



South Buckinghamshire Area Planning Committee agenda

Date: Tuesday 16 February 2021

Time: 2.30 pm

Venue: Via Microsoft Teams

Membership:

D Anthony, M Bradford, S Chhokar, T Egleton, B Gibbs, P Griffin, G Hollis, M Lewis, Dr W Matthews and R Reed

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Agenda Item	Page No
1 Apologies for Absence	
2 Declarations of Interest	
3 Minutes	3 - 4
To note the minutes of the meeting held on 22 December 2020.	

Applications to be Determined

- | | | |
|----------|--|----------------|
| 4 | PL/19/1951/FA - 13 Wooburn Green Lane, Holtspur, Beaconsfield, Buckinghamshire, HP9 1XE | 5 - 16 |
| 5 | PL/20/3519/FA - Challen's Chick Farm, Marsh Lane, Taplow, Buckinghamshire, SL6 0DE | 17 - 42 |
| 6 | Time and date of the next meeting
Tuesday 16 March 2021, 2.30pm | |

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For further information please contact: Iram Malik on 01494 732009, email democracy@buckinghamshire.gov.uk.



Agenda Item 3
Buckinghamshire Council
South Buckinghamshire Area
Planning Committee

Minutes

MINUTES OF THE MEETING OF THE SOUTH BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON TUESDAY 22 DECEMBER 2020 VIA MICROSOFT TEAMS, COMMENCING AT 2.30 PM AND CONCLUDING AT 3.53 PM

MEMBERS PRESENT

T Egleton (Chairman), D Anthony, M Bradford, S Chhokar, B Gibbs, P Griffin, G Hollis, M Lewis, Dr W Matthews and R Reed

Agenda Item

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

The minutes of the meeting held on 27 October 2020 were agreed as an accurate record.

4 PL/20/1718/DE - DEFENCE SCHOOL OF LANGUAGES, WILTON PARK, GORELL ROAD, BEACONSFIELD, BUCKINGHAMSHIRE, HP9 2RP

Proposal: Reserved matters approval pursuant to planning permission Ref 17/01763/OUT for Phases 1 and 2, comprising 147 dwellings, open space, landscaping, access within the site and car parking (matters of access within the site, appearance, landscaping, layout and scale to be considered).

Notes

- The Case Officer advised the committee that one further consultation response had been received. This was from the Council's Access Officer and did not raise any further issues not already included in the report. These are noted under section 5.103 on page 32 of the report.
- Speaking as the local ward member: Councillor Anita Cranmer
- Speaking on behalf of the Town Council: Councillor Alex Dunlop
- Speaking on behalf of the objectors: Mr Michael Lischer
- Speaking as the agent and applicant: Mr Ian Gillespie & Mr Mark Gilpin

It was proposed by Councillor W Matthews, seconded by Councillor G Hollis and RESOLVED:

That the application be deferred and delegated to the Director of Planning and Environment to approve reserved matters subject to the conditions set out in the report and the satisfactory completion of a Legal Agreement to secure a SAMMs payment for the Burnham Beeches Special Area of Conservation or to refuse if a satisfactory Legal Agreement cannot be completed for the appropriate reasons relating to the impacts on Burnham Beeches Special Area of Conservation.



Report to South Area Planning Committee

Application Number:	PL/19/1951/FA
Proposal:	Single storey front/rear extensions, two storey side extension (retrospective)
Site Location:	13 Wooburn Green Lane, Holtspur, Beaconsfield, Buckinghamshire, HP9 1XE
Applicant:	Mr Peter Trice
Case Officer:	Kirstie Elliot
Ward(s) affected:	Beaconsfield
Parish-Town Council:	Beaconsfield Town Council
Date valid application received:	6 June 2019
Statutory determination date:	29 January 2021
Recommendation	Conditional Permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Permission is sought retrospectively for existing development comprising a two storey side extension and single storey front and rear extensions.
- 1.2 The dwelling is located within the Green Belt. The proposed extensions are of a size and scale that would not amount to a disproportionate addition and would therefore comply with Policies GB1 and GB10 and the provisions of the NPPF. The proposal would also not result in any harm to the character of the area or the amenities of any neighbouring properties.
- 1.3 The application has been referred to Planning Committee following discussion between Officers and the Chairman. In the interest of the wider public it is considered that the application would benefit from further public scrutiny.
- 1.4 It is recommended that conditional permission be granted for the development.

2.0 Description of Proposed Development

- 2.1 This is a retrospective application for development that has already been built comprising a two storey side extension and single storey front and rear extensions. When first submitted, the application also proposed the construction of two linked

dormers in the rear roof slope to facilitate accommodation in the roof space as extended. However, this proposed element has been removed from the application and it is now purely retrospective. The application was re-advertised to publicise the amendments made.

- 2.2 The extensions have been constructed in materials similar in appearance to the main dwelling (external red brick walls, clay tiles to two storey roof, corrugated clay tiles to single storey roofs). The two storey extension is 2.5 metres wide and 6.9 metres in depth (to match existing dwelling) and is built equal to the ridge of the main dwelling. The rear extension is 4 metres deep and 9.7 metres in width and has maximum height of 3.2 metres (falling to 2.7 metres at the western end). The front extension extends 2.2 metres beyond the front elevation and is 5.8 metres in width.
- 2.3 The application premises is a semi-detached single dwellinghouse located on the west side of Wooburn Green Lane and comprises one of six similar properties. The property was built with permission dating from the 1940s (ref: BE/124/46). The property is located in the open Green Belt. Until development was undertaken, the property also benefitted from a detached single storey garage (to its north side) which was located within 5 metres of the dwelling. It has been previously accepted that the garage was constructed prior to 1948 and therefore falls to be calculated in the existing floor area of the dwelling.

3.0 Relevant Planning History

- 3.1 Relevant planning history for the site:

12/00911/FUL – Conditional permission granted 19 July 2012 - Single storey front/rear extensions, two storey side extension and conversion of loft to habitable accommodation incorporating rear dormer window (not implemented)

PL/20/1676/FA - Single storey front/rear extensions, two storey side extension and conversion of loft to habitable accommodation incorporating hip to gable extension (Retrospective) Undetermined and subject of non-determination appeal reference: APP/N0410/W/20/3257343

PL/20/1980/FA - Single storey front/rear extensions, two storey side extension and conversion of loft to habitable accommodation incorporating hip to gable extension and rear dormers in rear roof slope (Part -Retrospective) Undetermined and subject of non-determination appeal reference: APP/N0410/W/20/3258071

4.0 Summary of Representations

- 4.1 14 letters of objection have been received (prior to the removal of the dormer window element), the contents of which are summarised below:

- Application is inconsistent with the Council's green belt rules, specifically the 50% rule;
- Erosion of green belt;

- Overbearing;
- Loss of light;
- Loss of privacy;
- Detrimental impact on landscape;
- Development is too big;
- Plans are different from what has been built;
- Works undertaken without planning permission in place

4.2 One letter of representation was received following the amendments to the scheme, the content of which is summarised below:

- Planning application 12/00911/FUL contained calculation errors and should not be a material consideration;
 - Query no.13 having an original double garage;
 - On site measurements should be made;
 - Query dimensions used for the garage
- (also attached calculation sheet and letter with photos)

5.0 Policy Considerations and Evaluation

National Planning Policy Framework (NPPF), February 2019.

Planning Practice Guidance

National Design Guidance, October 2019

South Bucks Core Strategy Development Plan Document - Adopted February 2011

South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;

South Bucks District Local Plan Appendix 6 (Parking standards)

South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008

Chiltern and South Bucks Townscape Character Study 2017

Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

Principle and Location of Development

Local Plan Saved Policies:

GB1 (Green Belt boundaries and the control over development in the Green

GB10 (Extensions to dwellings in the Green Belt)

H11 (Alterations and Extensions to Dwellings)

5.1 The site is located in the Metropolitan Green Belt wherein extensions to dwellings will only be permitted subject to compliance with Policy GB10.

5.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF was published in February 2019 (after the Local Plan) and is a material consideration. The weight attributed to the Local Plan policies will be dependent on their degree of consistency with the NPPF.

- 5.3 Most development in the Green Belt is inappropriate save for a closed list of exceptions as provided at paragraphs 145 and 146 of the NPPF. The exception at paragraph 145(c) is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy GB1 is broadly consistent with the NPPF in this respect and at subsection (e) provides that limited extensions should accord with Policy GB10.
- 5.4 The guidance for Policy GB10 states that '(e)xtensions, which together with all previous extensions, are not of a small scale in relation to the original dwelling will be considered unacceptable in the Green Belt. In this connection, extensions or alterations which would result in the original dwelling having increased its floor space by more than half will not be regarded as small scale.
- 5.5 The original dwelling is considered to have had an original total floor space of approximately 124 square metres. This measurement is scaled from the plans submitted with the application and also a garage measuring some 25 sq metres in area which it has been accepted as existing prior to 1948 and being within 5 metres of the dwelling (see planning ref: 12/00911/FUL). The garage was demolished to accommodate the side extension.
- 5.6 The total floor space of the dwelling as extended is approximately 186.5 sq metres. This calculation was made from measurements taken on site. This means an increase of 62.5 sq metres which represents an increase of approximately 50% over the original dwelling. In consideration of this, the built form and scale of the resultant dwelling relative to the curtilage, the development is not considered to amount to a disproportionate addition and would therefore comply with Policies GB1 and GB10 and the provisions of the NPPF.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

H11 (Alterations and extensions to dwellings)

- 5.7 The NPPF sets out Core Planning principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design.
- 5.8 Policy EP3 requires that the scale, layout, siting, height, design and external materials should be compatible with the character and appearance of the host dwelling and the locality in general.

- 5.9 Policy H11 seeks to ensure that the impact of development does not adversely affect the character of the locality, with guidelines provided at Appendix 8, including materials to be in keeping with the existing dwelling.
- 5.10 The extensions have been constructed in external materials in keeping with the main dwelling. The extensions do not dominate the main dwelling or the street scene of which it forms a part. As such, the development is acceptable relative to Core Strategy Policy CP8, and Local Plan Policies EP3 and H11 and provisions of the NPPF.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

- 5.11 Policy H11 requires that residential extensions should not have an adverse impact on the amenities of neighbouring residential properties, for example, due to loss of outlook, loss of privacy or obtrusiveness. The guidance at Appendix 8 provides that single storey extensions should not obstruct a 60-degree line taken from the mid-point of a window serving the nearest habitable room.
- 5.12 The neighbouring property to the south has various rear extensions. However, a 60-degree line taken from the ground floor dining room rear window in the absence of any such extensions is not impeded by virtue of the 4-metre deep rear extension. A means of enclosure comprising solid fencing and mature planting exists between the properties such that views of the extension are limited. Even in the event this did not exist, boundary fencing up to 2 metres in height could be erected as permitted development resulting in just the top metre of the extension being readily visible at the point closest to the dwelling. Given the orientation of the properties, the extensions would not detrimentally impact the direct morning or evening sunlight to the property to the south. The extensions are distanced from the property to the north and would have no impact on provision of morning sunlight and limited impact on evening sunlight. As such, the development is acceptable relative to Local Plan Policies EP3, EP5 and H11.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and Transport

Local Plan Saved Policies:

TR7 (Traffic generation)

5.13 Three off-street car parking spaces would be provided within the site curtilage and, therefore, it is considered that the application would meet the Council's current parking standards as outlined by policy TR7.

Other matters

5.14 Due to the size of the extensions (less than 100 sq metres) the development is not CIL liable.

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 development accords with the development plan policies.

7.0 Working with the applicant / agent

7.1 Communication was had with the applicant which advised that the original submission including the proposed dormer window extension would result in the total development exceeding the 50% tolerance under Policy GB10

7.2 In accordance with paragraph 38 of the NPPF (2019) the Council approach 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 work 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.

7.4 In this instance the applicant amended the plans to remove the proposed roof dormer extensions, thereby bringing the development as built within the 50% tolerance of Policy GB10.

8.0 Recommendation

Conditional Permission

Subject to the following conditions:-

- 1 No windows shall be inserted at or above first floor level in the north flank elevation of the development hereby approved unless those windows are obscurely glazed and fixed shut below a height of 1.7 metres above finished floor level of the room in which they are installed. Any window inserted in accordance with this requirement shall be permanently retained as obscurely glazed and non-opening below a height of 1.7 metres above finished floor level of the room in which they are installed.

Reason: To protect the amenities and privacy of the adjoining property, in accordance with Policy EP3 of the Adopted South Bucks District Local Plan.

- 2 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking or re-enacting that Order, no development falling within Classes A, B and E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed 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 GB1 and GB10 of the Adopted South Bucks District Local Plan.

- 3 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>
15 Jul 2019	Plan- Location Plan
15 Jul 2019	Plan - Floor Plan
22 Dec 2020	Plan - Elevation

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APPENDIX A: Consultation Responses and Representations

Councillor Comments:

None received

Parish Council Comments:

Objection: Infringement of the green belt.

The Committee pointed out that this is a retrospective application and a neighbour, who had previously submitted a similar retrospective application, had similar objections raised to his application.

The Committee think that this application should be determined by the District Council planning team.

(No response to re-consultation following amendments)

Consultation Responses

None sought

Representations

Amenity societies/Residents associations – none received

Other representations –

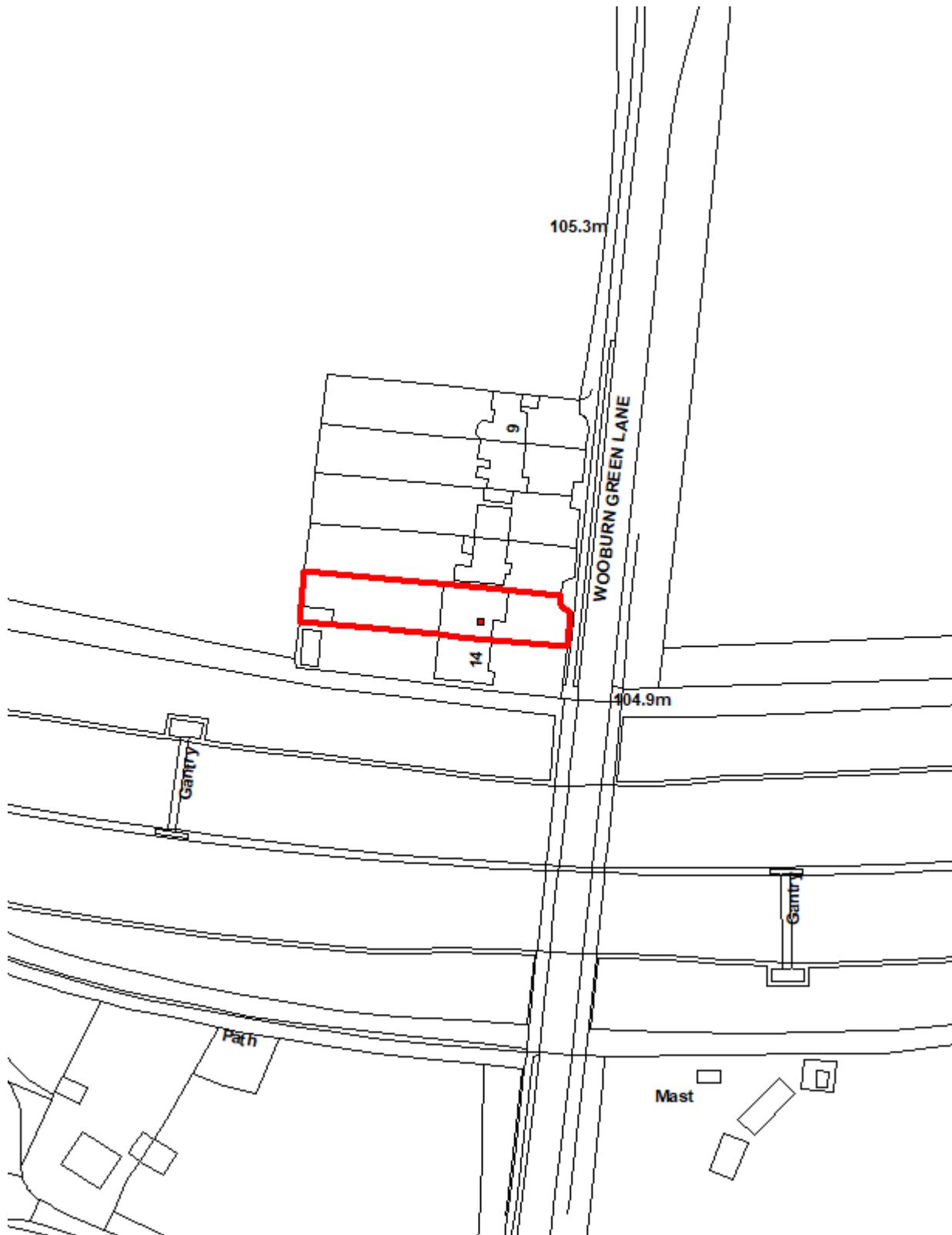
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One letter of representation was received following the amendments to the scheme, the content of which is summarised below:

- Planning application 12/00911/FUL contained calculation errors and should not be material consideration;
- Query no.13 having an original double garage;
- On site measurements should be made;
- Query dimensions used for the garage
(also attached calculation sheet and letter with photos)

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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Report to South Area Planning Committee

Application Number:	PL/20/3519/FA
Proposal:	Erection of new dwelling for agricultural worker
Site Location:	Challen's Chick Farm, Marsh Lane, Taplow, Buckinghamshire, SL6 0DE
Applicant:	Mr Challen
Case Officer:	Vicki Burdett
Ward(s) affected:	Cliveden
Parish-Town Council:	Taplow Parish Council
Date valid application received:	20 October 2020
Statutory determination date:	19 February 2021
Recommendation	Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Permission is sought for the erection of a new agricultural workers dwelling.
- 1.2 Planning permission was granted at Planning Committee (reference: 17/02314/FUL) in July 2018 for the provision of a mobile home for a temporary period of three years to house an agricultural worker in connection with the applicant's hen laying enterprise. Having regard to the advice of the Council's Agricultural Consultant it was considered that the applicant had demonstrated that there was an essential need for a rural worker to live on site and that the granting of temporary permission would allow for the business to achieve financial viability and sustainability. The current application is considered to have demonstrated that there remains a need for a rural worker to live on site and that in the period since the temporary permission was granted the business has achieved financial viability and sustainability such that a new permanent dwelling is justified to meet the long term needs of the business.

- 1.3 Given the above, whilst the proposed agricultural workers dwelling amounts to inappropriate development in the Green Belt it is considered that the applicant has demonstrated very special circumstances sufficient to outweigh the harm to the Green Belt.
- 1.4 Cllr Sandy has called the application in to the Planning Committee based on the proposal being inappropriate development in the Green Belt, queries over the viability of the agricultural business and its impact on the landscape.
- 1.5 The recommendation for this application is to delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.

2.0 Description of Proposed Development

- 2.1 Permission is sought for the erection of a permanent agricultural workers dwelling at Challen's Chick Farm, Marsh Lane, Taplow.
- 2.2 The application site is currently a hen laying enterprise; 'Challen's Chick Farm' covering approx. 10.64 acres (4.3 hectares) of pastureland, with the remaining land occupied by a series of mobile structures used in connection with the agricultural use.
- 2.3 The application site benefits from planning permission for an additional agricultural building to support the further diversification for the housing of quail and for the storage of machinery/tools/ packing materials used in connection with the existing business.
- 2.4 The application site benefits from planning permission for an additional agricultural building to support the further diversification for the housing of quail and for the storage of machinery/tools/ packing materials used in connection with the existing business.
- 2.5 The application site benefits from planning permission for an additional agricultural building to support the further diversification for the housing of quail and for the storage of machinery/tools/ packing materials used in connection with the existing business.
- 2.6 The application site benefits from planning permission for an additional agricultural building to support the further diversification for the housing of quail and for the storage of machinery/tools/ packing materials used in connection with the existing business.
- 2.7 The application is accompanied by:
 - a) Design and Access Statement
 - b) Waste and Recycling Strategy

3.0 Relevant Planning History

- 3.1 PL/20/0746/FA – Withdrawn – 24 September 2020 – Erection of new dwelling for agricultural worker
- 3.2 PL/18/3946/FA – Refused – Appeal Allowed – 18 January 2021 – Erection of agricultural barn
- 3.3 17/02314/FUL – Conditional Permission – 19 July 2018 – Provision of mobile home for a temporary period of three years to house an agricultural worker

4.0 Summary of Representations

- 4.1 5 neighbouring properties have objected to the proposed development. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

5.0 Policy Considerations and Evaluation

National Planning Policy Framework (NPPF), February 2019.

Planning Practice Guidance

National Design Guidance, October 2019

South Bucks Core Strategy Development Plan Document - Adopted February 2011

South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;

South Bucks District Local Plan Appendix 6 (Parking standards)

Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

Principle and Location of Development

Core Strategy Policies:

CP1 (Housing provision and delivery)

Local Plan Saved Policies:

GB1 (Green Belt boundaries and the control over development in the Green Belt)

GB9 (Agricultural diversification)

H2 (Housing allocation)

- 5.1 As aforementioned above, the site comprises an active chick farm which is sited off Marsh Lane, Taplow. The site lies within the Green Belt and the applicant is seeking to maintain a livestock farm, predominantly based around the laying hens and the sale of eggs based wholly on high welfare standards. The applicant has stated that the agricultural enterprise is viable, producing a high-quality end product that is sold and delivered directly to local consumers at a premium price.
- 5.2 By way of background, planning permission was granted at Planning Committee (reference: 17/02314/FUL) in July 2018 for the provision of a mobile home for a temporary period of three years to house an agricultural worker in connection with

the applicant's hen laying enterprise. Having regard to the advice of the Council's Agricultural Consultant it was considered that the applicant had demonstrated that there was an essential need for a rural worker to live on site and that the granting of temporary permission would allow for the business to achieve financial viability and sustainability. The current application seeks to demonstrate that there remains an essential need for a rural worker to live on site and that in the period since the temporary permission was granted the business has achieved financial viability and sustainability such that a new permanent dwelling is justified to meet the long term needs of the business.

- 5.3 Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Chapter 13 of the NPPF emphasises the importance of the Green Belt and states that 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.
- 5.4 Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, it involves buildings for agriculture and forestry. Local Plan Policy GB1 also sets out a number of exceptions for the construction of new buildings in the Green Belt, including development for agriculture and forestry.
- 5.5 The proposed dwelling would be occupied for the purposes related to agriculture in connection with the use of the site. Consequently, it would be primarily intended for residential use, even though it would be supporting these other agricultural purposes. The exceptions provided under the Framework and Local Plan Policy GB1 are not considered to include a residential use within the exception for buildings for agriculture and forestry. The proposed dwelling would, therefore, not accord to these exceptions.
- 5.6 With the location of the proposed dwelling beyond the edge of the settlement, it would also not constitute limited infilling in villages. The site of the proposed dwelling is also not previously developed land as it falls within the definition of agriculture, which is excluded from the definition of previously developed land. The other exceptions under the Framework would also not apply.
- 5.7 Hence, the proposal would be inappropriate development which is by definition harmful to the Green Belt. Furthermore, the introduction of built form on part of the site that is currently undeveloped would also result in a loss of openness which would amount to further moderate harm to the Green Belt.
- 5.8 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential

harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 5.9 A case has been put forward by the Applicant relating to the need of the dwelling and is considered at the end of this report.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.10 The proposed development would be accessed using the existing access arrangements whereby the Highways Development Management team have confirmed that the proposed development would not have a material impact on the safety and operation of the public highway.
- 5.11 No objections are raised regarding this arrangement and adequate parking to serve the new dwelling can also be provided on site. The proposed development therefore complies with Local Plan Policies TR5 and TR7.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

- 5.12 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that developments, among other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for

improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- 5.13 Core Strategy Policy 8 states that all new developments must be of a high standard of design and make a positive contribution to the character of the surrounding area.
- 5.14 Local Plan Policy EP3 states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale with their surroundings will not be permitted.
- 5.15 As aforementioned above, the proposed agricultural workers dwelling would comprise of a chalet-style bungalow, incorporating a gabled roof; to be constructed of red brick and red roof tiles. The proposed dwelling would be sited within close proximity to the existing agricultural buildings; next to the existing temporary mobile home. The proposed dwelling would be largely screened by the existing buildings on site and would be constructed in a position which consolidates the built form on site and prevents the wider spread of development. The proposed dwelling would be within close proximity to the farm buildings and reasonably close to the access for security and general means of surveillance of the paddocks. It is therefore considered to be an acceptable location for the agricultural worker's dwelling to be sited.
- 5.16 In this instance, the intention is that the Applicant and his family would live in the proposed dwelling. The dwelling would occupy 3 bedrooms within the roof space of the dwelling, with habitable living space at ground floor level. The Agricultural Consultant has assessed the size of the building and confirmed that it is considered to be of an acceptable size for its function as an agricultural workers dwelling. As such, no objections are raised with regard to the size of the proposed dwelling.
- 5.17 The proposed dwelling would have a traditional, simple design incorporating red bricks and a red clay tile roof. It has already been established that the siting and size of the dwelling are considered to be acceptable and it is considered that the proposed appearance of the building would be acceptable also, given that it would comprise of a simple design. It would incorporate a traditional gable roof with roof dormers so as to appear appropriate for its setting and in keeping with its rural setting.
- 5.18 Overall, it is considered that the proposed development would not detrimentally harm the character and appearance of the area and would comply with Local Plan Policies EP3, H9 and Core Strategy Policy CP8.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.19 Local Plan Policy EP3 also states that permission will not be granted for uses which would be, or which would have the potential to be, detrimental to the amenities of nearby properties or the locality in general by reason of noise, vibration, smell, pollution, disturbance, visual intrusion, loss of privacy, the impact of traffic, or other nuisance. The scale of a proposed use should be compatible with and not adversely affect the character or amenities of neighbouring properties or the locality in general.
- 5.20 The proposed dwelling would be constructed in excess of 250 metres from the nearest residential property in Marsh Lane. Concerns have been raised from residents regarding the impact on the Green Belt, the temporary nature of the existing buildings etc. but these matters have been considered under the relevant sections of this report.
- 5.21 Whilst it is acknowledged that the proposed dwelling could potentially be visible from neighbouring properties, a loss of view is not a material planning consideration and therefore cannot be taken into account when assessing the impact on neighbouring amenities. Nevertheless, by virtue of the significant distance in between the proposed dwelling and neighbouring properties, and its simple design and acceptable size, it is not considered that from a residential amenity point of view that the proposed development would result in an overbearing or obtrusive appearance.
- 5.22 The proposed dwelling is not considered to adversely affect the amenities of neighbouring properties, in accordance with Local Plan Policies EP3 and EP5.

Flooding and drainage

Core Strategy Policies:

CP13 (Environmental and resource management)

- 5.23 Concerns have been raised from residents regarding potential flooding from the proposed development. The application site partially lies within National Flood Zone 2, however where the dwelling would be constructed would fall outside of this constraint.
- 5.24 As such, it is not considered that the proposed development would result in any adverse flooding implications.

Ecology

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.25 Paragraph 170 of the NPPF states that planning decisions should contribute to, and enhance the natural environment by (among other things) minimising impact on biodiversity, and providing net gains where possible. Core Strategy Policy 9 sets out a similar objective – “Seeking the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas, on other non-designated land, on rivers and their associated habitats, and as part of development proposals”.
- 5.26 The proposed development would not involve the removal of any buildings or any trees which are considered to be of ecological value. As such, the proposed scheme is not considered to have a detrimental impact on biodiversity.

Environmental issues

Core Strategy Policies:

CP9 (Natural Environment)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

- 5.27 Core Policy 9 of the adopted Core Strategy sets out that the highest priority will be given to the integrity of Burnham Beeches Special Area of Conservation (SAC). Paragraph 3.3.11 of the Core Strategy also states that “where a specific development could result in significant effects on the SAC, a project level (regulation 48) HRA will need to be carried out by the developer when the planning application is submitted to determine whether mitigation measures are required”. This is also consistent with Section 15 of the NPPF relating to ‘Conserving and enhancing the natural environment’. The Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document (SPD) has also recently been adopted and sets out the Council’s approach to new residential development within 5.6 kilometres of Burnham Beaches SAC.
- 5.28 Natural England have been consulted on this application and raise concerns regarding the impact on the Burnham Beeches SAC. Natural England state that when there is sufficient scientific uncertainty about the likely effects on the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.
- 5.29 Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology as part of the emerging Local Plan, Natural England recognises that new housing within 5.6km of the Burnham Beeches SAC can be expected to result in an increase in recreational pressure. The 5.6km zone

presents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts on development.

- 5.30 Impacts to the SAC as a result of increasing recreational pressure are varied and have long been a concern. These impacts, which have the potential to adversely affect its interest features, including contamination, trampling/wear, harvesting, difficulties in managing the site and disturbance.
- 5.31 Natural England confirm that, in light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.
- 5.32 Given the above, the Council has carried out an appropriate assessment for the proposed development (see Appendix C). This concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC and with the result that the Council would be required to refuse this planning application.
- 5.33 In order to mitigate such impact, the Council has adopted a Strategic Access Managements and Monitoring Strategy (SAMMS) and the approach is set out in The Burnham Beeches Special Area of Conservation SAMMS SPD. The Council consider that the SAMMS, which is supported by Natural England, is a robust and capable means of mitigating the likely significance effects of the proposal over 500 metres and up to 5.6km provided the proposal pays a contribution towards the SAMMS. Natural England has also confirmed that subject to a legal agreement which secures the financial contribution they do not raise an objection on grounds relating to the impact of such development on Burnham Beeches.
- 5.34 The applicant has confirmed that they willing enter into the legal to secure the contribution. A legal agreement will therefore be progressed and completed to secure the financial contribution towards the SAMMS subject to the outcome of the Planning Committee. Subject to its completion the proposal would be in accordance with Core Policy 9 of the Core Strategy, Section 15 of the NPPF and the Burnham Beeches Special Area of Conservation SAMMS SPD.
- 5.35 The Council has adopted a Community Infrastructure Levy (CIL) for certain forms of development. This does not affect the assessment of the proposed development; however the applicant has been made aware the permission is subject to CIL by virtue of the nature of the development.

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 aforementioned above, the proposed development fails to meet the exceptions contained within Paragraphs 145 and 146 of the NPPF and therefore the proposed development amounts to inappropriate development, which is by definition harmful to the Green Belt. The proposal would also result in a loss of openness amounting to a moderate degree of Green Belt harm. Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.4 Paragraph 79 of the Framework also states that planning policies and decisions should avoid development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Often, but not always, the special circumstances demonstrated for an essential worker's dwelling under Paragraph 79 can be accepted as very special circumstances which would allow a new dwelling in the Green Belt. It is therefore necessary for the Local Planning Authority to assess the 'essential need for a rural worker' to live on the site at this location.
- 6.5 'Challen & Son Ltd' was established in 2012 with the application site purchased in 2014. Prior to this the applicant was running the business from an alternative location. However, due to the size of the land and success of the business, the application site was considered more appropriate for the business's expansion. The previous site had occupied the maximum number of hens the plot of land could withstand without impacting on the health and welfare of the birds. The business

currently has 4 full time employees (not including the applicant) whereby flocks have increased from 200 commercial breed hens to 6,000 laying hens.

- 6.6 As has already been noted, the application site comprises a fully functioning poultry farm. In 2018 temporary planning permission was granted for the provision of a mobile home to house an agricultural worker. At this time, the Council's Agricultural Consultant concluded that the applicant clearly had the expertise to further develop this rural activity and had identified a market for the eggs produced and had established a strong customer base. The Consultant noted that on a unit of this size and scale with 6,000 laying hens, there is a need for a worker to be readily available and living on site in order to meet the welfare requirements of the housed birds to respond to emergency situations. In terms of paragraph 55 of the NPPF he concluded that the applicant had demonstrated that there is an essential need for a full-time worker to live on site to meet the welfare requirements of the poultry. Whilst he noted that there were some uncertainties in the financial projections submitted in support of the application, there was sufficient flexibility in the figures to be able to reach a conclusion that the enterprise was capable of achieving financial viability and sustainability. He therefore recommended that a three year temporary permission would provide the applicant with the opportunity to demonstrate this. On this basis the Council concluded that the essential need for a rural worker to live on site amounted to very special circumstances to justify a three year temporary permission. The granting of the temporary permission was to allow for the business to achieve financial viability and sustainability before applying for a permanent dwelling to meet the long term needs of the business.
- 6.7 Since the temporary dwelling was granted permission the expansion of the farm to incorporate quail has also been established in a recent appeal (Ref: PL/18/3946/FA). In allowing the appeal the Inspector confirmed that the site contains an existing business which has a proven track record of growth and which intends to further diversify.
- 6.8 The current application includes a Planning, Design and Access Statement setting out the operations on site and the reasoning for why an agricultural worker is required to live on site. The Council's Agricultural Consultant has considered the submitted information and accepts the conclusions. Furthermore, the Agricultural Consultant notes that whilst the business showed an operating loss from years ending December 2015, 2016 and 2017, since then it has shown a profit for the years ending 2018 and 2019, with the latest figures for 2020 also showing a profit. He concludes that given the upward trends in trading figures he is now more convinced of the viability sustainability of the business and on this basis it is considered that the case has been made for need for a worker to live on site permanently.
- 6.9 Concerns have been raised over the status of the existing buildings on site. Residents have expressed that the buildings on site are only temporary and therefore the agricultural assessment for a new dwelling shouldn't be made on the basis of a non-

permanent agricultural business at the site. It is considered necessary to state, as reiterated by the Planning Inspector, in the recent appeal that the existing buildings on site are permanent structures, but are moveable and non-fixed, therefore they are not considered to be development. This approach has been confirmed by the Council's Enforcement team following an investigation of the site and the buildings in place. Therefore, the agricultural assessment has been made based on the existing site circumstances which includes an active poultry farm regardless of the condition of any existing buildings.

- 6.10 The allowed appeal for a further permanent agricultural barn also allows further growth for the poultry farm and as such, the proposed agricultural workers dwelling would be further justified by the construction of an additional agricultural building on site, leading to further production for the business.
- 6.11 Taking the above into account, the essential need for a rural worker to live at the site was accepted under planning application REF: 17/02314/FUL and this remains the case. The temporary permission for a mobile home has enabled the business to demonstrate financial viability and sustainability such that the Applicant has demonstrated an essential need for a rural worker to live permanently at their place of work. The size of the dwelling is also considered a reasonable scale for its purpose. The essential need for a rural worker to live at the site is considered to carry significant weight amounting to a case of very special circumstances sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness.
- 6.12 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.13 The three overarching objectives to sustainable development, are Economic, Social and Environmental. The proposal would result in the creation of temporary jobs during the construction phase of the proposed development. A social objective would also be met as the proposal would provide additional housing in connection with the existing agricultural business. All whilst giving regard to the built environment. The proposed agricultural workers dwelling would also help to support the growth of the agricultural business which meets the economic objectives set out in Paragraphs 83 and 84 of the NPPF.
- 6.14 In terms of applying paragraph 11 d of the NPPF it is concluded that, given that very special circumstances have been demonstrated, there are no policies that protect

areas or assets of particular importance, in this case Green Belt, that provide a clear reason for refusing the development proposed and the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits. Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

6.15 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 or society to a harmful extent.

7.0 Working with the applicant / agent

7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach 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.

7.2 The Council work 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.

7.3 In this instance the application was acceptable as submitted.

8.0 Recommendation

Delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and any others which he considers appropriate and the satisfactory prior completion of a Legal Agreement relating to mitigation of Burnham Beeches SAC. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.

Subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. (SS01)

Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).

2. The exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality. (Policies EP3 and H11 of the South Bucks District Local Plan (adopted March 1999) refer.)

3. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry as defined in Section 336 of the Town and Country Planning Act 1990 (or in any statutory amendment or re-enactment thereof), or a dependant of such a person residing with him or her, or a widow or widower of such a person. (SO01)

Reason: The site is located within the approved Metropolitan Green Belt and the erection of a dwelling is only permitted to meet the very special circumstances of agriculture. (Policy GB1 of the South Bucks District Local Plan (adopted March 1999) refers.)

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with a necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbour and other offsite receptors.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. 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>
21 Oct 2020	Proposed Elevations
30 Oct 2020	Proposed Roof Plan
3 Nov 2020	Location Plan
3 Nov 2020	Site Plan

INFORMATIVE(S)

1. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk.

(SIN35)

2. You are advised that consent under the Building Regulations may be required for the proposed development and the Building Control Unit at the Council should be contacted in this regard. (SIN41)

APPENDIX A: Consultation Responses and Representations

Parish Council Comments

Our position is that this application should be refused.

When purchased by the current owner the site in question was a grazing meadow in the Metropolitan Green Belt, not part of any working farm.

The applicant installed a small number of portable sheds for free range egg laying hens, for which he was advised he did not need planning permission, although the council reserved the right to reassess in the future. Since that original development he has continued to expand the operation and it is extremely difficult to view these newer buildings as portable - see attached photo – but no planning application has been made in respect of them. The scale of this operation is clearly affecting the openness and visual amenity of the Green Belt and as such the operation must be re-assessed before any other applications can be considered.

The present application for permanent accommodation is based entirely on the scale of operations that the applicant wishes to undertake on this Green Belt field for which he has no planning approvals. The council correctly refused an earlier application for a quail barn and it is significant that that application made no mention of the requirement for residential accommodation although it could be highly relevant. We are strongly supportive of the council's refusal and are writing to the appeal inspector on this matter.

It may well be true that an industrial scale chicken enterprise and a quail barn might need onsite residential accommodation but that is not a justification. Residential development in the Green Belt is by definition harmful, so the only consideration is whether any exceptional circumstances apply to outweigh the harm.

We contend that a justification based on the business scale of the existing operation is incorrect. If a single combined application was made for a large scale egg producing unit, a quail barn and an on-site residence for an undeveloped Green Belt meadow, it would be refused. To permit the accommodation because the owner is already operating a partial business is not a relevant consideration. To approve a residence in a Green Belt meadow carrying no other planning approvals would be a travesty of protection of the Green Belt. As a Green Belt site the owner needs to restrict operations to a level compatible with its Green Belt status. We do not see any Exceptional Circumstances.

If the application for accommodation is granted in this case it lays out a path by which any part of the Green Belt can be subverted to industrial scale operations with housing. Permitting this by creeping stages would be a failure of the council's responsibility to the protection of the Green Belt and to its citizens.

The application should be refused, the three year approval for temporary accommodation should not be renewed and the site should be re-assessed against the relevant planning criteria, with operations limited to comply.

Consultation Responses

Environmental Health:

The historical maps indicate that the site has had an agricultural use, inferred by the presence of field boundaries on the map for the 1955-1974 epoch, the previous historical maps are incomplete for this area.

The proposed development site has had an agricultural use. There are associated risks from landfilling, storage and use of fuels, fertilisers, pesticides and herbicides, asbestos containing materials in buildings and other activities as outlined in the Department of Environment Industry Profiles.

An assessment of the potential risks associated with the site is required.

Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

Acorus:

The dwelling is required in place of the current mobile home to provide a permanent residence for a farm worker/manager to run and supervise the free-range poultry unit.

Pike Smith Kent provided a report setting out the business operations and I have seen farm accounts with the most recent period covered up to June 2020.

In my opinion, the need to live on site is dependent on the nature and scale of the farming operations. In this case, compared with some of the modern automated units, a 6,000 bird facility is relatively modest. Commonly, units are now 16,000, 32,000 and even up to 100,00 bird enterprises.

In this instance, where there are mobile sheds, rather than a single large automated building, there is the need as stated for a greater element of manual input. In addition, clearly, direct marketing adds further time inputs.

The various functional items are detailed in the supporting statement at paragraph 6.3, and I largely accept these, and the standard man day assessment at paragraph 6.4 to provide back-up that this is a full time operation.

I note from farm accounts that operating losses were recorded from years ending December 2015, 2016 and 2017.

A profit of £25,240 was recorded in year end December 2018 and a profit of £40,015 was recorded year ending December 2019.

The latest information I have seen shows a profit of £41,223 for the period up to June 2020.

I had previously expressed concerns over cumulative trading losses, figures for cost of sales and the gearing of the business in terms of the number of full time employees.

Additionally, I considered that the size of the dwelling initially proposed was very substantial especially considering the nature and scale of the business.

As part of the current application, I note that the proposed dwelling is to have an internal floor area of 189m², which is a significant revision downwards compared to the initial application.

On balance, given the most recent upward trends in trading figures and reduction in size of the proposed dwelling, I am more convinced over the viability/sustainability of the business.

Natural England:

Objection – Further information required to determine impacts on designated sites – development within 5.6 kilometres of Burnham Beeches Special Area of Conservation (SAC).

Between 500 metres to 5.6km from Burnham Beeches SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity. This should be in line with emerging Burnham Beeches Avoidance and Mitigation Strategy Supplementary Planning Document (SPD).

BPA:

BPA Pipelines – Not affected.

Highways:

I note the Highway Authority has previously provided comments for this site under application number PL/20/0746/FA, which in a response dated the 1st April 2020; the Highway Authority had no objection.

Due to the similarity with the previous application, I consider that the application does not propose a material difference in highway terms and the principle of development remains the same. As such, I would like to reiterate comments made in that application which I have repeated below for clarity:

“The proposed development has been considered by the County Highway Authority who has undertaken an assessment in terms of the expected impact on the highway network including net additional traffic generation, access arrangements and parking provision. The Highway Authority is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway”.

Mindful of the above, I have no objection to the proposal in highway terms subject to the imposition of an agricultural workers dwelling condition being included in any planning permission that you may grant.

Cadent Gas:

To confirm that Cadent Gas have no objection to the planning application.

Representations

Objections have been received from 5 different households relating to the proposed application and are summarised as below:

- Chicken sheds used on the site are of a mobile nature
- 12 existing sheds on site plus 3 silos plus a packing shed, another small building and a mobile home
- All buildings should be shown
- The owner lives nearby
- The site in question is not a farm but open pasture land
- Inappropriate to support the development of a permanent residence in support of temporary activities
- Inappropriate development in the Green Belt
- Approval would create a precedent
- Granting of this permission will enable the owner to further increase the level of these activities
- Area is designated as a flood risk
- Permission to erect a permanent residential structure on this site would undermine and directly contradict these Government and planning guidelines
- There has never been a permanent farm established on this site

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Appendix C – Appropriate Assessment

Appropriate Assessment

Application Ref. PL/20/3519/FA

Proposal: Erection of new dwelling for agricultural worker

Summary

Buckinghamshire Council, as Local Planning Authority, has carried out a Habitats Regulations Assessment (HRA) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (BB SAC)¹. The HRA screened in recreational disturbance from net new homes as having a likely significant effect on the integrity of the conservation purposes of the BB SAC. The HRA sets out what development is likely to have significant effects on the integrity of the conservation objectives of the BB SAC. It concluded that any net new homes within 500 metres of the boundary BB SAC should be avoided. It also concluded that any net new homes between 500 metres and 5.6 kilometres of the BB SAC need to be mitigated. The conclusions of this HRA can help inform the individual Appropriate Assessments of Planning Applications and Permitted Development.

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

Evidence from the Council's Consultants Footprint Ecology² has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence.

Using this evidence, Buckinghamshire Council's HRA determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance. It also determined that net new homes within a linear distance between 500 metres and 5.6 kilometres of the BB SAC's boundary would need to be mitigated.

The HRA concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 5.6 kilometres zone, would have a significant likely effect on the conservation features of the BB SAC and that such applications and permitted development can only be permitted if the applicant enters in to a legal agreement with Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy.

¹ <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

² <https://www.chiltern.gov.uk/article/10331/Chiltern-and-South-Bucks-Local-Plan-Submission-Documents>

Natural England (NE), the Government's conservation advisor, support the findings in the HRA.

Appropriate Assessment of Planning Application reference number PL/20/3519/FA.

1. The Conservation of Habitats and Species Regulations (2017)

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations (2017) a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stages 1-3 Screening for Likely Significant Effects

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Burnham Beeches Special Area of Conservation (BB SAC). The potential likely significant effects on the integrity of the BB SAC is from recreational disturbance. A net increase in homes is likely to result in additional visits to the BB SAC with consequential erosion and pollution within the BB SAC.

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the BB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies

between 500 metres and 5.6 kilometres of the boundary of the BB SAC and represents a net increase in homes within this zone which will lead to an increase in local population and a likely increase in recreational disturbance within the SAC.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 4 Appropriate Assessment

500 metres or more to 5.6 kilometres.

Based on the information proposed by the applicant, Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal can reduce adverse effects.

The Council considers that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres from the BB SAC boundary provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council.

a. Fees and Mitigation

For this proposal the following apply:

- Buckinghamshire Council List of Fees and Charges (Fees)
- Strategic Access Management and Monitoring Strategy (SAMMS)

If paid, the project as proposed would not adversely affect the integrity of the BB SAC.

Legal Fees

To cover Buckinghamshire Council's reasonable legal costs and disbursements incurred in connection with the Unilateral Undertaking and the Council's Monitoring Fee.

The monitoring fee is £541.02 and the legal costs will be determined on a case by case basis.

Strategic Access Management and Monitoring Strategy Contribution

The development will be required to make a contribution towards the SAMMS. SAMMS includes projects for visitor access management, monitoring and education measures on the BB SAC to mitigate the effects of new development on it.

A contribution to the SAMMS of £2,023.87 is required for each net home.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without mitigation measures the Appropriate Assessment

concludes that the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.

Buckinghamshire Council considers, following consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC, pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

Provided that the applicant has entered into a Unilateral Undertaking to secure legal and SAMMS fees, the planning application will be in accordance with the SAC mitigation requirements.