



East Buckinghamshire Area Planning Committee agenda

Date: Tuesday 14 November 2023

Time: 8.00 pm

Venue: Amersham Council Chamber, King George V House, King George V Road,
Amersham HP6 5AW

Membership:

I Darby, M Fayyaz, M Flys (Vice-Chairman), G Harris, C Jones, J MacBean, J Rush, M Stannard, H Wallace, L Walsh, J Waters (Chairman) and S Wilson

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Agenda Item	Page No
1 Apologies for absence	
2 Declarations of interest	
3 Minutes of the previous meeting To agree the minutes of the meeting held on 17 October 2023 as an accurate record.	3 - 6
Planning Applications	
4 PL/23/0328/FA - The Plough Public House, Hyde Heath Road, Hyde Heath, HP6 5RW	7 - 20
5 PL/23/0472/FA - Land Adjacent to Timberley Lane, Chesham Lane, Kings Ash	21 - 38
6 Date of next meeting Tuesday 12 December 2023 at 6.30pm.	
7 Availability of Members Attending Site Visits (if required) To confirm members' availability to undertake site visits on Monday 11 December 2023, if required.	

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For further information please contact: Liz Hornby on 01494 421261, email democracy@buckinghamshire.gov.uk.



East Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the East Buckinghamshire Area Planning Committee held on Tuesday 17 October 2023 in Amersham Council Chamber, King George V House, King George V Road, Amersham HP6 5AW, commencing at 6.30 pm and concluding at 8.40 pm.

Members present

I Darby, M Fayyaz, G Harris, C Jones, M Stannard, H Wallace, L Walsh, J Waters and S Wilson

Others in attendance

M Beech, E Cook, T Coppock, L Hornby, G Mansfield and M Shires

Apologies

M Flys, J MacBean and J Rush

Agenda Item

1 **Declarations of interest**

Councillor G Harris: Application number PL/22/4074/FA – declared a non-pecuniary interest due to living on the opposite side of the common. He declared that he was not pre-determined, that he had an open mind and would listen to the debate before voting on the application.

2 **Minutes of the previous meeting**

The minutes of the meeting held on 22 August 2023 were agreed as an accurate record.

3 **PL/22/4074/FA - St Leonards Church Hall, Glebe Way, Chesham Bois, HP6 5ND**

Redevelopment of the site to create a new multifunctional Parish Centre with café, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping.

Members noted the written update.

Following a full debate, Members voted unanimously in favour of the motion to defer the application for the following reasons:

To allow officers to consider further the implications of the proposed development on the integrity of the Chiltern Beechwoods Special Area of Conservation (SAC). The site lies within the Zone of Influence of the SAC and Members disagreed with Officers' screening of the proposal that no likely significant effects would occur. They requested deferral of this planning application, subject to receipt of a satisfactory Appropriate Assessment for the site, considering potential usage against some different scenarios.

Speaking as Ward Member: Cllr D King

Speaking on behalf of Chesham Bois Parish Council: Cllr P Eckersall

Speaking in objection: Mr P Williams

Speaking in support: Dr C Baldwin

Speaking on behalf of the applicant: Mr D Clare

It was proposed by Councillor S Wilson and seconded by Councillor M Fayyaz.

Resolved: that the application be deferred for the reasons as stated above.

4 PL/23/1818/FA - Amersham School, Stanley Hill, Amersham, HP7 9HH

Single storey detached classroom building.

Members voted in favour of the motion to approve the application.

It was proposed by Councillor S Wilson and seconded by Councillor I Darby

Resolved: that the application be approved.

5 PL/23/2407/FA - 9 Pineapple Road, Amersham, HP7 9JN

Change of use to a Children's home for Buckinghamshire Council Leaving Care Service (Use Class C2) with installation of solar panel on rear roof slope.

Members voted in favour of the motion to approve the application subject to the following:

- The addition of a Condition for a Management Plan.
- The addition of a Condition for secure provision for bicycles

As set out below:

Management Plan

Prior to the first occupation of the development hereby approved a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall demonstrate measures to be put in place to ensure that the property does not increase disturbance caused by the proposed use upon immediate neighbours. The facility shall thereafter be operated in accordance with the approved details.

Reason: To protect the residential amenities of neighbouring occupiers.

Cycle Storage

Prior to the first occupation of the development hereby permitted a plan demonstrating provision of secure cycle storage for the proposed use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details thereafter.

Reason: In the interests of promoting sustainable transport as part of the proposed development

Speaking in objection: Mr S Baker

Speaking on behalf of the applicant: Ms E Warner

It was proposed by Councillor I Darby and seconded by Councillor S Wilson.

Resolved: that the application be approved subject to the additional conditions as laid out above.

6 Date of next meeting

Tuesday 14 November 2023 at 6.30pm.

7 Availability of Members Attending Site Visits (if required)

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Report to East Area Planning Committee - Deferred Application

Application Number:	PL/23/0328/FA
Proposal:	Single storey, open sided detached shelter to side of public house (retrospective)
Site location:	The Plough Public House Hyde Heath Road Hyde Heath HP6 5RW
Applicant:	Ms S Dooner
Case Officer:	Alex Wilson
Ward affected:	Chiltern Ridges
Parish-Town Council:	Little Missenden Parish Council
Valid date:	2 February 2023
Determination date:	24 August 2023
Recommendation:	Conditional permission

1.0 Matters for consideration

- 1.1 Members will recall that this application was heard by the Planning Committee at the meeting on 22nd August 2023. The original case officer's report is attached at **Appendix B**.
- 1.2 The application was deferred so that Officers could consult with the applicant to reduce the size of the pergola, to increase the number of car parking spaces and create a bin store.

2.0 Evaluation

- 2.1 Amended plans have been received which show a reduction in the length of the structure, from 11.75 metres to 8.1 metres. This is quite a considerable reduction of 31%. A bin store is now shown to be located to the south western side of the structure. Officers consider the amendments to resolve concerns raised by Members, particularly moving the seating area away from the south western common boundary.
- 2.2 In respect to the revised parking plan, the Council's Highways Officer has made the following comments:
- 2.3 "As confirmed in previous highways comments, it was considered that the site would generate a parking requirement of 12(no) spaces, including the residential unit on the first

floor. The ground floor requirement was based on the ground floor seating area which measured 88sqm, as well as the proposed shelter which measured 27sqm (115sqm in total). Whilst the floor measurement of the amended shelter has not been demonstrated, it measures approximately 21sqm. Therefore, based on the ground floor space of 109sqm, this would still generate the same parking requirement compared to the application as originally submitted (10(no) spaces). Therefore, the amendments do not alter the parking requirement of the site.”

- 2.4 The Highways response continues: “I note the parking arrangements have been altered, specifically the parking spaces located along the eastern side of the car park. The amendments include moving of the 3(no) parallel spaces closer the site boundary/Hyde Heath Road carriageway, and introducing a further parking space in the southeast corner of the car park. This would bring the site’s total off-street parking provision to 12(no) spaces. Whilst this would ensure the development would not result in displaced parking onto the public highway, I have concerns regarding the level of manoeuvrability space to allow the additional parking space to be practically accessed. However, in a worst-case scenario, if this space could not be used, it would result in a displaced parking space onto the public highway similar to the previously submitted arrangement. As mentioned in previous highways comments, displacement would occur outside of the main network peaks and would not coincide with residential peaks either, therefore the potential displacement of 1(no) parking space would not result in a ‘severe’ impact on the local road network within the context of Paragraph 111 of the NPPF. Mindful of the above, I have no objections to the application subject to the condition included within my consultation response dated 4th May 2023.”
- 2.5 Therefore, whilst the additional parking space may be fairly tight, in terms of manoeuvrability, it is usable and, in practical terms, it is the only solution, given the parking area as a whole is already quite constrained. No objections are therefore raised regarding the revised parking provision and the recommendation is subject to the same conditions as previously proposed, including an update to the plan number and the removal of the storage unit within one month of the permission being granted, which to reiterate, is a significant benefit, especially in terms of ensuring additional parking is available. Furthermore, a screen is now shown to be located on the south western end of the shelter, as referred to at the previous Planning Committee meeting, which was positively received.
- 2.6 As the structure will be reduced in size, a time limit condition will be recommended. All other conditions will remain the same and the recommendation is for conditional permission.
- 2.7 In line with the Public Sector Equality Duty the Local Planning Authority must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). It is not considered that discrimination or inequality would arise from the proposal.

3.0 Recommendation: Conditional permission, subject to the following conditions:-

1. The container currently located within the car park shall be removed within one month from the date of this permission and the scheme for parking and manoeuvring shown on drawing number '2023/372/002 Rev B' (received 10th October 2023) shall also be laid out within one

month of the date of this permission. The approved parking area shall thereafter be retained unobstructed other than for the parking of vehicles in association with the Public House.

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

2. Within one month of the date of this permission, the shelter shall be altered and the solid screen shall be erected to the south west end of the shelter, all as shown on drawing number '2023/372/001 Rev B' (received 10th October 2023). The screen shall be retained in place thereafter.

Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings and to ensure the smaller structure allows for more car parking within the site.

3. No customers shall be permitted to enter or remain in the shelter hereby permitted from 21:00 hours, to the time that the premises ceases to be open to the public each day.

Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.

4. No lighting shall be fixed to the shelter hereby permitted unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall then only be installed in accordance with the approved details and shall not thereafter be altered without the prior express consent of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.

5. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed below unless the Local Planning Authority otherwise first agrees in writing.

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
10 Oct 2023	2023/372/001 Rev B
10 Oct 2023	2023/372/002 Rev B
30 Jan 2023	2023/372/003
30 Jan 2023	2023/372/004

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

INFORMATIVE(S)

1. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.chiltern.gov.uk/CIL-implementation> or contact 01494 475679 or planning.cil.csb@buckinghamshire.gov.uk for more information.

APPENDIX A: Consultation Responses and Representations

No further third party comments received since the application previously came to the Planning Committee.

The additional consultation response from the Highways Authority has been reproduced in full in the report, above.



Report to East Area Planning Committee

Application Number:	PL/23/0328/FA
Proposal:	Single storey, open sided detached shelter to side of public house (retrospective)
Site location:	The Plough Public House Hyde Heath Road Hyde Heath Buckinghamshire HP6 5RW
Applicant:	Ms S Dooner
Case Officer:	Alex Wilson
Ward affected:	Chiltern Ridges
Parish-Town Council:	Little Missenden Parish Council
Valid date:	2 February 2023
Determination date:	24 August 2023
Recommendation:	Conditional permission

1.0 Summary & Recommendation

- 1.1 This application is for a single storey, open sided detached shelter to the north western side of the public house (retrospective).
- 1.2 This application is before Committee as Cllr MacBean has called in the application for consideration by the Committee if the Case Officer's recommendation is for approval.
- 1.3 The recommendation for the proposal is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 This application relates to a single storey, open sided detached shelter to the northern western side of the public house. The shelter is constructed with dark grey timber with a flat roof including acrylic sheets. The shelter is located adjacent to the car park, with neighbouring properties including Hyde Heath Chapel being sited to the south west. The shelter approximately measures a maximum width of 2.4 metres, a maximum depth of 11.75 metres and has a maximum roof ridge height of 2.5 metres.

3.0 Relevant Planning History

- 3.1 CH/2004/2386/FA - 14 February 2005 - Single storey side/rear extension incorporating conservatory – Refused Permission

- 3.2 CH/2006/0142/FA - 31 May 2006 - Single storey side/rear extension and alterations to car park and vehicular access - Conditional Permission
- 3.3 PL/19/1475/FA - 3 July 2019 - Demolition of existing store, ground floor and first floor rear extensions and renovations – Conditional Permission
- 3.4 PL/20/0019/VRC - 28 February 2020 - Variation of condition 3 of PL/19/1475/FA (Demolition of existing store, ground floor and first floor rear extensions and renovations) to exclude first floor rear extension – Conditional Permission

4.0 Summary of Representations

- 4.1 Three letters of objection have been received.
- 4.2 Five letters of objection has been received.
- 4.3 Little Missenden Parish Council object.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), 2021
- National Design Guide, revised 2021
- Core Strategy for Chiltern District - Adopted November 2011
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

Principle and Location of Development

Core Strategy Policies:

CS1 (The spatial strategy)

CS22 (Chilterns Area of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of development)

GB2 (Development in general in the Green Belt)

LSQ1 (Chilterns Area of Outstanding Natural Beauty)

- 5.1 The application site contains a Public House sited to the south western side of Hyde Heath Road, Hyde Heath. A car park is located to the side (north west) of the Public House and Hyde Heath Common is located across the street, to the front. As aforementioned, the detached shelter is sited to the north western side of the public house.
- 5.2 The site is located within a Green Belt Settlement and also within the Chilterns AONB. Policy GB2 of the Local Plan states that 'most development in the Green Belt is inappropriate and there is a general presumption against such development'. Development which is not inappropriate is set out in this Policy. However, modest development to community facilities are generally acceptable, subject to being not disproportionate additions over and above the size of the original building. In this instance, the shelter is not considered to comprise a disproportionate addition to the original building, thereby complying with Green Belt policy.
- 5.3 All other relevant Development Plan Policies should be complied with. Furthermore, Policies LSQ1 of the Local Plan and CS22 of the Core Strategy state that the scale, size, siting and design of the development as well as the external materials to be used, shall be considered in assessing whether the development is appropriate within the AONB.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

Buckinghamshire Parking Guidance September 2015

5.4 The site lies in Zone C as set out in the Bucks Parking Standards. The closest parking standard relating to pubs sets out that the existing pub requires 10 spaces, including 2 spaces for the existing first floor flat. If the shelter is regarded as additional floorspace, then it generates a requirement for 2 additional parking spaces to be provided, taking the total parking requirement to 12 spaces.

5.5 It is noted that there is a large storage container currently located within the car park, reducing car parking availability. It currently occupies around 3 spaces as shown on the latest drawing. So there are presently only around 8 usable parking spaces, resulting in a current shortfall (of 2 spaces from the lawful situation). As the parking plan shows the container to be removed, a condition is recommended to ensure that it is removed within one month and the scheme for parking and manoeuvring indicated is laid out and thereafter retained unobstructed for parking. That would improve the current situation and, whilst there would still be a resulting shortfall of 1 space, the Highways Officer does not consider this slight shortfall in parking provision to result in a 'severe' impact on the local road network. As Members will be aware, Paragraph 111 of the NPPF states that applications should only be refused if the highway impact is severe. No objections are therefore raised regarding parking provision.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Natural Beauty)

CS29 (Community)

Local Plan Saved Policies:

GC1 (Design of development)

GC4 (Landscaping)

5.6 Local Plan Policy GC1 refers to the design and appearance of the development and requires all proposals to be assessed with regard to the scale of development, height, siting and relationship with adjoining boundaries and highway, car parking, materials, form, detailing of building work in sensitive locations and design against crime.

5.7 The shelter is located to the north western side of the Public House. Given its location to the side, tucked behind another existing structure, it is not considered that the shelter is prominent in appearance or overly large in size and scale. As such, it is not considered to cause a detrimental impact upon the character of the area or upon the wider landscape of the Chilterns AONB.

Amenity of existing and future residents

Local Plan Saved Policies:

GC3 (Protection of amenities)

GC7 (Noise-generating developments)

- 5.8 Local Plan Policy GC3 seeks to protect amenities throughout the area. It states that in considering proposals for development, the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.
- 5.9 The Environmental Protection Officer (EPO) has commented that the shelter is situated in close proximity to dwellings. It must be noted however, that the pub is already close to these dwellings. In order to mitigate the potential additional harm to nearby residential amenity, the EPO has recommended that conditions are applied ensuring that the shelter is not used by customers after 21:00 each day and for details of any external lighting to be submitted. In respect to the enforceability of these conditions, they have been confirmed by the Planning Enforcement Team.
- 5.10 It is also noted that whilst the shelter is largely open sided, there is partial solid screening to the SW end closest to the neighbouring dwellings, although it is not the full height of the shelter. A solid screen on this end would mitigate the impact on the neighbouring properties, by reducing noise and disturbance and ensuring that the shelter was fully screened from the closest neighbouring garden. This can be secured by condition.
- 5.11 With the above in mind, no objections are raised regarding the impact on the amenity of neighbouring properties.

Community facilities

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS29 (Community)

Local Plan Saved Policies:

GB23 (Limited infilling including local community facilities in the Green Belt in the areas defined in Policies GB4 and GB5)

- 5.12 The above policies seek to ensure that community facilities, including public houses, remain open to serve their communities. The proposal would help enable the continued viability of the pub, so there is no conflict in this regard.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 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.
- 6.2 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 (such as CIL if applicable), and,
 - c. Any other material considerations

- 6.3 As set out above it is considered that the proposed development would accord with the development plan policies.
- 6.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

7.0 Working with the applicant / agent

- 7.1 The agent was updated regarding the likely recommendation and progress of the application and offered the opportunity to speak at the Planning Committee meeting.
- 7.2 In accordance with paragraph 38 of the NPPF (2021) the Council approaches decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.3 The Council works with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

8.0 Recommendation: Conditional Permission, subject to the following conditions:-

1. The container currently located within the car park shall be removed within one month from the date of this permission and the scheme for parking and manoeuvring shown on drawing number '2023/372/002 Rev A' (received 30th January 2023) shall also be laid out within one month of the date of this permission. The approved parking area shall thereafter be retained unobstructed other than for the parking of vehicles in association with the Public House.
Reason: To enable vehicles to draw off, park and turn clear of the highway in order to minimise danger, obstruction and inconvenience to users of the adjoining highway.
2. Within one month of the date of this permission, details of a solid screen to be erected to the south west end of the shelter shall be submitted to and approved in writing by the Local Planning Authority, along with a timetable for its installation. The screen shall be erected in accordance with the approved details and shall be retained in place thereafter.
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.
3. No customers shall be permitted to enter or remain in the shelter hereby permitted from 21:00 hours, to the time that the premises ceases to be open to the public each day.
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.
4. No lighting shall be fixed to the shelter hereby permitted unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall then only be installed in accordance with the approved details and shall not thereafter be altered without the prior express consent of the Local Planning Authority other than for routine maintenance which does not change its details.
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.

5. This permission relates to the details shown on the approved plans as listed below:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
30 Jan 2023	2023/372/001 Rev A
30 Jan 2023	2023/372/002 Rev A
30 Jan 2023	2023/372/003
30 Jan 2023	2023/372/004

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

APPENDIX A: Consultation Responses and Representations

Parish Council

Little Missenden Parish Council Object to the proposed structure on the basis that car parking spaces are lost which impacts on the local vicinity. There is also, currently, a large container in the carpark which takes up more of the parking spaces, reducing them even further. The structure also has the potential to encourage anti-social behaviour. LMPC request that terms of the alcohol licence be checked prior to any decision being made.

Third party representations

Two letters of objection have been received – main points summarised below:

- Object to presence of the large container and shelter.
- A large green container in car park has been replaced with a longer blue container.
- Container has been there for over two years; Highways department has stated that it appears to be a temporary feature; questions how long the new container will be there; new container should be taken into consideration.
- A new landlord has moved in.
- ‘Smoking shelter’ is now called an ‘outside terrace and benches with pergola covering’ for 40.

One letter of objection from Grace Baptist Charities Ltd – main points summarised below:

- The negative impact of reduced car parking spaces on the locality; 13 cars have not been able to fit on the site and the number of cars has been over-estimated; a large green container in the car park since 2019 which takes up at least two other parking spaces; car park reduced to 9 spaces; limited manoeuvrability due to shelter.
- The current use of the shelter; concern that shelter will continue to act as an extension to seating capacity rather than the smoking shelter proposed in this application; current licence does not provide the necessary allowances to have 30 seats outside; support comments do not fit with use as a smoking shelter; rodent problems; increased level of noise from customers using the area until the early hours of the morning; loud shouting, singing and foul/vulgar language.
- The proposed use of the shelter; if the structure is to be used as a smoking shelter, it is too close to GBCL’s properties on Brays Lane and therefore smoke will impact the Manse and Chapel; neighbouring property opens doors and windows during hot periods; smoke fumes dangerous to local residents; GBCL’s tenants and families should be free to enjoy their garden without breathing in smoke fumes; how will 9pm cut off be enforced; smoking shelter very large, other shelters are smaller.

Five letters of support have been received – main points summarised below:

- Shelter provides a valuable asset to our village pub; use by children and families; a daytime al fresco dining area; offering an outside alternative to sitting on benches on the common.
- Sn; particularly for those who still feel uncomfortable going into busy pubs.
- Shelter is discrete and well within the public house confines; unobstructive; planted up with hanging baskets and climbers.
- Anything to assist the business during difficult trading conditions is essential for pub’s viability.

- Smoking shelter away from front door.
- No problem with open spaces being used.

Consultation – Highways Officer:

Hyde Heath Road is a C-classified road subject to a speed restriction of 30mph in this location. This application seeks retrospective permission for a single storey, open sided detached shelter to the side of the public house.

In terms of parking, the site is located in Residential Zone C and Non-Residential Zone 2 as set out in the Buckinghamshire Countywide Parking Guidance (BCPG) policy document. As confirmed with the Case Officer, the pub, which has food provision, now comes under a Sui Generis use and therefore does not have a specific parking requirement within the standards. As such, for the purposes of this assessment, I consider the closest parameter within the BCPG to be Use Class A3 (Public House and Restaurant), which requires 1(no) space to be provided per 12sqm of floorspace.

Mindful of the above, I consider the existing total ground floor seating area of the Public House to calculate approximately 88sqm. In addition, when assessing the plans, the floor area of the proposed shelter measures approximately 27sqm. This brings the total floor space to approximately 115sqm and as such, generates a parking requirement of 10(no) parking spaces. However, the site also comprises of a dwelling on the first floor which generates a parking requirement of 2(no) spaces. Therefore, in total, the site requires 12(no) parking spaces.

In regard to the site's existing parking arrangement, the plans demonstrate a provision of 11(no) off-street parking spaces. However I note, using online tools, there appears to be a large container at the rear of the parking area which reduces parking. As this appears to be a temporary feature, I will recommend a condition to ensure that the parking indicated on the plans are laid out prior to the initial occupation of the development.

Nonetheless, the development ultimately leads to the displacement of 1(no) parking space onto the public highway. Whilst this is the case, displacement would occur outside of the main network peaks and would not coincide with residential peaks either. In addition, there is the possibility that the dwelling on the first floor is ancillary to the Public House and used by staff members, which would subsequently reduce the site's parking requirement. With this in mind I do not consider the slight shortfall in parking provision to result in a 'severe' impact on the local road network within the context of Paragraph 111 of the NPPF, nor could this be justified as a reason for refusal of the application in this instance.

Mindful of the above, I do not have any objections to the proposed application subject to a condition.

Consultation – Environmental Protection Officer:

The shelter is situated in close proximity to dwellings and has been cited in a number of complaints concerning noise and artificial lighting over the past few years. In order to mitigate the potential harm to nearby residential amenity I suggest the use of the following conditions should the local planning authority be minded to grant permission (summarised):

1. Shelter not used after 9pm;
2. Details of any lighting to be approved.

APPENDIX B: Site Location Plan

65.5m



Do not scale – this map is indicative only

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Report to East Area Planning Committee

Application Number:	PL/23/0472/FA
Proposal:	Change of use of land from agricultural to a mixed use of agricultural and equine purposes, erection of stable building, 2 storage buildings, secure chicken shed (wintering) together with areas of hardsurfacing (part-retrospective).
Site location:	Land adjacent to Timberley Lane Chesham Lane Kings Ash
Applicant:	Mr and Mrs P Dolling
Case Officer:	Melanie Beech
Ward affected:	Chiltern Ridges
Parish-Town Council:	The Lee
Valid date:	16 February 2023
Determination date:	16 November 2023
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application site is located to the north of Timberley Lane in Kings Ash. It is situated in the Green Belt and Chilterns Area of Outstanding Natural Beauty (AONB).
- 1.2 The application seeks retrospective planning permission for the change of use of land from agriculture to a mixed use of agriculture and equestrian. Retrospective planning permission is also sought for a stable building, hay store and two further buildings which are used as a chicken shed and chicken feed store.
- 1.3 This application follows a previous planning application on the site in 2015 which was refused due to the impact on the Green Belt and AONB. An enforcement notice was subsequently served but not fully complied with. The current application has reduced the amount of development in comparison to the previous scheme and seeks to regularise the change of use of the land and the 4 buildings shown on the submitted plans.
- 1.4 Since the application was refused in 2015 and the enforcement notice was served in 2017, there have been material changes in planning policy and in the site circumstances. These are set out in the report and result in the application now being recommended for approval, subject to conditions.

- 1.5 Councillor McBean has called the application to Committee if the recommendation is to approve.

2.0 Description of Proposed Development

- 2.1 The application site is located to the north of Timberley Lane which is accessed from Chesham Lane in Kings Ash. It is within the Green Belt and Chilterns Area of Outstanding Natural Beauty (AONB). The existing site consists of a stable building with an area of hardstanding to the front, hay store, chicken feed store and secure chicken shed. There are also some small sheds/shelters within the site and it is noted that the site was visually untidy at the time of the officer site visit (18th May 2023).
- 2.2 The application seeks planning permission for the change of use of land from agriculture to a mixed use of agriculture and equine purposes. It seeks to regularise the stables and hardstanding, hay store, chicken feed store and chicken shed, which have been erected without the benefit of planning permission.
- 2.3 The stables measure a maximum of 29m wide x 14.5m deep with a ridge height of 3m. It includes 7 stables, store room, tack room and feed store. This is shown as building 1 on the submitted plans. Building 2 is a hay store, measuring 5m x 5m with a maximum height of 4m. Building 3 is a chicken feed store measuring a maximum of 5m wide x 3.7m deep and maximum ridge height of 2.2m. Building 4 is a chicken shed measuring 6.3m wide x 3m deep, with a ridge height of 2.3m. All the buildings are timber with felt roof.
- 2.4 The application is accompanied by:
 - a) Application form and plans
 - b) Covering letter dated 23rd September 2022
 - c) Statement of Agricultural Need
 - d) Statement of Equestrian Need
 - e) Ecology and Trees checklist
 - f) Drainage Statement confirming that no changes are proposed to the existing surface water drainage on the site.

3.0 Relevant Planning History

- 3.1 CH/2015/0696/FA - Change of use of land from agricultural to equestrian, erection of stable block comprising 8 loose boxes, tack room and store, hay barn, three field shelters and manege (retrospective) – Refused 25th August 2015.
- 3.2 Enforcement Notice served 30th October 2017 for “without planning permission, the material change of use of the Land from agriculture (sui generis) to equestrian (sui generis), the erection of a stable block, a hay barn and two field shelters, the construction of an associated concrete hardstanding and the formation of an associated hardcore hardstanding”.

Appeal made against the Enforcement Notice 13th June 2018 – Dismissed 12th November 2018.

4.0 Summary of Representations

- 4.1 At the time of drafting this report, no representations have been made on the application.
- 4.2 The Lee Parish Council object to the application on the following grounds:
 - The current use by the applicant is unlawful and in breach of planning controls and the proposed use simply seeks to regularise that position;

- The proposed development is in the Parish Council’s view excessive in terms of its size, which the Parish Council feels is incompatible with the facilities necessary to support discrete, non-intrusive, unobtrusive private stabling for domestic recreation, which in any case would be inappropriate development of agricultural land in the AONB and Green Belt in this location.
 - The proposed development fails to satisfy any of the specific tests for development proposed in the AONB, the legitimacy of which were recently confirmed in Appeal Decision referenced APP/X0415/W/20/3261555 in connection with Land Adjacent to Cholesbury Lane, Cholesbury HP23 6ND dated 7 February 2023.
- 4.3 Consultation responses have been received from the Highway Authority, Archaeology Officer, Building Control, Waste Development Team, and Sustainable Drainage Team.
- 4.4 These comments are set out in full in Appendix A of this report.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), September 2023.
- National Design Guide, January 2021
- Core Strategy for Chiltern District - Adopted November 2011
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Chilterns Building Design Guide, February 2010
- Chilterns AONB Management Plan 2019 – 2024
- Buckinghamshire Landscape Character Assessment, 2011
- Buckinghamshire Countywide Parking Guidance September 2015
- Biodiversity Net Gain Supplementary Planning Document.

Principle and Location of Development

Core Strategy Policies:

CS1 (The spatial strategy),

Local Plan Saved Policies:

GB2 (Development in general in the Green Belt)

- 5.1 The application site is within the Green Belt where, in accordance with Section 13 of the National Planning Policy Framework (NPPF), most development is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 5.2 The planning history of the site is a material planning consideration in the assessment of the current application. In April 2015, a retrospective planning application was made for the “change of use of land from agricultural to equestrian, erection of stable block comprising 8 loose boxes, tack room and store, hay barn, three field shelters and manege”. This was refused on 25th August 2015 for two reasons. The first reason was as follows:

“The application site is located in the open Green Belt wherein most development is inappropriate and there is a general presumption against such development for which planning permission will be refused. The change of use of the land from agriculture to equestrian does not fall into any of the categories of development listed in paragraph 90 of the National Planning Policy Framework (NPPF) as an exception to this provision. As such, the development constitutes inappropriate

development which is, by definition, harmful to the Green Belt. Furthermore, the use for equestrian purposes has involved the construction of a sizable stable block, a hay barn, and several field shelters and the proposed construction of a large area of hardstanding, a manege and a further field shelter which combined create a substantial built form which does not maintain the openness of the Green Belt and physically encroaches into an open area thereby conflicting with one of the purposes of including land in the Green Belt as set out in the NPPF. As such the proposal represents inappropriate development and results in loss of openness and physical encroachment into the Green Belt. There are no very special circumstances sufficient to outweigh the harm arising from the inappropriateness of the scheme and the other harm identified. The proposal is therefore contrary to the provisions of the NPPF and Policy GB2 of the Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.”

Given that the application was retrospective, an enforcement notice was subsequently served on 17th October 2017 requiring the applicant to cease the unauthorised use of the land, demolish the stables and 3 other buildings, and remove the hardstanding and resulting debris from the land.

- 5.3 The applicant appealed the enforcement notice on ground (c) and ground (f). Ground (c) relates to whether or not the matters alleged constitute a breach of planning control. The applicant considered that the field shelters were not buildings and therefore did not require planning permission. The Inspector concluded that they were buildings and therefore dismissed the ground (c) appeal. Ground (f) relates to whether the steps required by the enforcement notice are excessive. The Inspector concluded that the steps were not excessive and therefore dismissed the ground (f) appeal. It is important to note that as the appeal was only made on these grounds, the Inspector did not carry out an assessment of any of the planning merits of the development.
- 5.4 Since the previous application was refused (in August 2015) there have been some significant material changes in planning policy and in the site circumstances. Firstly, the NPPF has been amended and paragraph 150 lists forms of development that are not inappropriate in the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This list now includes “material changes in the use of land (such as changes of use for outdoor sport or recreation).”
- 5.5 Furthermore, paragraph 149 (b) states that the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, is not inappropriate as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 5.6 With regard to the site circumstances, the stable building has been reduced in size, removing a large section from the right hand side measuring 12.8m x 3.8m. The application now applies for the stables, hay barn, and 2 additional buildings rather than 3. As such, the amount of development being considered has notably reduced.
- 5.7 It is acknowledged that the development is currently unauthorised and therefore the lawful use of the land is agricultural. It is recognised that the buildings do have some impact on openness. However, as the NPPF lists the change of use of land and provision of appropriate facilities for outdoor sport and recreation as not inappropriate, it must be accepted that some form of development should be allowed. The NPPF refers to the test as being “preserves openness”, which is not the same as having no impact on

openness. Indeed, the Council has permitted a number of other applications for stables and small outbuildings on Green Belt land where they have had an acceptable impact on openness, i.e. preserving it.

- 5.8 This issue was recently dealt with by an Appeal Inspector at another site in Bucks, under appeal reference APP/N0410/C/22/3309945. He stated that:

“In terms of preserving openness and avoiding conflict with Green Belt purposes there was some debate as to how paragraph 149 and 150 [of the NPPF] should be properly interpreted. In my consideration the overriding intention of these paragraphs is primarily to allow for the provision of qualifying buildings and uses, as listed therein. With the above in mind I accept that, in the case of buildings for example, any new building, even of a small size, is likely to result in some degree of reduction in openness (spatially if not visually). However, it cannot be that the qualifying requirements to preserve openness and for there to be no conflict with Green Belt purposes then acts to exclude all listed exceptions. If that were the case paragraphs 149 and 150 would be otiose. I am reinforced in this view by paragraph 145 which states that local planning authorities should plan positively to enhance the beneficial use of Green Belts such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation. Consequently, therefore, I consider that for the purposes of paragraphs 149 and 150 a balanced judgement needs to be made with regard to the openness and purposes of the Green Belt having regard to all of the particular facts and circumstances of each individual case.”

- 5.9 In this case, the stable is the largest of the buildings on the site and has the greatest impact on openness. An assessment must therefore be made as to whether or not this impact is acceptable. The stable includes space for 7 horses and the British Horse Society recommends 1 – 1.5 acres per horse. As this site is 8.55 acres, it is not considered that the stable is excessive, as the land would support 7 horses. It is then not unreasonable to provide a feed and tack room within the stables. The siting of the stables adjacent to the field edge means that it does not unnecessarily encroach into the open field.
- 5.10 The other buildings are considered to be of a small scale and rural in character, which are not intrusive features in the Green Belt. It is noted that there are a number of other small buildings on the site which are not shown on the plans and not included within the description of development. Although these are small scale, the Council would not wish to see a proliferation of buildings across the site. Therefore, if planning permission is granted, it is recommended that a condition be included that requires the applicant to remove the unauthorised buildings within an agreed timescale.
- 5.11 In conclusion to this section, the starting point for the assessment of this application is different to what it was in 2015. The change of use of land, and the provision of appropriate facilities for outdoor sport and recreation are not inappropriate development. The buildings are considered to preserve openness and the scale of development is not excessive given the size of the site. The largest of the buildings (the stables) is also sited such that the impact is minimised. Therefore, it is considered that the development complies with Policy GB2 of the Local Plan and Section 13 of the NPPF.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of development)

GC4 (Landscaping)

LSQ1 (Chilterns Area of Outstanding Natural Beauty as defined on the Proposals Map)

5.12 The site is within the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policy CS22 of the Core Strategy for Chiltern District states that all proposals must conserve and enhance the special landscape character, heritage and distinctiveness of the AONB, and safeguard views into and out of the area. Policy LSQ1 of the Local Plan sets out that within the AONB, the primary objective is to conserve and enhance the natural beauty of the landscape.

5.13 The second reason for refusal on the previous application was as follows:

“The surrounding landscape is characterised by largely open agricultural fields separated by hedgerows to the south and large expanses of woodland to the north and east. The built development is concentrated in the southern end of the application site but given the proximity of public footpaths and bridleways to the west/north-west and the south, views of the site are readily available to the public at large with the cumulative impact of the stable block, hay store and field shelters dominating and intruding into this otherwise open landscape which is largely free of built development. As such, by reason of their siting, scale and design, the existing built development comprising the stable block, hay store and field shelters, and the proposed area of hardstanding, manege and additional field shelter, appear as a visually intrusive feature in this rural landscape and fail to relate to or conserve the natural beauty of the Chilterns Area of Outstanding Natural Beauty, which is a protected landscape of national importance. The development is therefore contrary to provisions of the NPPF and Policies GC1, GB2 LSQ1 and R13 of the Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and Policy CS22 of the Core Strategy for Chiltern District - Adopted November 2011.”

5.14 As stated above, the amount of development now being considered has been notably reduced. The stable building has been reduced in size, and the number of additional buildings has also been reduced. Given the small scale of the buildings and their rural appearance, the development is now considered to have an acceptable impact on the character of the area and special landscape quality of the AONB, subject to a condition requiring the removal of the unauthorised buildings, waste and debris on the site.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

5.15 The site is accessed via Timberley Lane which is a single track, unmade private road, designated as a public bridleway. Approximately 60m west of the site, Timberley Lane meets with Chesham Lane which has a 40mph speed limit in the vicinity of the junction.

The Highway Authority has confirmed that adequate visibility splays can be achieved at this junction in both directions.

- 5.16 The development is for personal use only and is not intended for commercial or public use. As such, it is unlikely that the development would materially increase the number of vehicular movements to and from the site, in comparison to the lawful use of the site for agriculture. Indeed this is the approach taken by Appeal Inspectors in relation to this issue. A condition can be attached to any permission granted, to ensure that the stables are for personal use only, and not part of any commercial enterprise such as a livery or riding school, which would increase traffic. Therefore no objections are raised in this regard, subject to a condition restricting the use of the development to personal use.
- 5.17 With regard to parking, the application form states that 4 spaces are provided. This is not an excessive number in relation to the number of stables provided but is considered sufficient to cater for the personal use of the site. It is not considered necessary to formalise these spaces as this would have an urbanising effect on the rural character of the area.
- 5.18 The comments from the Parish Council in relation to ownership and rights of access are noted. However, these are not material planning considerations and if planning permission is granted, it would be up to the applicant to ensure that they have the necessary rights of access to the land.

Amenity of existing and future residents

Local Plan Saved Policies:

GC3 (Protection of amenities)

- 5.19 Local Plan Policy GC3 refers to the protection of amenities. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.
- 5.20 The site is located over 100m away from any other residential properties and as such it is not considered that the development would harm the amenities of existing adjoining and neighbouring properties, particularly as the development is for personal use only. It is noted that no comments have been received on the application from neighbouring properties.

Flooding and drainage

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding)

- 5.21 The application site is located within Flood Zone 1 which has the lowest risk of flooding. It is not within any areas of critical drainage and given that the area of hardstanding has been kept to a minimum around the stables, and would allow for natural drainage to the surrounding land, it is not considered that there is a significant risk of increased flooding.

Archaeology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policies:

AS1 (Scheduled Monuments and other nationally important unscheduled archaeological remains)

AS2 (Other unscheduled archaeological remains throughout the district)

5.22 The Historic Environment Record (HER) records that Grim's Ditch, the possible Iron Age linear earthwork, runs through the application site. However, as the development works are unlikely to significantly impact on Grim's Ditch, and in consultation with the Council's Archaeology Officer, no objections are raised in this regard.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests)

5.23 Paragraph 120a of the NPPF states that developments should take opportunities to achieve net environmental gains such as enabling new habitat creations. Paragraph 174d requires that planning decisions should minimise impacts on, and provide net gains for biodiversity, and paragraph 180d states that opportunities to improve biodiversity should be integrated into developments.

5.24 This is consistent with Policy CS24 of The Core Strategy which states that the Council will aim to conserve and enhance biodiversity, and the Council's Biodiversity Net Gain SPD which requires development to result in a net gain in biodiversity. Whilst it is noted that the Government has recently rolled back the mandatory 10% net gain in biodiversity to 2024, the local policies still encourage biodiversity enhancements.

5.25 For a development of this type and scale, there is no requirement for the applicant to provide any ecological surveys. However, based on the above planning policies, it is recommended that if planning permission is granted, a condition is included to require a scheme of ecological enhancements to be submitted, approved and implemented. This could include bat and bird boxes.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 It is acknowledged that at the time of drafting the report, the site contains a number of sporadic buildings and that the land has an untidy appearance. However, the application is simply applying to regularise the change of use of land, the stable block, hay barn and two other small shelters. The development is considered to preserve openness and therefore is not inappropriate development in the Green Belt, based on the exceptions set out in paragraphs 149 and 150 of the NPPF.

6.2 Furthermore, the buildings have a rural appearance which does not detract from the rural character of the area or special landscape quality of the AONB.

6.3 In addition, no objections are raised with regard to highway matters, neighbour amenity, flooding or ecology.

6.4 As such, the development is considered to comply with the relevant Development Plan policies and is recommended for approval, subject to conditions.

6.5 In line with the Public Sector Equality Duty the Local Planning Authority must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard

has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). It is not considered that discrimination or inequality would arise from the proposal.

7.0 Working with the applicant / agent

- 7.1 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.
- 7.2 The 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.

8.0 Recommendation: Conditional Permission, Subject to the following conditions:

1. Within 3 months of the date of this decision, details of biodiversity features (such as bat boxes and bird boxes), shall be submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall be installed within 3 months of the date of approval.
Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity and to safeguard species of conservation concern.
2. The buildings hereby approved shall solely be used for the stabling of horses and keeping of chickens, and storage in connection with the use of the land for agricultural and equestrian purposes. At no time shall the buildings or land be used for commercial purposes.
Reason: For the avoidance of doubt as to what is permitted and to prevent the undesirable establishment of a commercial riding establishment, with its attendant problems of traffic generation and car parking and the resultant negative impact that would occur to the open rural character of the area and openness of the Green Belt.
3. Within 3 months of the date of this decision, all unauthorised buildings not shown on the approved plans shall be demolished/dismantled, and all resultant material and debris removed from the land.
Reason: To prevent the proliferation of unauthorised buildings and untidy land which are to the detriment of the openness of the Green Belt, rural character of the area, and special landscape quality of the Chilterns Area of Outstanding Natural Beauty.
4. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed below unless the Local Planning Authority otherwise first agrees in writing.

<u>Received</u>	<u>Plan Reference</u>
10 Feb 2023	P100
10 Feb 2023	P101
10 Feb 2023	P102

10 Feb 2023 P103
10 Feb 2023 P104
10 Feb 2023 P105
10 Feb 2023 P106
10 Feb 2023 P107
10 Feb 2023 P108

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Jane McBean comments received 22 February 2023:

“Please note that I would like this application called in to committee for discussion if the officer is minded to approve it.”

Parish/Town Council Comments

The Lee Parish Council comments received 14th March 2023:

“The Lee Parish Council [TLPC] notes that this application proposes a significant change of use, from agriculture to one that is for purely private recreational equestrian purposes.

Firstly, it proposes development that clearly constitutes a significant intrusion into the Chilterns Area of Outstanding Natural Beauty [AONB] and the Green Belt [GB].

Secondly, this application falls to be considered in circumstances where extensive development has been, and continues to be, carried out in breach of planning controls and in contravention of planning policies, constraints and guidelines.

At first instance therefore, this application should be considered as one proposing a change of use and development of 8.55 acres of open, unobstructed agricultural grazing land which, prior to unlawful development, was extensively and regularly used for that purpose. Any current, unlawful use and development for non-agricultural purposes, should be disregarded in the context of any claims by the applicant relating to established use, or other ‘benefits’, by virtue of development classed or referred to ‘existing’.

TLPC submits that this application should be refused as inappropriate in the AONB and GB, notwithstanding the alleged relevance of the recent ‘material changes in planning policy’. Indeed, in TLPC’s submission, it is arguable whether the ‘material changes’ referred to in the Planning Statement fall to be applied in an AONB at all.

Reasons for objection:

- The current use by the applicant is unlawful and in breach of planning controls and the proposed use simply seeks to regularise that position;
 - The proposed development is in TLPC’s view excessive in terms of its size, which the Parish Council feels is incompatible with the facilities necessary to support discrete, non-intrusive, unobtrusive private stabling for domestic recreation, which in any case would be inappropriate development of agricultural land in the AONB and Green Belt in this location.
 - The proposed development fails to satisfy any of the specific tests for development proposed in the AONB, the legitimacy of which were recently confirmed in Appeal Decisions referenced APP/X0415/W/20/3261555 in connection with Land Adjacent to Cholesbury Lane, Cholesbury HP23 6ND dated 7 February 2023, which inter alia are:
1. Whether the development adversely affects the openness and permanence of the Green Belt and the purposes of including land within it.
Having regard to its lawful use as open grassland pasture bordered by protected Beechwoods to the north and west, Public Right of Way and a deep rural country lane to the south and a

classified bridleway to the east, it must be clear that the introduction of any development of the site, even one permitted for purely agricultural purposes, will inevitably adversely affect its openness and permanence and be contrary to the intention of including it in the Green Belt.

2. Whether the development conserves and enhances the landscape and scenic beauty of the Chiltern Area of Outstanding Natural Beauty.

The present unlawful uses to which the applicant has already put the site, including areas of hardstanding, unsightly, dilapidated and semi-derelict buildings, scrap metal, poultry pens, old machinery and vehicles (including for an extended recent period a steel narrow boat hull) amply demonstrate seriously adverse effects upon the landscape and scenic beauty. Neither the existing development nor that proposed could be considered likely to conserve or enhance the landscape.

3. Whether the development affects ecology and biodiversity in the area.

Given that the entire application site should lawfully be open, agricultural grassland extending to 8.55 acres, the applicant proposes to replace this with approximately 3.5 acres (just over 40%) of it with buildings, stable and equine related hardstanding, vehicle hard surfaced access and parking.

TLPC contests any assertion that the current unlawful or proposed uses do not or would not adversely affect the ecology and biodiversity of the site.

4. Whether the development is in a suitable location in terms of its location in respect of adjacent settlements.

It is submitted that vehicular access to the application site by the applicant may be either unsuitable, or unlawful or both. Timberley Lane is a classified bridleway. It is not a by-road and thus general use by motor vehicles, save by permission of the landowner over whose land the relevant bridleway passes, is not permitted.

There is no evidence that the applicant owns Timberley Lane or has either appropriate permissions or rights of way for vehicles, yet the application seeks consent for parking numerous vehicles on the site. These vehicles will presumably comprise a mix of light and heavy vehicles causing attendant damage to a non-metalled bridleway. TLPC notes that the number of parking spaces proposed appears to be inconsistent with the stated maximum of four daily vehicle movements.

The east end of Timberley Lane exits onto a dangerous bend in Rocky Lane where vehicle speeds of up to 40mph are permitted and are commonly exceeded, sight lines for oncoming traffic are also restricted.

No surface, foul or wastewater disposal plan or scheme is submitted with the application, nor so far as TLPC is aware has any provision or plan been submitted for the storage or disposal of stable manure. TLPC reminds the planning authority that both Timberley and particularly Rocky Lanes both suffer from severe flooding and erosion during heavy rainfall. There is already a problem with flooding in the hamlets of Swan Bottom and Lee Gate downstream of the application site.

The application site itself has a geology that will not support rainwater disposal by soakaway, nor is any facility proposed for the storage or disposal of such water or equine urine.

TLPC therefore, by reference to the above constraints, submits that the location is unsuitable for the proposed development, or any other similar development.

5. Whether the proposed development will adversely affect the Chiltern Beechwoods Special Areas of Conservation [CSAC].

TLPC submits that the CSAC falls to be viewed in the context of its natural environment, surrounded predominantly by rolling grass and arable fields that remain undeveloped and protected by legislation. Other developments locally are already having severe adverse effects on the ability of local Green Belt and AONB woodland and pastures to absorb rainfall and slow local soil and roadside erosion within The Lee Parish. The current proposal will introduce more non-absorbent hard and compacted surfaces, together with roofs and hardstandings that will inevitably create more concentrations of rainwater flowing along Timberley Lane, Rocky Lane and into Swan Bottom.

The existing unlawful development of the application site is evidence of the environmental problems caused by inappropriate development of agricultural land.

6. Whether there are other considerations weighing in favour of the proposed development.
TLPC submits there to be no special circumstances weighing in favour of the proposed development and that therefore planning permission should be refused.”

Consultation Responses

Highway Authority:

“This application seeks planning consent to change the use of the land from agricultural to a mixed equestrian/equine use. I note that this application follows CH/2015/0696/FA, which, in a response dated the 22nd June 2015, the Highway Authority had no objections to. This current application does not materially differ from that of the previous application in highway terms.

The site is accessed via Timberley Lane which is a single track, unmade private road, which is also designated as a public bridleway. Approximately 60m west of the site, Timberley Lane meets with Chesham Lane which is subject to a 40mph speed limit in the vicinity of this junction. I can confirm that adequate visibility splays can be achieved at this junction in both directions.

I understand that the proposed development is for personal use only, and is not proposed as a commercial operation. Provided this can be secured by an appropriately worded condition the Highway Authority would not raise an objection to the proposed development. Without this condition, more information would need to be submitted by the applicant to address the potential highway implications of the development if there was the scope for it to operate commercially. The Highway Authority is unable to assess the impact of a commercial operation from the information currently submitted, and is therefore unable to conclude that the proposal would not be detrimental to highway safety and convenience.

Mindful of the above, I have no objection to the proposed development in highway terms, subject to the development being restricted by condition so it cannot operate commercially.”

Building Control:

“I have no objections or further comments to make”.

Waste Development Team:

“We in waste consider this as commercial consultation and therefore we currently do not consult on commercial developments. We provide consultation for domestic residential settings only. We have to advise to source waste services from a private contractor.”

SUDS Team:

“Thank you for the consultation on the above proposal, which we received on 20.02.2023. Having reviewed the information submitted to accompany this application, Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has no comments on this planning application due to the type of the development.”

Archaeology Officer:

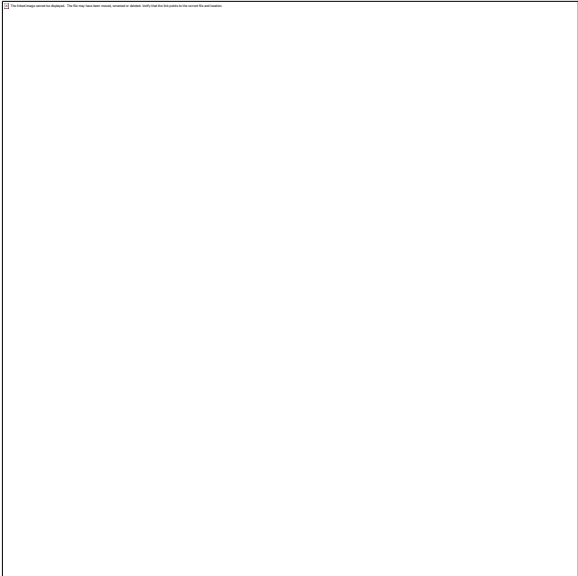
“Thank you for consulting the Buckinghamshire Council Archaeological Service on the above proposal. We maintain the local Historic Environment Record (HER) and provide expert advice on archaeology and related matters. The HER records that Grim’s Ditch, the possible Iron Age linear earthwork between Timberley Lane and Mercer’s Wood, which has been recorded in topographic and geophysical survey, runs through the application area. This monument is Scheduled to the north of the application area.

As the proposed works are not likely to significantly impact the Grim’s Ditch monument we have no objection to this application. However, if further development is proposed it may require archaeological evaluation and mitigation.”

Representations

At the time of drafting the report, no representations have been made on the application.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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