

## Report to East Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	PL/20/1954/DE
<b>Proposal:</b>	Reserved matters following outline planning permission PL/18/2502/OA (Outline planning permission for conversion of two barns to provide two dwellings (all matters reserved))
<b>Site Location:</b>	Chalk Hill Farm, Chalk Lane, Hyde Heath, Buckinghamshire, HP6 5SA
<b>Applicant:</b>	Julie Duffy
<b>Case Officer:</b>	Emma Showan
<b>Ward affected:</b>	Chiltern Ridges
<b>Parish Council:</b>	Little Missenden
<b>Valid date:</b>	22 June 2020
<b>Determination date:</b>	26 October 2020
<b>Recommendation:</b>	Conditional Permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application proposes the conversion of two agricultural buildings to form two residential dwellings.
- 1.2 This application is submitted following the determination of application PL/18/2502/OA by the Local Planning Authority in September 2018 for outline planning permission for the conversion of the two barns to provide two dwellings (all matters reserved). This application was granted conditional permission and remains extant. This application seeks approval for the reserved matters in relation to access, appearance, landscaping, layout and scale.
- 1.3 The principle of development has already been established, therefore, the main considerations are whether the proposed dwellings would be harmful to the openness of the Green Belt, the character of the area and Chilterns Area of Outstanding Natural Beauty, and whether there would be a detrimental impact on neighbouring amenities.
- 1.4 The application was called before the Planning Committee by Councillor MacBean.

- 1.5 On assessment of the application and following a site visit, the application is recommended for conditional permission.

## **2.0 Description of Proposed Development**

- 2.1 The application concerns Chalk Hill Farm in the open Green Belt outside of Hyde Heath and within the Chilterns Area of Outstanding Natural Beauty. The site is located at the southern end of the village of Hyde Heath and is accessed off Chalk Lane. While the southern side of Chalk Lane is mostly open in character and comprises land in agricultural use, to the north of the highway there is a row of detached residential dwellings which form part of the Green Belt settlement of Hyde Heath.
- 2.2 The application site itself comprises two detached agricultural buildings associated with Chalk Hill Farm. The buildings have a flank to rear elevation with one another and are located in close proximity to the public highway. Hardstanding from the highway is provided to the two buildings. This application follows the determination of application PL/18/2502/OA by the Local Planning Authority in September 2018 for outline planning permission for the conversion of the two barns to provide two dwellings (all matters reserved). This application was granted conditional permission.
- 2.3 This current application seeks approval for the reserved matters in relation to access, appearance, landscaping, layout and scale.
- 2.4 The North Barn would accommodate an integral double garage, utility room, study, media room and open plan kitchen/living/dining room at ground level. Meanwhile five bedrooms would be provided at first floor level.
- 2.5 The South Barn would accommodate a living room, utility room, study, media room and open plan kitchen/living/dining room at ground level. Meanwhile five bedrooms and a library would be provided at first floor level. The South Barn would also be served by a detached single garage that would replace an existing building along the western flank boundary.
- 2.6 Both properties would have amenity and patio/terrace areas and would be served by an existing access onto Chalk Lane. No extensions are proposed to either building.

## **3.0 Relevant Planning History**

PL/18/2502/OA – Outline planning permission for conversion of two barns to provide two dwellings (all matters reserved)); conditional permission.

CH/1999/1518/FA – Removal of condition 4 from planning permission CH/2189/84 and variation of condition 3 of planning permission 88/1333/CH so as to allow unrestricted occupancy of the dwelling; refused permission and appeal dismissed.

CH/1998/0174/FA – Retention of agricultural building; conditional permission.

CH/1997/1104/FA – Erection of agricultural building; conditional permission (North Barn).

#### **4.0 Summary of Representations**

- 4.1 Little Missenden Parish Council object to this planning application.
- 4.2 Six other representations have been received objecting to this proposal. These comments are summarised in the appendix section of this report.

#### **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), February 2019.
- National Design Guidance, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

##### **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 Outline planning permission has already been granted for the conversion of these two buildings from agricultural use to residential use under application reference PL/18/2502/OA. The granting of this application established the principle of development. The permission remains extant and no so no objections are raised in respect of the principle of development.
- 5.2 Both the NPPF and Policies GB2 and GB11 of the Development Plan allow for the re-use of existing buildings provided that the new use preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 5.3 It has already been set out that the conversion of the two agricultural buildings into residential use is acceptable in principle. As part of the reserved matters

application, details of the scale and layout have been provided and it is now possible to assess whether the conversions would affect the openness of the Green Belt.

- 5.4 To this end, it is not proposed to extend either of the agricultural buildings as part of their conversion and so there would be no increase in the amount of built form on site. As part of the proposal, it is also proposed to demolish part of a timber structure along the western flank boundary and to replace it with a single garage of a smaller footprint. This would improve openness along this part of the site.
- 5.5 It is also noted that fencing of some kind would need to be erected to contain the proposed residential gardens. Fencing could be erected under Permitted Development. The submitted plan indicates the type and location of fencing within the site. It shows the retention of the existing 1.8-metre-high close boarded fencing at the north and west site boundaries as well as the erection of 1.8-metre-high close boarded fencing centrally within the site in between the two dwellings. The new proposed boundary treatments along the east and south site boundaries would be 1.2-metre-high post and rail fencing with native hedgerow planting. This new fencing is considered to be appropriate to the rural setting and of an acceptable height so as to maintain views. The erection of this type of fencing can be secured by way of a condition to ensure that where new fencing is erected at the site boundaries, it is of the post-rail type with native hedgerow planting. This will prevent the erection of additional high, close boarded fencing which would urbanise the setting.
- 5.6 Although hardstanding could have some impact on the openness of the Green Belt, it is noted that the site and area around the barns is already laid to hardstanding. It is not proposed to increase the amount of hardstanding on site, rather it is proposed to remove some of the hardstanding on site to facilitate the creation of the amenity areas. This will lead to improvements to the Green Belt setting.
- 5.7 In addition, residential gardens would need to be provided for each property. The site plan indicates that the proposed gardens would be laid out to minimise the spread of urban development and paraphernalia into the open countryside. The garden serving the North Barn would be located to the north of this property where it would be bound by the public highway to the north and the site boundary at the east flank elevation. The garden serving the South Barn would be located to the east of this barn where it would be bound by the east flank site boundary and the south rear site boundary. The garden would not stretch south beyond the flank elevation of the South Barn. The siting of the gardens is such that they can easily be contained within the site and the modest sizes are such that it is considered that the residential curtilages are not over large or intrusive to the Green Belt. Subject to the erection of adequate fencing,

which can be secured by way of condition, it is considered that the proposed curtilages are acceptable and would not result in excessive encroachment into the surrounding countryside and Green Belt.

- 5.8 Accordingly, although the curtilage of the dwellings would include amenity and parking areas which would have some impact on the openness of the Green Belt, it is considered that the harm could be mitigated by way of conditions so that the harm is minimal and so the proposal does not represent inappropriate development in the Green Belt.

### **Raising the quality of place making and design**

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

H11 (Distance between flank elevation(s) of a proposed multi-storey dwelling and boundary of dwelling's curtilage throughout the district)

H18 (Dormer windows on dwellings throughout the district)

- 5.9 The site is within the Chilterns Area of Outstanding Natural Beauty (AONB) where, in accordance with Local Plan Policy LSQ1 and Policy CS22 of the Core Strategy, development must conserve or enhance the natural beauty of the landscape. Paragraph 172 of the NPPF also states that great weight should be given to conserving AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 5.10 The Chilterns Buildings Design Guide states that if a barn conversion is to be successful, the building's appearance should not be radically altered and prominent roof lights should be avoided. Alterations should not domesticate the barn and any changes proposed should be sympathetic to the character of the original building and the landscape quality of the AONB.
- 5.11 The proposed development concerns the conversion of existing barns which are sited on the southern site of Chalk Hill Lane. To the north side of the highway, there is located a row of detached residential dwellings. Given the proximity of the barns to the residential dwellings, and the fact that the proposed barns are located within close proximity of the highway, it is considered that the proposed development for residential accommodation would not be out of keeping within the local setting and the converted barns would not appear isolated.
- 5.12 In terms of the appearance and design of the proposed development, it is not proposed to increase the size of either of the dwellings, whilst the proposed single garage would replace an existing low-level building that would be demolished. The single garage would be located on the same footprint of the

building to be demolished but would be smaller in size. It would be clad in timber and would have a functional appearance. No objections are raised in respect of its siting or appearance.

- 5.13 With regards to the North Barn, at present, this is a semi-open building with a functional appearance. It is partly open-sided along the south-west elevation and is characterised by timber and corrugated cladding along the elevations and a corrugated metal roof. The structural surveys submitted in association with approved application PL/18/2502/OA confirmed that the building was capable of being converted, and that its conversion would not be tantamount to the erection of a new building. Meanwhile the proposed dwelling would retain the scale and form of the existing building, maintaining the ridge and roof shape. In accordance with the advice of the Chilterns Buildings Design Guide, no rooflights are proposed. A large amount of glazing is, however, proposed, although this would take the form of large, floor-to-ceiling openings that are of a simple design. They are not considered to be overly urban or domestic in their character.
- 5.14 The South Barn would be similar in its appearance to both the original building and to the proposed North Barn. It too was considered to be capable of conversion by the structural report submitted to and approved as part of the earlier outline planning application. The existing South Barn is characterised by open sides and corrugated cladding and blocks. Similar to the North Barn, the resultant dwelling would not include rooflights but would include a considerable amount of floor-to-ceiling glazing. These openings too are considered to be functional in their appearance and in their absence of glazing bars and other urbanising features. Although it is noted that the Chilterns Buildings Design Guide advises against the use of large openings, given that the buildings to be converted are functional, metal-clad buildings that already contain large openings, it is not considered that the use of large glazing elements would be out of character with the original form of the buildings.
- 5.15 In terms of the proposed materials, the submitted plans show that the dwellings would be faced with profiled metal cladding at roof level and vertical timber cladding along the elevations. Both dwellings would have an element of grey render also, particularly as focal points above the front doors and above windows. Concerns have been raised with respect of these materials, and suggestions been made that the buildings should be erected in the 'traditional Chiltern style' to encompass black stained timber weather boarding and clay tiles. Whilst these concerns are noted, it is considered that as the original buildings are not traditional rustic barns which contain these 'Chiltern' design features, it would be more authentic to reflect the character of the existing buildings and to take visual cues from their metal-clad, functional appearance. This approach has been acceptable elsewhere in the District, where functional

agricultural buildings have been converted to reflect the appearance and material choices of the original building. In order to ensure that the colour profile and type of metal and timber cladding is appropriate, a condition can be attached to the planning permission, should it be granted, requiring that the buildings are erected in accordance with the submitted Materials Schedule. The garage door is shown to have horizontal bands, whereas it should have vertical divisions, to appear more rural and less domestic. This can be controlled by condition.

- 5.16 Finally, in order to retain the agricultural character of the site, it is considered that planning conditions preventing the extension of the buildings and erection of domestic outbuildings without prior approval of the Council are considered this necessary. This will allow for the removal of the relevant Permitted Development Rights and will ensure that the Council can control any future development on site, thus allowing for the character of the area and openness of the Green Belt to be retained.
- 5.17 Similarly, a further condition preventing the erection of outdoor lighting without prior approval by the Council will ensure that future lighting on site is not excessive and of detriment to the landscape quality of the area.

#### **Amenity of existing and future residents**

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

H12 (Private residential garden areas throughout the district)

- 5.18 Given the siting of the two buildings to be converted in relation to neighbouring properties, no objections are raised in terms of the proposal appearing overbearing or intrusive to the detriment of neighbouring amenities. The orientation and spacing of the two dwellings is also adequate to prevent inter-looking between the two properties.
- 5.19 With regard to the future occupiers of the new dwellings, there is sufficient light, outlook and outdoor amenity space. North Barn would have a garden with an area of 525 square metres and South Barn would have a garden area of 380 square metres. Both measure well over 15 metres in their longest dimension. Both gardens are of an acceptable size given the size and type of residential accommodation proposed. As such, the proposal complies with Policies GC3 and H12 of the Local Plan and no objections are raised in this regard.

#### **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 throughout the district)
- TR3 (Access and road layout throughout the district)
- TR11 (Provision of off-street parking for developments throughout the district)
- TR14 (Retention of existing areas of off-street vehicle parking throughout the district)
- TR15 (Design of parking areas throughout the district)
- TR16 (Parking and manoeuvring standards throughout the district)

5.20 In accordance with Policy TR16 of the Local Plan, three car parking spaces are required for each dwelling. The North Barn would be served by an integral double garage and hardstanding parking for at least two vehicles. The South Barn would be served by a detached single garage in addition to hardstanding parking for at least two vehicles. Parking in line with the standards set out in Local Plan Policy TR16 is therefore provided by the development and no objections are raised in respect of the parking provision on site.

5.21 Both properties would be served by the existing vehicular access onto Chalk Lane. The impact of the development on the highway network, in addition to the suitability of the access, has been assessed by the Highway Officer who has confirmed that the proposal is acceptable and no objections have been raised.

### **Ecology and Landscaping**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

5.22 Policy GC4 of the Local Plan seeks to retain existing established trees and hedgerows in sound condition and of good amenity and wildlife value. It also encourages landscaping appropriate to the site. In this regard, the comments from the Tree Officer are noted, which raise no objection to the application. Additional planting is proposed on site, including the addition of native hedging as part of the boundary treatments. This is considered to be welcome and appropriate for the setting.

5.23 Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance biodiversity within the District. In this respect it states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with Chapter 15 of the NPPF which aims to conserve and enhance biodiversity.

- 5.24 The applicant submitted a Preliminary Ecological Assessment (PEA) as part of the outline application and this was reviewed by the Council's Ecological Advisor who was satisfied that the impact of the proposed development on protected species had been given due regard. The PEA confirmed that the buildings to be demolished have negligible suitability for roosting bats and therefore there would be no impact on bat species as a result of the proposal. The site was also considered to have negligible foraging value for birds, badgers, hedgehogs and hazel dormice. No objections were raised. As part of this latest application, the Applicant has submitted details of biodiversity enhancement measures in order to achieve a net gain in biodiversity on site. The measures include the provision of two bird nesting and two bat roosting devices, alongside new native hedgerow and tree planting. Compliance with this ecological enhancement scheme can be secured by way of condition to ensure a net gain in biodiversity.
- 5.25 As part of the assessment of the previous outline application, the Strategic Environment Team reviewed the proposal and the site's previous history of agricultural use. Given that 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, it was recommended that a land quality condition be included on any permission.

### **Other Matters**

- 5.26 Third party representations have raised a number of concerns which will be discussed below.
- 5.27 Firstly, it is stated that there is an agricultural tie on 'Spindles Farmhouse' (to which the barns to be converted are associated). Condition 4 of planning permission reference CH/2189/84 and condition 3 of planning permission reference 88/1333/CH restricted the use of Spindles Farmhouse to only those occupied in agricultural or forestry enterprises. Planning application CH/1999/1518/FA sought to remove the agricultural occupancy conditions to allow occupation of the dwelling unencumbered by the occupancy conditions. This application was refused and an appeal dismissed, on the basis that it was considered that the Applicant had failed to satisfactorily demonstrate that there was no demand for a dwelling of this type.
- 5.28 The occupancy condition only relates to the use of the farmhouse, and not the associated land or buildings (including the buildings the subject of this application). Although the concerns of third parties that the conversion of the buildings would be contrary to this occupancy condition are noted, it is considered that Spindles Farmhouse lies outside of the current application site and nor is it proposed to make any changes/alterations to this dwelling or to remove the agricultural occupancy condition. Accordingly, Spindles Farmhouse

will continue to be subject to the agricultural occupancy condition, irrespective of the outcome of this current application. Should the occupiers of Spindles Farmhouse wish to remove the occupancy condition, a separate planning application would be required. Despite the conversion of the two buildings on site, Spindles Farmhouse would retain approximately 9 hectares of arable farm land which is considered to be sufficient to maintain an agricultural enterprise on site. The occupiers of Spindles Farmhouse are further advised that should the dwellinghouse be occupied by those not employed within an agricultural or forestry enterprise at any point, then they could be at risk of enforcement action.

- 5.29 A second concern raised by third parties relates to any machinery, animals and feed which are currently stored on site. Details have not been provided as to where these will be stored or where animals will be stabled. It is noted that details as to this are not required to be submitted as part of a planning application and their relocation is not considered to be a material planning consideration. The Applicant will have to arrange for any storage to be provided elsewhere, outside of the planning process.
- 5.30 A further concern raised is that this application is a precursor for further applications for replacement barns on site. In response, every planning application must be assessed on its own merits and any future application for agricultural buildings will be assessed at the time of submission. Future applications for agricultural buildings will need to demonstrate an appropriate agricultural need in order to be acceptable. In any event, outline permission for the conversions has already been granted in this case, so the principle is acceptable.
- 5.31 With regard to affordable housing, there are specific circumstances set out in the National Planning Practice Guidance (NPPG) where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development. The NPPG specifically states that planning obligations should only be sought for residential developments where 5 or more homes will be provided in an AONB, or the site has an area of 0.5 hectares or more. To this end, the application proposes only two residential dwellings on a site of 0.26 hectares. The development therefore falls below the threshold for requiring an affordable housing contribution, as set out in the NPPG.
- 5.32 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. Should planning permission be granted, the Applicant will be issued a CIL liability notice.

## **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 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
- 6.2 As set out above it is considered that the proposed development would accord with the development plan policies and the provisions of the NPPF and as a result the application is recommended for conditional permission.

## **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.

### **Recommendation:** Conditional Permission

Subject to the following conditions:-

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.  
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
2. 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.  
Notwithstanding the appearance of the garage doors shown on the drawings, these doors shall only have vertical divisions and not horizontal bands.  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

3. Prior to occupation of the development hereby approved, the proposed boundary treatments shown on plan reference 20 CHHH SP02 A PROPOSED shall be erected. The approved boundary treatments shall be retained in situ, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential curtilage is properly demarcated and to ensure that the boundary fencing is not replaced with a more solid means of enclosure, in order to maintain the openness of the Green Belt.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no openings, other than those expressly authorised by this permission, shall be inserted or constructed at any time in the building, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To retain the character and appearance of the agricultural buildings, to conserve the rural character of the locality and the landscape value of the AONB.
5. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - H 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 maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality.
6. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 2 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 maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality.
7. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, no additional external lighting shall be installed on the site or be affixed to any structure hereby permitted without first receiving approval in writing by the Local Planning Authority.

Reason: To ensure that there is no detrimental impact upon the openness and rural character of the Green Belt.

8. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.  
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
9. The development shall be undertaken in accordance with the measures recommended within the Preliminary Ecological Appraisal undertaken by Smart Ecology, April 2018 and the scheme for ecological enhancements shown on approved plan reference 20 CHHH SP02 A PROPOSED.  
Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.
10. 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:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o 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.

11. 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 any 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, neighbours and other offsite receptors. The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

12. 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 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 11.

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.

13. 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>
22 Jun 2020	20 CHHH SL01
22 Jun 2020	20 CHHH NB100 PROPOSED NORTH BARN
22 Jun 2020	20 CHHH SB100 A PROPOSED SOUTH BARN

22 Jun 2020 20 CHHH SB101 A SOUTH BARN OUTBUILDING  
22 Jun 2020 20 CHHH SP02 A PROPOSED

**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 732792 for more information.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

'I would like to call this application in to Committee if the officer is minded to approve it'.  
Councillor MacBean.

### Parish/Town Council Comments

'After a meeting held on the 3rd August Little Missenden Parish Council voted to object to the proposed Planning Application PL/20/1954/DE, Chalk Farm (spindles Farm) Chalk Lane, Hyde Heath, our reason for this is laid out below:

Before our full reason for objection we also want to make it clear to planning and councillors who look into the planning history that this plot of land and Farm have had several aliases over the years which makes finding past history on planning difficult, A few of the known names are: Spindles Farm, Chalk Farm and Warren farm. Back in 1997 planning was put in for two barns to be constructed, reason for this was for agricultural use with connection to the working, when permission was granted there where several conditions placed upon the property, apart from the standard in time to build and type of materials there were the following:

The building hereby permitted shall be used for agricultural purpose in connection with the agricultural holding of which the application site a part only, and for no other purpose at all at any time.

Also Spindles Farm is part of the smallholding and was granted on appeal, but the Inspector did place an agricultural tie across the consent to ensure the property could not be used for Private residential purposes.

It is clear the barns are still being used for agricultural purposes with the storage of machinery, feed, and Horses/livestock, which is in daily use, this has also been agreed in the D&A Statement. It has not been made clear where the livestock/Horses, machinery and feeds will go once the barns are converted, so it can only be assumed the barns are still used.

Taking into account the above major condition placed on the barns when permission was first granted in 1997, and that they are still used regularly and there has been no other storage suggested it is clear these barns are still required for agricultural use and therefore must remain as so.

The surrounding land is agricultural, Green Belt and within the AONB and must remain so, there needs to be a written condition stating no agricultural land can be used for barns, play areas, gardens or any building of any type.

The ecological report is of no standing and must be done by an independent ecologist to give a far and frank view on the inhabitants within the barn and surrounding area, as per Hillingdon verses HS2 court case.

Concerning the proposed barns design, the vast glass sections do not blend in with the surrounding landscape and any existing buildings, they will cause light pollution across the valley, and will be in fitting with the existing landscape, the nearest barn/stables are two fields down Chalk Lane and another recent barn conversion Weedon Hill, Hyde Heath, have all used Black timber Cladding with standard sized Oak framed windows and clay tiled roofs to be in keeping within the area and the surrounding countryside, and which is a tradition in the Chiltern Area.

LMPC see it that the planning officer and/or Committee should be minded in placing the following conditions on the development:

- 1./ a full structural survey is undertake to confirmed how much demolition is required of Barn no.2 to make it habitable, it may be that the barn is in fact not safe and will require too much work to stabilize and such be reclassified as a redevelopment which is then outside of this planning.
- 2./ Under the planning and later appeal of 1997 the Barns and surrounding land is to remain as agricultural land, No further fields shall be used for building, Barns, Gardens, Roads, or any other construction.
- 3./ Also due to the already set agricultural tie the barns are to be used for Agricultural or Forestry workers and are to be off affordable buildings as set out in the Chiltern Plan.
- 4./ Parking, drives and amenity areas including play are to remain in the existing footprint of the barns, no other land is to be used for barns, parking, Garage/Storage, or gardens/play areas.
- 5./ an independent ecological survey is done of the barns and surrounding area.
- 6./ before any further permissions are given a soil and ground survey is to be undertaken.
- 7./ The new barns are to be constructed (if allowed) with black timber cladding, average glassing, and clay tiled roofs to match in within the existing area and Chilterns valley.
- 8./ As the existing area is still under an Agricultural tie then the new barns are to be off affordable properties and with ties to Forestry/Agricultural workers only.'

### **Consultation Responses**

**Building Control Officer:** 'Access for the Fire Service to comply with Approved Document B.'

**Highway Officer:** 'This application is for planning consent in relation to all matters, following application PL/18/2502/OA, to which the Highway Authority had no objections subject to conditions.'

The applicant has submitted the proposed parking layout, detailing four on-site spaces. The parking standards specify that each parking space should be a minimum of 2.4m x 4.8m wide. Whilst I trust that the Planning Officer will consider the level of parking proposed, I can confirm that the spaces are of adequate dimensions and would allow for vehicles to park clear of the highway.

Mindful of the above, I do not have any objections to this proposal.'

**SuDS Officer:** 'No comments.'

**Tree Officer:** 'The woodland to the west of the application site is protected by Tree Preservation Order No 15 of 1998. The outbuilding to the west of the South Barn adjacent to the woodland is shown to be removed and replaced with a smaller garage. Most of the land adjacent to woodland currently consists of concrete slab hardstanding. The application proposes driveways with a permeable surface along much of this boundary.

There is an existing hedgerow along the front boundary. This appears to have been planted and maintained as a hornbeam hedge for many years but in recent years it has been allowed to grow up into a hedgerow about 10m in height. The proposal uses the existing access and the front hedge does not appear to be affected by the proposal.

There are no substantial trees within the site.

The Proposed Site Plan shows the planting of some trees and native hedgerows, which would be useful additions.

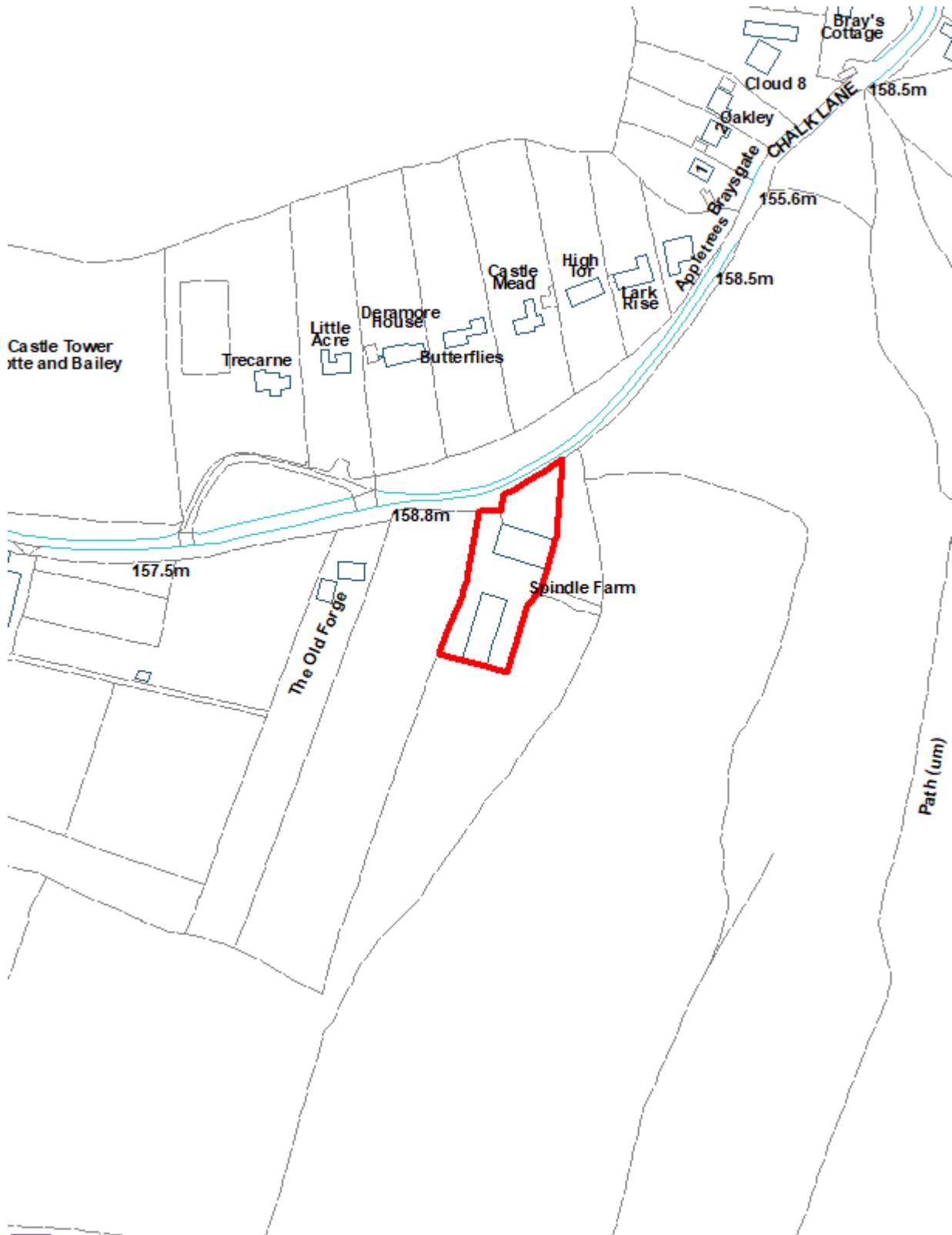
I have no objections to the application.'

### **Representations**

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

- Site is located in an Area of Outstanding Natural Beauty
- The barns were granted planning permission on the basis that they were required for agricultural use
- The associated farmhouse is subject to a condition stating that it can only be occupied by an agricultural worker
- Concern regarding what will happen to the existing contents of the buildings
- Increase in congestion on narrow lane
- Concern that further replacement barns will be erected
- Agricultural land will be used as garden land
- Design is not in keeping
- Materials are an eyesore
- Buildings are extremely visible in the landscape
- Independent ecology surveys have not been undertaken
- No extension of garden land should be allowed
- No further development on site should be allowed

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

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