

Contact: Valerie Bailey DDI No. 01494 421548
App No : 17/08264/FUL App Type: Full Application
Application for : Householder application for the removal of existing gates and replace with wood gates (retrospective)
At Icknield House, Askett Village Lane, Askett, Buckinghamshire, HP27 9LT
Date Received : 05/01/18 Applicant : Mr Mark White
Target date for Decision 02/03/18

1. **Summary**

- 1.1. Retrospective planning permission is sought for the retention of wooden gates adjacent to the highway. The Planning Committee have previously considered this application at Planning Committee on 25 April 2018.
- 1.2. Following a discussion on the merits of the application and having weighed and balanced all the relevant issues, the Committee reached the view that the gates would not result in demonstrable harm to the Chilterns AONB or street scene in terms of its design or visual impact, contrary to their officers' advice.
- 1.3. The Planning Committee resolved that they were minded to approve the application and so it was deferred to allow for public speaking.

2. **The Application**

- 2.1. This application was first considered at Planning Committee on 25 April 2018. The application was recommended for refusal by officers and the report to the Committee, setting out in full the issues and considerations, is attached as an appendix to that report.
- 2.2. The application was the subject of a Committee site visit prior to the meeting. During the debate at the meeting members considered the design and appearance of the gates, incidence of other similar developments in the area (although it was noted that the majority of these did not have either deemed nor express planning permission), the character of the area, and the impact of the gates on the character and appearance of the area, with reference to its location in the Chilterns AONB.
- 2.3. Paragraph 115 of the National Planning Policy Framework (NPPF) requires great weight to be given to conserving landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty. Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a legal duty on the Council:

“In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.”
- 2.4. Having regard to these statutory duties and notwithstanding the guidance within the Chilterns Building Design Guide, the committee reached the view that the gates were of a satisfactory design and appearance and in this instance were not visually obtrusive in the street scene and as such did not result in demonstrable harm either to the natural beauty and traditional character of the AONB, or to the character and appearance of the street scene.
- 2.5. Members voted in favour of the motion that the Committee was minded to approve the application in contravention of the advice set out in the Chilterns Building Design

Guide as the gates conserved the special character and appearance of the Area of Outstanding Natural Beauty (AONB) and did not impact adversely on the street scene in this location. So in accordance with the constitution the application was deferred to allow those objecting the opportunity for public speaking at a future meeting.

Weighing and balancing of issues – overall assessment

- 2.6. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 2.7. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
 - (a) Provision of the development plan insofar as they are material
 - (b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
 - (c) Any other material considerations
- 2.8. As set out above in weighting and balancing the issues the Planning Committee resolved that the development would accord with the development plan.

Recommendation: Minded to Grant - Unconditional Permission