personal circumstances and human rights of the family, including the best interests of the children, that option would undoubtedly be less disruptive than the possible resort to road side living. The children would still be able to continue education if not living at the site but the practicalities would no doubt be more difficult.
127. However, the significance of the harm that I have identified overwhelmingly suggests that the site is inherently unsuitable for the unauthorised use. Even though the weight I attach is reduced due to the fact that the identified harm would only be felt for a temporary period, the combined weight of harm to the Green Belt, heritage assets, the AONB and highway safety would clearly outweigh the benefits of the development. Very special circumstances would

not exist to justify the grant of planning permission for the use of the site, even for a temporary period. In the absence of very special circumstances for the continuation of the use of the site there would be no justification for the continued presence of the hardstanding and pergola in relation to Appeal B.

### *Proportionality Assessment*

128. A refusal to grant planning permission for the family to continue to reside at the site would undoubtedly engage Article 8. The proportionality assessment required by Article 8 necessitates a balancing exercise to ascertain whether the rights of the occupiers would be disproportionately interfered with should planning permission be refused.
129. In making that assessment I have had regard to the personal circumstances described and the positive obligation to facilitate the gypsy way of life. Weighed against that is the public and community interest. Regulation of land through the planning system can be said to be in the public interest with the legitimate aims of protecting the economic well-being of the country and public safety.
130. Economic well-being would encompass protection of the environment through the avoidance development that would cause harm to the Green Belt, the landscape character and scenic beauty of the AONB and the setting of heritage assets. Public safety would encompass risks associated with highway safety. For the reasons set out above, the harm arising from the development in respect of those matters is substantial and the legitimate aims of protecting the environment and public safety attract great weight.
131. Having regard to the balance of personal interests, including the best interests of the children, against the public interest I find that the interference with the home and family life of the family is necessary and proportionate having regard to legitimate land use planning objectives. Whilst the balance is slightly different, my conclusions in that regard would apply equally to a temporary planning permission. I remain of the view that the interference would be necessary and proportionate having regard to legitimate land use objectives.
132. Accordingly, to dismiss Appeal A on ground (a) and uphold the enforcement notice and to dismiss Appeal B would not result in a violation of the rights of the occupants under Article 8.

### **Appeals A and B on Ground (g)**

133. The enforcement notice in relation to Appeal A provides for a period of six months for compliance with its requirements. In Appeal B, the notice gives 6 months to demolish the pergola and take up the hardstanding and 9 months for the remaining requirements including the turning over of the soil, the restoration of the land to its former condition and the removal of all debris and associated material from the land. The issue is whether the compliance periods are reasonable and proportionate.
134. The appellant does not dispute that the time periods are sufficient in terms of the ability to carry out the physical works. However, at the Hearing, the agent requested that a period of 18 months be granted to give more time for alternative sites to be sought.

135. The Planning Practice Guidance (PPG) confirms that there is a clear public interest in enforcing planning law and planning regulation in a proportionate way. It also identifies three reasons for effective enforcement; to tackle the unacceptable impact on the amenity of the area; to maintain the integrity of the decision making process; and to help ensure public acceptance of the decision making process is maintained<sup>9</sup>. All three of those criteria apply in this instance and the site is within the Green Belt, the AONB and adjacent to listed buildings, all of which attract a high level of protection through national and local planning policy. There are very strong reasons for remedying the breach of planning control in the shortest period.
136. The Article 8 Convention right is relevant to ground (g) because the residents would stand to lose their settled base and home. A short compliance period probably would result in a greater level of interference with their Convention rights whereas a longer period may help them to find accommodation elsewhere.
137. Clearly there is a conflict between the public and private interests. As a general rule extending a compliance period beyond a year usually has to be justified by exceptional circumstances and periods beyond that should be considered on the basis of a temporary planning permission as opposed to an extension of time under ground (g). For the reasons set out above, I am not satisfied that planning permission should be granted for a temporary 3 to 5 year period. I also find that the 18 month period to be excessive, having regard to the scale of harm and the need for effective enforcement.
138. It is a difficult balance to strike. I am particularly mindful of the needs of the children and the fact that a six month period for the cessation of the use would effectively mean that they were forced from their home part way through the school year, due to the time of my decision. A period of 12 months for the cessation of the use as a residential caravan site would enable them to complete the current school year and give the appellant time to search for alternative accommodation. In my view that strikes a reasonable and proportionate balance. It would be difficult to take up the hardstanding whilst the use is continuing and there will no doubt be a desire for security during that period. Consequently, I consider that a further 3 month period should be given, after the use has ceased to complete the other requirements and return the land to its former condition.
139. In effect, that would result in a 15 month compliance period for the steps required in Appeal B and a staged 12 and 15 month compliance period for Appeal A. The appeals succeed to that extent and I shall vary the terms of the notice accordingly.

## **Overall Conclusions**

### *Appeals A and B*

140. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice with variations to reflect my conclusions in relation to the appeals on ground (g) and refuse to grant planning permission on the deemed planning applications.

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<sup>9</sup> Paragraph: 005 Reference ID: 17b-005-20140306



*Appeal C*

141. For the reasons given above I conclude that the appeal should be dismissed.

*Chris Preston*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Phillip Brown	Agent
Mr Mark Loveridge	Appellant
Mrs Lucy Loveridge	Wife of appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Kirsty Elliot	Principal Enforcement Officer
Mr Tristan Higgs	Buckinghamshire County Council Highway Officer
Ms Helen Harding	Principal Policy Officer
Ms Cathryn Murray	Heritage Consultant

### INTERESTED PERSONS:

Cllr Rose	Local ward member
Mr Robert Freeman	Local resident
Ms Jackie Harrowman	Local resident
Mr Robert Matthews	Local resident
Mr Andrew Molle	Local resident (on behalf of Mr & Mrs Donaldson)
Mr Paul Wright	Parish Councillor
Mr John Chile	Local resident
Mrs Robinson	Local resident

## **List of Documents Submitted at the Hearing**

- 1) Copy of appeal decision reference APP/J0405/W/18/3193773 relating to Murcott Road, Arncott, Bicester.
- 2) Extract from the Chalfont St. Peter Neighbourhood Plan (2013-2028)
- 3) Letter from the School Administrator at Ivingswood Academy, dated 11 July 2018
- 4) Letter from the GP Partners at The Gladstone Surgery, dated 03 September 2018



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## Appeal Decision

Site visit made on 3 September 2018

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

an Inspector appointed by the Secretary of State

**Decision date: 1<sup>st</sup> November 2018**

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**Appeal Ref: APP/X0415/W/18/3199086**

**Land off Chessfield Park, to the rear of 87 Amersham Road, Little Chalfont, Bucks, HP6 6RX**

- 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 Martin Stent against the decision of Chiltern District Council.
  - The application Ref CH/2017/1909/FA dated 7 September 2017, was refused by notice dated 29 November 2017.
  - The development proposed is described on the application form as "Creation of a detached chalet bungalow (2 bed) with associated amenity, parking and access".
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The revised Framework<sup>1</sup> was published on 24 July 2018. I subsequently gave the main parties the opportunity to comment on this and have taken the response received from the appellant into account.

### Main issue

3. 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

4. The appeal site is an area of land that previously formed part of the rear garden to No 87 Amersham Road. It is enclosed by timber fencing and fronts onto Chessfield Park, a post-war estate consisting of detached houses, chalet-bungalows and bungalows with open-plan front and side gardens. The Townscape Character Assessment<sup>2</sup> describes it as a post-1976 small area of infill development.
5. A significant feature of the estate is the gaps between properties, many filled by driveways and garages, which creates a consistent rhythm of built form and space between properties, particularly at first floor level. The area to the rear of Nos 81 to 91 Amersham Road, which consists of long undeveloped rear gardens and fronts onto Chessfield Park, is characterised by its open, verdant

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<sup>1</sup> National Planning Policy Framework, Ministry for Housing, Communities and Local Government, July 2018

<sup>2</sup> Chiltern Townscape Character Assessment, Chiltern District Council, February 2011

- appearance and a mature hedge adjacent to the footway (although a section of this has been removed along the frontage of the appeal site).
6. The proposed dwelling, with its steep pitched roof and box-dormer windows, has been designed to reflect the architectural form of the neighbouring chalet-bungalows at Nos 81 and 83 Chessfield Park. It would also have a similar orientation to the houses on the opposite side of the road and be set back from the highway with an open-plan front garden. As a consequence, the detailed design and layout of the dwelling would be acceptable.
  7. However, in the absence of a more comprehensive scheme that incorporates the adjacent undeveloped rear gardens, it is my view that the dwelling would appear isolated against the open character of this part of Chessfield Park. This would as a consequence accentuate the prominence of the development and give it an intrusive presence in the streetscene.
  8. My attention has been drawn to other planning application and appeal decisions on the site and I recognise that the appellant has amended the scheme to attempt to address previous concerns. However, whilst the recent appeal decision is an important consideration, I have assessed the proposal on its own merits in the light of all the evidence which is now before me.
  9. In view of the above, I conclude that the development would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies GC1 and H3 of the Local Plan<sup>3</sup> and Policy CS20 of the Core Strategy<sup>4</sup>, which collectively seek, amongst other things, to ensure that new development is of a high quality design that respects the character and appearance of the surrounding area.
  10. I also find that the scheme conflicts with Paragraphs 124, 127 and 130 of the Framework which collectively seek, amongst other things; (a) visually attractive development that is sympathetic to local character and respects the established pattern of buildings and spaces; (b) the creation of a strong sense of place; and (c) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

#### *Other matters*

11. Given my conclusion on the main issues that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

#### *Planning balance*

12. In accordance with paragraph 68 of the Framework, I have given great weight in my assessment to the benefits of using suitable small and medium sized sites within existing settlements for homes, and also recognise that the proposal is located in a sustainable location where the principle of development is acceptable.

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<sup>3</sup> Chiltern District Local Plan, Written Statement, Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011

<sup>4</sup> Core Strategy for Chiltern District, adopted November 2011, Chiltern District Council

13. However, for the reasons set out above I conclude that the environmental harm to the character and appearance of the area would significantly and demonstrably outweigh the amount of social and economic benefits that the development would contribute, namely, the provision of an additional dwelling, an efficient use of land without eroding the Green Belt, and local employment during construction.

**Conclusion**

14. All representations have been taken into account, but no matters, including the benefits of the development 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



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## Appeal Decision

Site visit made on 25 October 2018

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 October 2018**

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### **Appeal Ref: APP/X0415/D/18/3208810**

### **Dalzell, Village Way, Little Chalfont HP7 9PU**

- 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 Mrs Tara Botwright against the decision of Chiltern District Council.
  - The application Ref: CH/2018/0369/FA dated 27 February 2018, was refused by notice dated 23 May 2018.
  - The development proposed is extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for extension at Dalzell, Village Way, Little Chalfont HP7 9PU in accordance with the terms of the application, Ref: CH/2018/0369/FA dated 27 February 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/VIL/01/B; 2017/BOT/01/A Existing Roof Plan Location Map; 2017/BOT/01/A Proposed Roof Plan Location Map; 2017/BOT/01/A Proposed Floor Plans; 2017/BOT/01/A Proposed Elevations; 2017/BOT/01/A Existing Floor Plans; 2017/BOT/01/A Existing Floor Plans (showing Existing Elevations).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### **Preliminary Matters**

2. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. Although the Council's reason for refusal did not specifically refer to the National Planning Policy Framework 2012 extant at the time of the decision, the Council referred to it in the Officer's report. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

3. The Council's decision notice amplified the description of development as set out on the application form to refer to *part two storey/part first floor side extension incorporating covered storage area*. My decision is based on all the information before me. Two plans were titled Existing Floor Plans although one of them showed Existing Elevations and I have indicated that accordingly in the decision.

### **Main Issue**

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing dwelling and of the local area.

### **Reasons**

5. The appeal property is a detached two storey property with a single garage to the side and set within a generous plot. It is situated within Village Way a no through 'circular' residential road with a diverse range of individual residential properties, all in a very verdant setting. The diversity is exemplified not only in the individual size and style of the properties but also in the plot sizes and siting of the properties within their plots, resulting in some dwellings having much larger and more open margins to their side boundaries than others.
6. The proposal would replace the single side garage with a two storey side extension, running back from the front wall of the property to beyond the rear of the existing rear conservatory addition. At the front the main gable roof would be continued over the extension with a pitched gable roof set a lower level over the rear addition. The design would seek to incorporate features from the main house and matching materials to reflect the design and style of the existing property. I am therefore satisfied that the proposal would respect the character and appearance of the existing property.
7. As a result of its siting, it would bring built development closer to the side boundary with the adjoining property to the west, Shortmead. This property is centrally sited in a large plot but with single storey accommodation extending towards the shared boundary with the appeal property. Given the siting and layout of the adjoining property, there would remain a generous spacing between the two properties. The existing relationship with the property on the other side would be unaffected. In street scene views along Village Way I am satisfied that the property as proposed to be extended would not appear cramped within its plot or out of character with the varied pattern of development in the immediate vicinity.
8. The proposed extension would respect the guidance in the Council's adopted Residential Extensions and Householder Development SPD (2013) (SPD) which at paragraph 34 (i) states that two storey side extensions *should be designed having regard to the prevailing character of the locality, especially with regard to the gaps and spaces between existing buildings in the area, in order to respect the surrounding pattern of development*. The Council has referred to the specific guidance regarding the inclusion of a minimum 1m gap between first floor extensions and side boundaries, but this appears to be guidance specific to buildings *in a definable visual row* which is not relevant in this case. It is my view that the wide variety in the siting of dwellings within their plots and in their relationship with neighbouring properties is a characteristic element of the pattern of development in Village Way. The appeal property as

proposed to be extended would continue to respect this pattern of development.

9. I therefore conclude that the proposal would respect the character and appearance of the existing property as well as of the local area. There would be no conflict with Policies GC1, H13, H15 and H16 of the adopted Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policy CS20 of the adopted Core Strategy for Chiltern District (2011), the SPD as well as the Framework 2018, all of which seek a high quality of design which respects the local context.
10. I have sympathy with the Appellant's family related reasons for seeking the proposed extension, but my decision is based solely on the planning merits of the proposal.

### **Conditions and Conclusion**

11. In terms of conditions, I agree with the standard conditions proposed by the Council. Matching materials with the existing dwelling are required in the interests of protecting the character and appearance of the existing property and of the local area. I also agree that a condition to list the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*L J Evans*

INSPECTOR





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# Appeal Decision

Site visit made on 24 September 2018

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2018**

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**Appeal Ref: APP/X0415/D/18/3206564**

**The Kiln, 3 Shire Lane, Cholesbury, Tring Buckinghamshire HP23 6NA**

- 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 Matt Lorimer against the decision of Chiltern District Council.
  - The application Ref: CH/2018/0400/FA dated 2 March 2018, was refused by notice dated 8 May 2018.
  - The development proposed is detached 4 car garage, extension of existing gravel drive.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. The Council's reason for refusal referred to the National Planning Policy Framework 2012 extant at the time of the decision, and both the Appellant and the Council referred to it in their documentation. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

## Main Issues

3. The main issues in this appeal are:
  - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
  - b) Its effect on the openness of the Green Belt and on the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty;
  - c) Other considerations; and
  - d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## Reasons

4. The appeal property is a semi-detached residential dwelling, which has been previously extended, in a small group of dwellings within a rural area, where individual and small clusters of dwellings are interspersed with open farmland and woodland. It lies within the Green Belt and within the Chilterns Area of Outstanding Natural Beauty (AONB). The two pairs of semi-detached dwellings, including the appeal property, are set back from the lane, behind a deep grass verge and the front gardens to the properties. As existing, ancillary structures to serve the properties, including garages, are generally set behind the front building line to the properties; this siting contributes to the openness of the lane. The proposal relates to the erection of a four bay detached garage to the side of the large plot, partly sitting forward of the main house, together with the extension of the existing gravel drive.
5. The Framework 2018 sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate'. As the proposed garage would be for a use incidental to the enjoyment of the dwelling on the site and within its curtilage I consider it appropriate to consider it under this exception.
6. The Council has referenced a number of policies relating to the Green Belt in its decision notice. Policy GB2 of the adopted Local Plan sets out the categories of development that may not fall to be considered as inappropriate development. Although the policy significantly predates the Framework 2018, for the particular purposes of this appeal category c referring to the limited extension, alteration and replacement of existing dwellings in accordance with other stated policies (including GB13 and GB15) provides a similar exception to the relevant part of the Framework 2018. In respect of ancillary non-habitable buildings within the curtilage of an existing dwelling, Policy GB15 of the Local Plan sets out that these can be considered acceptable where the building is small in size and subordinate to the original dwelling.
7. The proposed garage would be almost double the length of the main part of the house, extending almost from the rear wall of the main body of the house towards the front boundary of the site. Given its length and height in relation to the scale of the dwelling, it would be neither small in size nor subordinate to the original dwelling. I have no doubt that the proposed extension would be a disproportionate addition over and above the size of the original dwelling and so would be inappropriate development for the purposes of the Framework and Local Plan policy.
8. The Appellant has contended that the proposal should be considered as a replacement structure for the garden shed under another of the exceptions listed at paragraph 145 of the Framework 2018 which includes for the replacement of a building provided the new building is in the same use and not

materially larger than the one it replaces. Although I agree that the shed and the proposed garage both fall to be considered as structure for a use incidental to the enjoyment of the dwelling house, the proposal would fail the second part of the exception as it is clearly significantly larger than the shed. It would therefore fall to be considered as inappropriate development for the purposes of the Framework, applying this exception. The Appellant also acknowledges that the proposal represents inappropriate development.

***Issue b) Openness and AONB***

9. Inappropriate development is, by definition, harmful to the Green Belt, as set out within the Framework, and in accordance with that guidance, I therefore attach substantial weight to this harm which I have concluded under my first issue. I have also considered whether there is any other harm.
10. The addition of further built development on the site, with the consequent increase in the bulk and massing of built form within the curtilage of the property, would inevitably lead to some reduction in openness, which is the essential attribute of the Green Belt. This harm to openness would therefore add to the harm I have already concluded.
11. The site falls within the AONB. Given its length as well as its overall scale and relationship with the main dwelling, it would be a visually intrusive and bulky structure in this rural area and out of scale with the residential dwelling it would serve. It would be particularly incongruous in views when approaching from the north-west along Shire Lane. I do not therefore consider that it would respect the landscape and scenic beauty of the AONB. This would conflict with Policies CS20 and CS22 of the adopted Core Strategy for Chiltern District 2011 and Policies GC1 and LSQ1 of the Local Plan as well as the Framework 2018, all of which seek a high quality of design which respects the local context, with particular reference to respecting the landscape and scenic beauty of the AONB. This adds to the harm I have already concluded.

***Issue c) Other Considerations***

12. The Framework indicates at paragraph 144 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such 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. I now turn to the other considerations in support of the development which have been put forward.
13. Whilst I agree that the proposal would be set against a wooded backdrop and partially screened from views along the front of the site, it would be fully visible in views when approaching along Shire Lane from the north-west. Notwithstanding the quality of the design, it would be a visually incongruous feature which would be over dominant in relation to the size of the dwelling and detract from the openness of the Green Belt and visual qualities of the AONB. I do not therefore afford weight to the Appellant's contention that it would not adversely affect the character and appearance of the local area, given the harm I have already concluded.
14. It has been suggested that the ability to park cars under cover within the garage would represent a visual improvement of benefit to the AONB. However, the garage would be a permanent structure whereas the occupancy

of the house and the number of cars to be parked on site may change over time. I can therefore only give very limited weight to this argument in favour of the proposal.

15. The Appellant has referred me to a planning permission granted by the Council for a detached double garage with roof storage area and extension of existing gravel driveway in January 2017 under its reference CH/2016/2094/FA. Although this would also be sited forward of the dwelling and would be higher than the proposal, it would be smaller in overall scale compared with the proposal before me. A Lawful Development Certificate has also been granted for the erection of a four bay garage to the rear of the property in June 2017 under the Council's reference CH/2017/0668/SA. The Appellant has contended that in the event planning permission were refused for the garage the subject of the appeal, that the erection of these two buildings would be the fallback position. It may indeed be the case that the Appellant would undertake both these projects although I note that the structure at the rear of the garden would necessitate disruption of the existing garden area. Nonetheless I have considered the proposal against this potential fallback position.
16. I agree with the Appellant that the combined effect of building out both these permitted structures would introduce more built development onto the site, compared with the proposal before me, and would therefore have a greater harmful impact on openness in absolute terms and comparing the extent of built to undeveloped site coverage. The Framework 2018 confirms that one of the essential characteristics of the Green Belt is its openness and therefore this benefit adds weight in favour of the proposal.
17. However, this benefit would be tempered in my view, by the greater adverse effect from the proposed siting of the proposal before me, particularly on the scenic beauty and visual distinctiveness of the AONB. The four bay garage would be largely screened from view to the rear of the house. I acknowledge that the permitted double garage with storage over would be higher than the proposed garage and would also have an external staircase. However, it would be materially smaller in scale and particularly in length and in my view the height difference would not alleviate the harm from the size and particularly the length of the proposed garage, both taken on its own and in relation to the main house. As a result and overall, only limited weight is afforded to the fallback position compared with the proposal before me.
18. The Appellant has also submitted a unilateral undertaking to remove all other structures on the site within 6 months of implementation of the permission and to agree to the removal of permitted development rights under Schedule 2 Part 1 Class E of the GPDO 2015. However, the existing structures on the site are generally small scale and most would appear to need to be removed to implement the schemes already permitted. Given the prior existence of the lawful development certificate I am not persuaded that the offer to agree to the removal of permitted development rights as set out above would be beneficial. Furthermore, I am not persuaded that this would overcome the harm I have already concluded from the proposed siting of the four bay garage under this appeal. This therefore limits the weight I can give to the provisions of the unilateral undertaking.

***Issue d) Balancing of Considerations and whether very special circumstances exist.***

19. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed garage. The harm from loss of openness and to the landscape and scenic beauty of the AONB both add to the harm by reason of inappropriateness. The totality of the harm I have concluded is not clearly outweighed by the other considerations. I do not find that the very special circumstances required to justify the proposed development of the extension to the dwelling exist.
20. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 27 September 2018

**by Ian McHugh Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2018**

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**Appeal Ref: AAP/X0415/D/18/3205771**

**14 Hillside Close, Chalfont St Giles, HP8 4JN**

- 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 S Macrae against the decision of Chiltern District Council.
  - The application Ref CH/2018/0569/FA, dated 27 March 2018, was refused by notice dated 22 May 2018.
  - The development proposed is the erection of a single storey shed.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey shed at 14 Hillside Close, Chalfont St Giles, HP84JN, in accordance with the terms of the application Ref CH/2018/0569/FA, dated 27 March 2018, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Drg No. 2498-PL-101

### Procedural Matter

2. The description of the development given by the Council on its decision notice differs from that stated on the planning application form. The normal practice is that the description is taken from the application form unless it is inaccurate. In my opinion, the planning application form is an accurate description. Therefore, I have determined the appeal accordingly.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the effect of the development on the setting of the Chalfont St Giles Conservation Area (CA).

### Reasons

4. The appeal site comprises land at the front of the appeal property. It is within the ownership of the appellant, but is separated from the dwelling by a shared pathway that also serves neighbouring dwellings. The site fronts onto Deanway, which is one of the main roads into and out of Chalfont St Giles. It is elevated above Deanway and is substantially screened by trees and vegetation, including a relatively young laurel hedge.
5. The property also has a rear access, which leads off Hillside Close. The western boundary of the CA is on the opposite side of Hillside Close.

6. The proposal is to erect a timber shed with a flat felted roof. I noted at my site visit that the shed was substantially built. However, this does not affect my view about the proposal.
7. The Council contends that the positioning of the shed at the front of the property and close to Deanway would be prominent and intrusive in the streetscene. It also argues that it would be harmful to the setting of the CA, as it would not preserve the views into or out of the CA.
8. The Council refers to a number of its Development Plan policies in its reason for refusal. These policies generally seek to ensure that new development is of a high standard of design; is in character with the area in which it is located; and is in scale with its surroundings. Of particular relevance are policies H20 and CA2 of the adopted Chiltern Local Plan, which require ancillary residential buildings to be subordinate in size; and development to preserve or enhance views into or out of conservation areas.
9. I have also taken into account the advice contained in the Council's Supplementary Planning Document – Residential Extensions and Householder Development. This seeks to ensure that outbuildings are modest in size and do not disrupt the established pattern of development.
10. I acknowledge the Council's view that the positioning of the shed is somewhat unusual, given that the property has a rear garden that can be accessed off Hillside Close. I also accept that ancillary residential buildings on the fronts of properties are not common in the vicinity of the appeal site and, therefore, the proposal would be at odds with the prevailing pattern of development.
11. However, the building is relatively small in scale and it is well screened by hedging and other vegetation. Because of the screening, it is barely visible from Deanway and only partially visible from Hillside Close. Furthermore, I have no reason to think that the laurel hedge and other vegetation will be removed. Consequently, there is no harm to the character or appearance of the area.
12. The CA comprises the historic core of Chalfont St Giles. It also includes a field, which is located on the opposite side of Hillside Close, adjacent to 'Milton's Cottage'. The Council's Conservation Area Appraisal/Plan states that the field provides a setting for the cottage. Given my findings above, regarding the visual effect of the proposal, I consider that any existing views into or out of the CA would be preserved and the significance of the heritage asset would not be harmed.

### **Conditions**

13. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance.
14. As the shed has been partially constructed, there is no need for the standard condition regarding commencement of the development.
15. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

16. The Council has also suggested that a condition be imposed regarding the use of external materials that would match the existing building. However, the proposed materials are clearly stated on the planning application form and they have been used in the construction to date. Accordingly, I consider that the condition is unnecessary.

**Conclusion**

17. For the reasons given above, it is concluded that the appeal should be allowed.

*Ian McHugh*

INSPECTOR





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## Appeal Decision

Site visit made on 25 October 2018

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 November 2018**

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**Appeal Ref: APP/X0415/D/18/3208538**  
**160 Chartridge Lane, Chesham HP5 2SE**

- 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 & Mrs Gill against the decision of Chiltern District Council.
  - The application Ref: CH/2018/0570/FA dated 27 March 2018, was refused by notice dated 15 June 2018.
  - The development proposed is two storey side and single storey rear extension, open porch to front.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. Although the Council's reason for refusal did not specifically refer to the National Planning Policy Framework 2012 extant at the time of the decision, the Council referred to it in the Officer's report. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.
3. The proposal includes for a front porch and although shown on the proposed elevations, it is not included on the proposed floor plans.

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the living conditions of the neighbours at No 164 Chartridge Lane with particular regard to outlook and light/overshadowing.

### Reasons

5. The appeal property is a two storey semi-detached dwelling with an attached garage on a long plot on the south west side of Chartridge Lane. There are a variety of detached and semi-detached houses and bungalows on both sides of the road, with an irregular front building line, particularly along this section of the road, including the appeal property. The proposal would replace the garage with a side extension which would wrap around the rear of the property at

- ground floor with a first floor extension along the side of the existing house. A front porch is also proposed.
6. The adjoining single storey property at No 164 is set further forward in its plot and close to the common boundary with the appeal property. As a result of the siting, the proposed extension to the appeal property would extend at both ground and first floor for a significant depth to the rear of the neighbouring property. Even taking into account the existing boundary treatment between the properties, I consider that the combined effect of the significant length and height of solid massing from the extended property close to the boundary would have an over bearing and enclosing effect on the outlook for the neighbours from their rear facing windows, and particularly the window closest to the appeal property, as well as from their garden area closest to the property. I have taken into account that No 164 benefits from a long garden to the rear with far reaching views, but there appears to be no basis to agree with the Appellants' contention that as a result the principal amenity value of the garden is not adjacent to the dwelling.
  7. Given the orientation and siting of the two properties to each other, and notwithstanding the lack of technical information before me, it is my view that there would be increased overshadowing of the rear of No 164 and its rear garden area closest to the property during some parts of the day. In addition, I agree with the Council that the proposal at ground and first level would appear to breach Building Research Establishment guidance on daylight and sunlight, and would therefore result in a loss of light to the rear facing window closest to the boundary. This harm adds to the harm I have already found.
  8. I therefore conclude that the proposal would materially harm the living conditions of the neighbours at No 164, with particular regard to loss of outlook as well as in respect of loss of light and increased overshadowing. This would conflict with Policies GC2, GC3, H13 and H14 of the Chiltern Local Plan Adopted 1 September 1997 (including Alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and the Residential Extensions and Householder Development SPD, as well as the Framework 2018, all of which seek for a high standard of design which respects the amenities of existing and future occupiers.
  9. The Appellant has drawn my attention to other permissions granted which he considers are comparable to his own proposals, particularly in terms of the relationship with adjoining properties. Each proposal must be assessed on its individual merits. Nonetheless and on the basis of the very limited information provided, none of these other examples appear to me to be directly comparable with the proposal before me. They do not therefore persuade me that planning permission should be granted given the harm I have concluded.
  10. I have also taken into account that the neighbours at No 164 did not raise an objection to the proposal. However, my decision is based on its planning merits. Furthermore, if granted and implemented, the development would endure for future occupiers. The absence of an objection from the neighbours does not therefore lead to me to a different conclusion.
  11. I have been referred to a permission granted for a similar form of development with the reference CH/1984/1846. However, that decision would appear to have been granted over 30 years ago and has very limited bearing on my assessment of the planning merits now.

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 27 September 2018

**by Ian McHugh Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2018**

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**Appeal Ref: APP/X0415/D/18/3205766**  
**17 Foxdell Way, Chalfont St Peter, SL9 0PL**

- 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 Kalley against the decision of Chiltern District Council.
  - The application Ref CH/2018/0656/FA, dated 9 April 2018, was refused by notice dated 12 June 2018.
  - The development proposed is a replacement detached garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a replacement detached garage at 17 Foxdell Way, Chalfont St Peter, SL9 0PL, in accordance with the terms of the application Ref CH/2018/0656/FA, dated 9 April 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. GSB/17/2018/Garage.
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal property comprises a relatively large dwelling and garden, which is situated within a residential estate. The proposed garage site is in a visually prominent position, being close to the junction of Foxdell Way and Mark Drive. The surrounding area is generally characterised by detached properties, which vary in terms of their size and appearance.
4. The proposal is to remove an existing and somewhat unattractive flat-roofed double garage, which is positioned within the side garden and close to the junction. It would be replaced on the same part of the site by a larger double garage with a hipped roof.
5. The Council considers that the proposed garage would appear as a highly prominent and intrusive feature in the streetscene because of its size and

- position on the site. The removal of existing planting would, in the Council's opinion, make the building more conspicuous.
6. Policies GC1 and H20 of the adopted Chiltern Local Plan and Policy CS20 of the adopted Core Strategy are most relevant to this appeal. Amongst other things, these policies seek to ensure that new development is of high quality design and that ancillary buildings are modest in size. In addition, policy H6 of the Chalfont St Peter Neighbourhood Plan requires development to be in character with the area.
  7. In reaching my decision, I have also taken these into account the advice contained in the Council's Supplementary Planning Document – Residential Extensions and Householder Development (SPD). This seeks to ensure that garages and outbuildings are modest in size and do not disrupt the established pattern of development. The SPD stresses the need to take care when siting garages in front gardens.
  8. Although detached garages within front and side gardens are not particularly common in the vicinity, the appeal site is distinctly different to the majority of other properties in the area, because of its width and corner positioning. Furthermore, there is already an existing, albeit smaller, double garage on the site. In my opinion, this existing garage detracts from both the appeal property and the streetscene.
  9. The proposed building would be more visible in the streetscene, mainly because of its height, but that does not necessarily mean that it would be harmful. The land slopes downwards from the existing dwelling at number 17 Foxdell Way towards the site of the garage. In addition, the presence of hedging and vegetation, some of which will be retained, means that the replacement garage would not be overly dominant or intrusive when viewed from either Foxdell Way or Mark Drive. Furthermore, the overall design of the proposed garage, including its hipped roof and the use of brick and tiles in its construction, would not be at odds with the character and appearance of the area.
  10. Consequently, I consider that the proposal would not be harmful to the character and appearance of the area and it would not conflict with the Development Plan or the Council's SPD, as referred to above.

### **Conditions**

11. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance.
12. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
13. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary

**Conclusion**

14. For the reasons given above, it is concluded that the appeal should be allowed.

*Ian McHugh*

INSPECTOR

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 9th August 2018

INDEX TO REPORTS ON ALLEGED BREACHES OF PLANNING CONTROL

**Chalfont St Peter**

**2017/00109/AB**

Ward: Central

Page No: 2

Alleged breach: Without planning permission, the construction of two storey front extension and part two storey/part single storey rear extension.

**Ti Soleil, Lincoln Road, Chalfont St Peter, Buckinghamshire SL9 9TG (the "Land")**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Alleged Breaches of Planning Control 22 November 2018

<b>SUBJECT:</b>	<i>Planning Enforcement Report – 2017/00109/AB</i>
<b>RESPONSIBLE OFFICER:</b>	<i>Steve Bambrick – Director of Services</i>
<b>REPORT AUTHOR:</b>	<i>Kirstie Elliot</i>
<b>WARD:</b>	<i>Central</i>
<b>SITE ADDRESS:</b>	<i>Ti Soleil Lincoln Road Chalfont St Peter Buckinghamshire SL9 9TG (the "Land")</i>
<b>BREACH:</b>	<b>Without planning permission, the construction of two storey front extension and part two storey/part single storey rear extension</b>

### 1.0 INTRODUCTION & SUMMARY

1.1 The site is a residential dwelling situated on Lincoln Road. The site is within an Established Residential Area of Special Character Chalfont St Peter but is not within a conservation area, the Chilterns AONB or the Green Belt

1.2 Planning permission (reference CH/2016/0177/FA) was granted on 23 March 2016 for the extension of the property by virtue of 'Two two-storey front extensions, part two-storey/part single-storey rear extension, replacement rear and front dormers'. Building works commenced on site but the approved plans were not adhered to. A two storey extension has been constructed to the front of the dwelling and a part two – storey/part single storey extension has been constructed to the rear (the "Unauthorised Development")

1.3 Retrospective planning permission under reference CH/2017/1898/FA was sought for the development as built (as well as a proposed double part subterranean garage to the front – not built). This application was refused on 22 December 2017. The applicant appealed the refusal (Planning Inspectorate reference APP/X0415/D/18/3196370). The appeal was subsequently dismissed on 18 June 2018.

### 2.0 MAIN ISSUES

2.1 Consideration of why the unauthorised development is not compliant with local and national planning policy allied with the expediency of enforcement action in the public interest.

### 3.0 RECOMMENDATION SUMMARY



3.1 That follow up action be authorised in accordance with Central Government Guidance in paragraph 207 of the National Planning Policy Framework (NPPF) and the Council's Planning Enforcement Policy and the Head of Planning and Economic Development and Head of Legal and Democratic Services be authorised to serve such Enforcement Notices, including Stop Notices in respect of the development described above, as may be considered appropriate. The precise steps to be taken, period of compliance and the reasons for serving the notice to be delegated to the Head of Planning and Economic Development. In the event of non-compliance with the Notice, the Head of Planning and Economic Development be authorised to instigate legal proceedings in consultation with the Head of Legal and Democratic Services and/or take direct action to secure compliance with the Notice.

#### **4.0 RELEVANT POLICIES**

##### **National and Regional Policies**

The National Planning Policy Framework (NPPF – “the Framework”)

##### **Local Policies**

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H16, H18, H20, TR11 and TR16.

Residential Extensions and Householder Development Supplementary Planning Document (SPD) – September 2013

The Chalfont St Peter Neighbourhood Plan 2013 - 2028: Policy H7.

Adopted Council Enforcement Plan.

#### **5.0 RELEVANT PLANNING HISTORY**

5.1 CH/2015/1614/FA - Replacement roof to facilitate part two part single storey front extension two storey rear extension insertion of dormers and rooflights to facilitate habitable accommodation in roof space raised patio to rear fenestration alterations. Permission refused.

CH/2016/0177/FA - Two two-storey front extensions, part two-storey/part single-storey rear extension, replacement rear and front dormers. Conditional permission granted.

CH/2016/2136/FA - Engineering works comprising the lowering of ground level at the front of the property with associated hardstanding and retaining wall; and formation of a stepped terraced area to rear of property (Retrospective). Conditional permission granted.

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 (part- retrospective) Permission refused, subsequent appeal dismissed.

#### **6.0 BACKGROUND INFORMATION**

6.1 Planning permission is required for the unauthorised development, that permission having been refused with the subsequent appeal against that refusal dismissed. Since the dismissal of the appeal, the unauthorised development remains in situ with no apparent steps to address the breach of control through its removal. The unauthorised development has been witnessed by Council officers who have recorded their

findings as part of enforcement case 2017/00109/AB and photographic and other documentary evidence has been saved in the repository attached to this record.

6.2 Contact has been made with the owner to advise that the Council intends to take formal enforcement action to remedy the breach of control.

## **7.0 CONSULTATIONS AND REPRESENTATIONS**

None.

## **8.0 PLANNING CONSIDERATIONS**

The breach of planning control results in harm as set out in the case officer's report for refused planning application reference CH/2017/1898/FA and the Planning Inspector's decision notice which is attached as Appendix B. As identified, the unauthorised development amounts to an unacceptable form of development when considered against the policies in the development plan. The harm caused specifically relates to:

- the first floor front and rear infill extensions, by virtue of their flat roof design, bulk, massing and awkward coalescence with the front and rear gable features fail to integrate with the vernacular and appearance of the property resulting in a contrived, cumbersome and discordant form of development which does not respect the scale and proportions of the host dwelling and is contrary to saved policies GC1, H13 and H15 of the Chiltern District Local Plan 1997 (including the alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011), Policy H7 of The Chalfont St Peter Neighbourhood Plan 2013 - 2028 and the Residential Extensions and Householder Development SPD - Adopted 10 September 2013.

## **9.0 HUMAN RIGHTS ACT**

The following articles of the Human Rights Act 1998 are considered to be relevant in this case: Part 1 Article 8 - the right to respect for private and family life, home and personal correspondence. Part 2 Article 1 of the First Protocol - the right to protection of property, including peaceful enjoyment of possessions. Both of these rights could be outweighed when considering the general interest and the rights and freedoms of others. The addition of this development causes unacceptable harm to the visual interest and the character of the area in which it is located. The need to remedy the breach is in the interest of the wider community and, with the lack of demonstrable information to the contrary, greater than the needs of the individual.

## **10.0 EQUALITY IMPACT ASSESSMENT**

The Equality Act 2010, which came into effect on 1st October, includes a new public sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment.

10.1 Part 11, Section 149 provides the following 'Public sector equality duty' on authorities: "(1) – A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." It is therefore necessary for the authority, in consideration of this report, as with the consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from taking the recommended action.

10.2 The breaches of planning control and action to resolve the breaches have been assessed in the context of the Human Rights Act and Equalities Act, and action to resolve the breaches is considered

proportionate and in the public interest in order to uphold the planning laws of the land and harm caused to the amenity of the area.

## **11 EXPEDIENCY**

The issue of an Enforcement Notice by Local Planning Authorities is discretionary and it is the Council's decision to decide whether a notice is expedient in the public interest. In doing so, consideration must be given to all the options:

### **Negotiate**

The adopted Enforcement Plan states that wherever possible, officers will negotiate to bring a contravention into compliance but goes on to recognise that sometimes enforcement action is necessary to reach the right outcome.

The owner has sought to engage with the LPA through the submission of the retrospective planning application as a means of attempting to resolve the breach of planning control and has exercised their right to appeal the Council's refusal of that application. The appeal was subsequently dismissed in June 2018 and since this time no action has been taken by the owners to remedy the breach of control. For these reasons, it is considered that in order to remedy the breach in a timely manner there is no scope for further negotiation.

### **Issue an Enforcement Notice**

The only other option available to the Council is to issue an Enforcement Notice. This would have the benefit of remedying the harm that is being caused. It would also boost public confidence in the integrity of the planning system and the decision making of the Council as local planning authority as there is local objection to the unauthorised development.

## **12.0 CONCLUSIONS**

The Council's Head of Planning and Economic Development be authorised to issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring, within **Six (6)** months:

### **Requirements:**

1. Demolish the unauthorised development as shown on drawing number TS PA 02 Rev H submitted as part of application CH/2017/1898/FA as proposed floor plans and elevations in its entirety returning the building to its condition as existed before the breach of planning control took place, in accordance with the details shown on drawing number TS PA 01 Rev D submitted with planning application CH/2017/1898/FA as the existing floor plans and elevations, and;
2. Remove from the Land all plant, equipment and debris arising as a result of compliance with Step 1;

Or;

3. Undertake alterations to the unauthorised development to remove the first floor flat roof infill extensions located at the front and rear of the building and undertake alterations to the resultant front and rear fenestrations, including to the two storey projecting gables at the front and rear, in accordance with the approved details shown on drawing number TS PA 02 F submitted with planning application CH/2016/0177/FA as proposed floor plans and elevations, and;
4. Remove from the Land all plant, equipment and debris arising as a result of compliance with Step 3.

**The reason for issuing a Notice**

It appears to the Council that the above breach of planning control has occurred in the last 4 years.

The unauthorised development, specifically the front and rear infill extensions of which, by reason of their flat roof design, bulk, massing and awkward coalescence with the front and rear gable features fail to integrate with the vernacular and appearance of the property resulting in a contrived, cumbersome and discordant form of development which does not respect the scale and proportions of the host dwelling.

The unauthorised development is therefore contrary to saved policies GC1, H13 and H15 of the Chiltern District Local Plan 1997 (including the alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011), Policy H7 of The Chalfont St Peter Neighbourhood Plan 2013 - 2028 and the Residential Extensions and Householder Development SPD - Adopted 10 September 2013.

The Council has refused planning permission for the development as built with the subsequent appeal against that refusal being dismissed by the Planning Inspectorate.

**Copies of the Notice should be served on:**

Leonora Veronica Daniel -Ti Soleil, Lincoln Road, Chalfont St Peter, Buckinghamshire SL9 9TG

Lance Ridland Jordan - Ti Soleil, Lincoln Road, Chalfont St Peter, Buckinghamshire SL9 9TG

Owner(s)/Occupier(s) - Ti Soleil, Lincoln Road, Chalfont St Peter, Buckinghamshire SL9 9TG

Lloyds Bank Plc – Registrations, Secured Assets, Barnett Way, Gloucester GL4 3RL

Location Plan

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0 3 6 12 18 24 Metres



Appendix 'A' – photographs of front elevation





**Appendix B – appeal decision APP/X0415/D/18/3196370**



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# Appeal Decision

Site visit made on 5 June 2018

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 June 2018**

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**Appeal Ref: APP/X0415/D/18/3196370**

**Ti Soleil, Lincoln Road, Chalfont St. Peter, Gerrards Cross SL9 9TG**

- 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 Lance Jordan against the decision of Chiltern District Council.
  - The application Ref CH/2017/1898/FA, dated 10 October 2017, was refused by notice dated 22 December 2017.
  - The development proposed is for two storey front and rear extensions, single storey rear extension and engineering works to the rear and front garden, including front garage.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

## Procedural Matter

3. I have been made aware from both Parties that the appeal dwelling had the benefit of a planning permission (Ref. CH/2016/0177/FA) for two storey front extensions, part two storey/part single storey rear extension, replacement rear and front dormers which was approved in March 2016. However, these plans were not adhered to and gave rise to the retrospective planning application the subject of this appeal.
4. The extensions to the house were substantially complete at the time of my site visit and appear to be broadly in accordance with the elevations as shown on Drawing No. TSPA02 Rev H. I have determined the appeal on this basis.

## Reasons

5. The appeal site is situated within an Arcadian development, defined as an Established Residential Area of Special Character (ERASC) and comprising large detached houses set within generous plots. Designs of houses vary considerably, but within the immediate locality pitched roofs predominate, particularly within the street scene. The appeal site slopes quite significantly from the road down in a south-westerly direction and an area has been excavated within the front garden area to provide level parking in the location where the garage is proposed to be located.

6. The earlier grant of planning permission proposed a largely symmetrical principal elevation with two storey gable projections to each side with a substantial dormer window in the centre over the front door within the recess created. The proposal before me now shows the central area at first floor level as in-filled with a flat roof concealed behind a parapet roof. Although symmetry is maintained this area of in-fill gives the dwelling a contrived appearance that is at odds with the prevailing pattern of development within the locality and the ERASC it finds itself situated within.
7. Turning to the rear, again, a pair of gables were previously proposed and approved and although of differing depths nonetheless, when combined with 2no centrally placed dormers, utilised traditional pitched roof forms. The proposal before me has replaced the latter two features with a significant area of flat roof at first floor level and at the ground floor level to the left hand side to the rear of the elevation. Again, I consider these aspects of the proposal fail to integrate with the appearance of the property and would give rise to contrived, cumbersome and discordant architectural features that do not respect the scale and proportions of the host dwelling.
8. Policy H15 of the Chiltern District Local Plan 1997 (including the alterations adopted 29 May 2001) consolidated September 2007 and November 2011 (LP) in its criterion 3 stipulates that the roof of a two storey or first floor extension should normally be hipped or pitched, and integrated into the existing roof. It goes on to state that a flat roof two storey first floor extension will not be permitted unless the extension is surrounded by existing pitched roofs on the dwelling, and is subordinate to the main roof and not prominent in the street scene or locality.
9. Whilst it may be that the flat roof element to the front elevation is between two pitched roof gables and against the front roof plane of the main roof, it cannot be said that it is surrounded, and by virtue of the difference in ground levels, it is closer to eye level when viewing it from the street which adds to its incongruity; the very fact that the flat roof is concealed behind a parapet does not hide the fact that it is not a pitched roof. Further, whilst I accept that it is lower than the main ridge of the dwelling, in totality, the extensions would not appear subordinate as they draw the eye in an uncomfortable manner and are prominent in the street scene. I accept that the rear extensions are not visible from the public realm, but nonetheless, the design of the first floor flat roof element in particular, appears as a discordant feature which, again, I consider not to be subordinate especially as it projects beyond the left hand rear gable.
10. Whilst I accept that the National Planning Policy Framework (the 'Framework') states that planning policies should not attempt to impose architectural styles or particular tastes through unsubstantiated requirements to conform to certain development forms or styles, it does however state, that it is proper to seek to promote or reinforce local distinctiveness. I consider this to be especially pertinent as the site is located within an ERASC with the Council's Residential Extensions and Householder Development SPD stipulating that an important goal for any extension should be to harmonise with the building, striking a balanced visual relationship with its existing features and integrating in such a way that it does not adversely affect the character and appearance of the locality.

11. I do not doubt that the in-fill extensions make a more efficient and effective use of the available space of the dwelling, however, it appears to me that this is more a case of form following function and I cannot agree that the resultant building would offer a significant improvement over the appearance of the original dwelling and most certainly not over the appearance of the previously approved extensions, the planning permission for which was not adhered to.
12. Turning to the garage proposal, there exists a grass verge with some new evergreen planting within it, behind which (within the application site) is laurel hedging that is planted in what appears to be the original ground level before it drops significantly by virtue of a recently constructed retaining wall and extended parking area. It is not clear from the plans whether this laurel hedging would remain and whether there would be space for the grass banks of the profiles proposed to be constructed between the garage and the north east and southern boundaries. Further, when taking into account the levels of the retained driveway and the area of land removed as shown on the south eastern elevation of the garage, the garage building would appear overly high and would be higher than the adjacent road. It is cited as being at 1.2m above the highway ground level by the appellant and 1.5m by the Council, but nonetheless it would still be visible from the street.
13. The appellant explains that it has since transpired that the ground level of the garage would be substantially lower such that none of its roof would project above the level of the front boundary. Even if I had been so minded to have allowed the appeal, I consider that it would not have been appropriate to impose a condition requiring additional details of this/revised drawings as to do so would amount to a material change to the proposal which would not have been subjected to necessary public consultation. Whilst I note the reference to a sunken garage with grass roof at Willow Cottage, I have been provided with no details on this. It therefore falls upon me to determine the garage based on the plans that are before me which I consider would be unduly high and consequently prominent within the street in a forward location that would appear alien in character and fail to respect the prevailing character of the development within the area.
14. Further, the SPD advises against the siting of garages forward of a dwelling although I accept that if wholly subterranean or at least with a grassed roof level with the highway verge, then such visual impact would be lessened. Notwithstanding this, in addition to the height, the proposed garage would be of a significant width and, therefore, as it stands, I consider that it would not be modest in size or subordinate in scale to the existing dwellinghouse contrary to LP Policy H20; I do however accept that overall it would not give rise to an overdevelopment of the site.
15. I therefore consider that the proposed garage by reason of its siting and scale would give rise to an intrusive feature within the street scene that would be contrary to the prevailing character of the locality and therefore harmful to the character and appearance of the area, including the ERASC.
16. All in all, the proposal conflicts with LP Policies GC1, H13, H15 and H20 in addition to Policy CS20 of the Core Strategy for Chiltern District (adopted November 2011) which together require new development within the District to be of a high standard of design which reflects and respects the character of the

surrounding area and those features which contribute to local distinctiveness which should be in scale with its surroundings of an appropriate form and design, especially within sensitive locations such as ERASCs. These policies also expect proposals to be designed and sited so as to be in keeping with the existing dwelling and other buildings in the adjoining area such that the character and appearance of the street scene is not adversely affected. Further, in addition to conflicting with the SPD as explained above, the proposal also conflicts with Policy H7 of the Chalfont St. Peter Neighbourhood Plan 2013 – 2028 which requires extensions to existing residential properties to maintain or enhance the design, character and quality of the building.

**Conclusion**

17. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR