



Report to East Area Planning Committee

Application Number:	PL/20/3487/FA
Proposal:	Erection of two replacement two-storey dwellings and one single-storey dwelling and two garages
Site location:	Peterley Wood Farm, Peterley Lane, Prestwood, Buckinghamshire, HP16 0HH
Applicant:	Mrs Rosemary Hall
Case Officer:	Emma Showan
Ward affected:	Great Missenden
Parish-Town Council:	Great Missenden Parish Council
Valid date:	30 November 2020
Determination date:	6 August 2021
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application proposes the erection of two two-storey dwellings and one single-storey dwelling and two garages within a site located within the Green Belt and Area of Outstanding Natural Beauty (AONB). As part of the application, it is proposed to demolish an existing dwelling, former farm office and garage block in order to facilitate the proposed development.
- 1.2 As the site is located within the Green Belt and AONB, the development would need to maintain the openness of the Green Belt and preserve the special landscape character of the AONB.
- 1.3 Councillor Gladwin had requested that this application be determined by the Planning Committee if the Officer recommendation is for approval
- 1.4 The recommendation is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 The application site is located on the northern side of Peterley Lane in a rural location to the south of the settlement of Prestwood. It is within the open Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). The

site is surrounded by Peterley Wood, which is designated as Ancient Woodland.

- 2.2 The current site includes a number of buildings and different uses, as follows:
 - A residential dwelling (known as Peterley Wood Farm)
 - A triple garage with storage and ancillary office on the ground floor, and residential accommodation which is ancillary to the main house on the first floor
 - 2 small residential dwellings
 - Large barn which is used for storage of building materials and agricultural machinery
 - 2 stable blocks
 - Manège
 - 3 single storey outbuildings
 - Hardstanding.
- 2.3 Access to the site is along a driveway from Peterley Lane, which goes past Peterley Lodge to the west.
- 2.4 This application proposes the erection of two two-storey dwellings and one single-storey dwelling and two garages.
- 2.5 Dwelling One would be a two-storey detached dwelling. It would have a maximum width of 16.5 metres, depth of 11.7 metres and pitched roof height of 8.5 metres, with an eaves height of 5 metres. It would contain three/four bedrooms and would have two balconies on the front elevation.
- 2.6 Dwelling Two would be a two-storey detached dwelling. It would have a maximum width of 14.5 metres, depth of 11.7 metres and pitched roof height of 8.5 metres, with an eaves height of 5 metres. It would contain three bedrooms and would have balconies on the rear elevation.
- 2.7 Dwelling Three would be a single storey detached dwelling. It would have a maximum width of 15.5 metres, depth of 9 metres and pitched roof height of 4.5 metres, with an eaves height of 2.5 metres. It would contain two bedrooms. It would have an attached, open-sided pergola to the rear and open-sided front porch to the front.
- 2.8 Dwellings One and Two would be served by single garage. Each garage would have a width of 6 metres, depth of 6 metres and pitched roof height of 5.5 metres with an eaves height of 2.3 metres.
- 2.9 The proposed dwellings would be served by the existing access onto Peterley Lane.
- 2.10 As part of the application, it is proposed to demolish an existing dwelling, former farm office and garage block. The dwelling is 1.5 storeys and characterised by brick elevations with a tiled roof. It has a clipped gable roof and is characterised by roof dormers. The former farm office is single storey and comprised of concrete and render. The garage block comprises three

vehicular parking spaces and storage above. It is used in association with the existing dwelling.

- 2.11 Amended plans have been submitted during the course of this application. These show the relocation of the dwellings within the site. The site area and size of the dwellings remain as originally submitted.

3.0 Relevant Planning History

- 3.1 CH/1984/1916/FA - Extensions and alterations to provide a fourth bedroom and granny annexe to agricultural workers dwelling - Conditional Permission
- 3.2 CH/1985/0326/FA - Extensions and alterations to provide a fourth bedroom and granny annexe to agricultural workers dwelling - Conditional Permission
- 3.3 CH/1987/1284/FA - Demolition of garage and erection of two storey building comprising triple garage with store over, and construction of ornamental lake - Refused Permission.
- 3.4 CH/1987/2597/FA - Demolition of existing building and erection of two storey building comprising triple garage and store rooms - Conditional Permission.
- 3.5 CH/1989/1588/FA - Change of use of land from agricultural to residential and erection of 2 storey building comprising triple garage with storage rooms - Refused permission.
- 3.6 CH/1995/0930/FA - Alterations and change of use of first floor above garage from domestic storage to provide ancillary living accommodation for Peterley Wood Farm - Conditional Permission
- 3.7 CH/1996/0854/FA - Removal of condition 2 from planning permission 95/0930/CH to allow use as independent dwelling unit - Refused permission and dismissed at appeal.
- 3.8 CH/1997/0411/FA - removal of agricultural occupancy restriction (condition 1 of planning permission AM/0636/54) - Refused permission.
- 3.9 CH/2002/1288/FA - Continued use of barn for storage of building materials and for repairs to private motor vehicles and agricultural machinery - Refused but allowed on appeal.
- 3.10 CH/2008/1562/FA - Retention of two buildings for use as self-contained holiday lets (Use Class C3) - Refused permission and dismissed at appeal.
- 3.11 CH/2009/1878/EU - Application for certificate of lawfulness for an existing use relating to the conversion of two buildings for use as two independent dwellings with associated hardstanding between - Certificate granted.
- 3.12 CH/2015/2095/FA - Change of use of ground floor from residential garage to a storage facility for business records with ancillary office - Conditional Permission.
- 3.13 CH/2016/1762/OA - Outline application for demolition of all existing buildings on site and the erection of 7 dwellings (matters to be considered at this stage:

access, scale and layout) – refused permission and appeal dismissed for following reasons:

- The proposal would constitute inappropriate development in the Green Belt;
- The scheme would result in moderate harm to the openness of the Green Belt and the purposes of including land within it as a consequence of the scale of the individual dwellings; their spread across the site and the suburban development;
- Moderate harm to the character and appearance of the area and Chilterns AONB which it would fail to conserve or enhance

3.14 PL/19/4428/EU - Application for a Certificate of Lawfulness for existing: A former office building has been converted in Spring 2011 for accommodation and has been occupied continuously since March 2011. The office building being marked number 2 on plans – pending consideration.

3.15 PL/20/0719/FA - Two storey side extension – pending consideration.

3.16 PL/20/3247/FA - Conversion of existing barn to form single residential unit C3, together with alterations to fenestration, erection of detached car port structure, landscaping and hardstanding; conditional permission.

4.0 Summary of Representations

4.1 The Parish Council oppose the application and raise concerns with respect to: the impact on the Green Belt and AONB; access to the highway; sustainability of the site.

4.2 In addition, one letter of objection has been received; one letter has raised no objection to the principle of development but raised concerns in relation to the siting of Dwellings One and Two; and one neutral letter has been received. Two letters have been received stating that previous objections have been withdrawn.

4.3 The Great Kingshill Residents Association object to the proposal and consider the development to be inappropriate development.

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),

CS2 (Amount and distribution of residential development 2006-2026),

Local Plan Saved Policies:

H3 (Provision of new dwellings in the built-up areas excluded from the Green Belt (other than in accordance with Policies H2, H4 & H7)),

GB2 (Development in general in the Green Belt)

- 5.1 The application site is located within the open Green Belt, where most development is inappropriate and there is a general presumption against such development. Chapter 13 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts 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.
- 5.2 Paragraph 145 of the NPPF outlines some exceptions to this, including the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development. It also allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 5.3 This position is supported by Local Plan Policy GB2 which confirms that most development in the Green Belt is inappropriate and there is a general presumption against such development. It states that certain forms of development may be acceptable, and this includes the replacement of existing buildings.
- 5.4 The site is also located in the Chilterns Area of Outstanding Natural Beauty, where in accordance with Local Plan Policy LSQ1, development should conserve, and where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB.
- 5.5 All other relevant Development Plan policies should also be complied with.
- 5.6 It is noted that the application site is in mixed use, comprising the residential dwelling at Peterley Wood Farmhouse and its associated garage; an equestrian manège and barn; in addition to other buildings associated with the use of the land. A large part of the site is also open. There is also a former farm office, although an application for a Certificate of Lawfulness has been submitted (PL/19/4428/EU) setting out that this building has been converted and used for residential accommodation continuously since Spring 2011. This application is

pending consideration. It is also noted that an application (reference PL/20/3247/FA) was recently approved for the conversion of the barn to form a single residential unit. This permission remains extant but has not yet been implemented.

- 5.7 This application only proposes the demolition of the farmhouse and its associated garage (which are in residential use) and the former office (its use subject to determination under application PL/19/4428/EU) and their replacement with new dwellings. The other buildings on site will remain as existing. It is considered that in principle, the existing residential uses would be considered to be previously developed land and therefore their replacement with new buildings could be acceptable, providing the new development does not have a greater impact on the openness of the Green Belt than the existing development.
- 5.8 Also of relevance is application CH/2016/1762/OA which proposed the demolition of all existing buildings on site and the erection of seven dwellings. The application was submitted in outline. This application was refused and an appeal was dismissed. The reasons for refusal upheld at appeal were:
- The proposal would constitute inappropriate development in the Green Belt;
 - The scheme would result in moderate harm to the openness of the Green Belt and the purposes of including land within it as a consequence of the scale of the individual dwellings; their spread across the site and the suburban development;
 - Moderate harm to the character and appearance of the area and Chilterns AONB which it would fail to conserve or enhance
- 5.9 The previously refused scheme sought to erect seven dwellings on a larger area, although it is noted that the site area under this application partly overlaps with the previous site. This is the parcel of land which includes Peterley Wood Farmhouse, its garage and the farm office, and the land to the north of this dwelling and its garden. In the appeal decision, the Inspector confirmed that the proposal was inappropriate development in the Green Belt and took into account the impact of the development in the Green Belt in a spatial sense. Although it was accepted that there would be a 20% reduction in the footprint of development on site and a reduction in the volume of development on site by 5 cubic metres, he stated that: *The structures within the appeal site are currently spread out and some are small and single storey. This softens the presence of the built form. The disposition of the buildings in the site also affords it an informal character.* The appeal scheme is advanced as an attempt to consolidate the built form but the development would spread across much of the site due to the detached form of the houses and the size of the curtilages. In particular Plots 4, 5 and 6 would be taller and larger than the

existing structures in the south western corner of the site and thus more prominent. Plot 3 would be in a previously undeveloped area of the site but this is a reasonable trade off, in terms of overall openness, with the large existing barn... Consequently, when considered spatially, the appeal scheme would be a more prominent form of development than what currently exists. The overall impact of the appeal scheme, in this respect, would be to reduce the openness of the Green Belt}.

- 5.10 The comments of the Appeal Inspector are a material consideration in the determination of this application, given that the proposed siting of the dwellings overlaps with the siting of dwellings proposed under the earlier, refused scheme.
- 5.11 An assessment of the current proposal will therefore need to take into account both the proposed increase/decrease in floor area and volume of built form on site, in addition to the impact of the siting of the proposed buildings on the Green Belt location.
- 5.12 The application proposes the demolition of three buildings; the existing farmhouse in residential use; its associated garage also in residential use; and a former farm office. An application for a Certificate of Lawfulness (PL/19/4428/EU) has been submitted, and is currently pending consideration, to seek confirmation that the office has been converted and has been in residential use since 2011. Previous applications have referred to this building as an outbuilding and the submitted supporting information in relation to the Certificate of Lawfulness application states that the building has been in office use for a firm of surveyors and then a building company, prior to its conversion into residential use in 2011. There is no recent evidence or planning history to suggest that the farm office has been in agricultural use of late, and given that the majority of buildings on site are in equestrian or residential use, it is considered reasonable that the farm office can be considered to be previously developed land (whether it is lawfully in residential, office or other use – to be determined), as opposed to in agricultural use. This was the approach taken by the Appeal Inspector in the previous outline application for the erection of seven dwellings and so it is considered that the former farm office does constitute previously developed land and it can be taken into account in the assessment of this current application.
- 5.13 The existing residential dwelling has a floor area of 540 square metres; the former farm office has a gross external area of 58 square metres and the former garage block has a gross external floor area of 188 square metres. The total gross external floor area of development to be demolished is therefore 786 square metres. Meanwhile, the proposed development, taking into account the three dwellings and two garages, would have a gross external area

of 713 square metres. The redevelopment would therefore present a reduction of 73 square metres of floor area, or a reduction by 9.3%.

- 5.14 Volume calculations have not been provided, but it is noted that the buildings to be demolished comprise a 1.5 storey dwelling, a 1.5 storey garage block, and a single storey dwelling. This compares to the proposed scheme which seeks to erect two, two-storey dwellings and a single storey bungalow. Taking into account the reduction in floor area, it is considered that the increased heights on Plots One and Two (which would have a ridge height only 1 metre taller than that at the farmhouse to be demolished) would not result in the cumulative development appearing materially larger, compared with the built form to be demolished.
- 5.15 Based on the above, it is acknowledged that the proposal would result in a reduction in the built form on site, but a Green Belt assessment should not just be made on calculations, but on the overall impact of the development on the openness of the Green Belt and the purpose of including land within it. This was the approach taken in the assessment of previous application CH/2016/1762/OA and resultant appeal decision.
- 5.16 Concern was previously raised with the inclusion of new dwellings on land to the north of the existing farmhouse. This land is currently open and the previous Case Officer and Appeal Inspector considered that the inclusion of new development on this land would result in a more prominent form of development than what currently exists, which would result in a reduction to the openness of the Green Belt. It was considered that the extent of development proposed would 'have the appearance of an urban encroachment into the countryside'.
- 5.17 The current scheme proposes to erect three dwellings; Plot 2 would be located on a comparable footprint to the existing residential farmhouse to be demolished; Plot 3 would be located on the footprint of the former farm office to be demolished; and Plot 1 would be located on the open land to the north of the existing farmhouse, adjacent to the existing ménage (to be retained). When this application was first submitted, an alternative layout was proposed, with Plots 1 and 2 being located to the north of the site and the existing dwelling to be demolished, and Plot 3 remaining on the footprint of the former farm office to be demolished. This would have resulted in a greater spread of development within the site, with the erection of the proposed dwellings and their hardstanding to the north of the site encroaching into this currently open area. Amended plans have since been submitted, which show the re-siting of the dwellings so that two of the proposed dwellings would now be sited on the footprint of buildings to be demolished. This is considered acceptable, as it would not lead to further encroachment into the Green Belt.

- 5.18 Only one dwelling, Plot 1, would be sited to the north of the site, on the area of land which is currently open. However, it would be sited in close proximity to the existing hardstanding and manège, both of which would be retained. An open buffer would be retained to the north of this proposed dwelling and to the east, which would maintain the openness of this part of the site and Green Belt. The inclusion of Dwelling 1 in this location would have an impact on the openness of this part of the Green Belt, however this must be weighed up against the fact that the demolition of the garage block to the south of the existing dwelling (to be demolished) would result in greater openness in this part of the site. The demolition of this garage can be secured by way of condition, ensuring that it is demolished and the debris cleared, prior to completion of the approved development, thus improving the openness of this part of the site – should planning permission be granted.
- 5.19 Overall, it is considered that the siting of Plot 1 would still be viewed in association with the other two proposed dwellings on site. Whilst there would be encroachment into the Green Belt as Plot 1 would introduce development where there is currently none, albeit in close proximity to Plots 2 and 3, the harm to openness would be offset by the improvements to the openness of the Green Belt to the south of the proposed dwellings, where the existing garage block would be demolished. It is considered therefore that the harm to the openness of the site as a whole would not be material. The improvements to the openness of the Green Belt by way of the demolition of the existing garage block to the south are important to note, whilst the siting of proposed Plot 1 would still be such that it is viewed in association with the other buildings and development on site.
- 5.20 Based on the above assessment, it is considered that the proposed demolition of the existing farmhouse, former farm office and garage, and their replacement with three new dwellings, would not result in greater harm to the openness of the Green Belt, both in spatial and visual terms. As such, no objections are raised with regards to the principle of development, subject to compliance with the other relevant Development Plan policies.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

- 5.21 The site is located in the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscaping and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 5.22 As part of the assessment of the previous application (CH/2016/1762/OA), the Appeal Inspector stated that: *The appeal site does not exhibit any of the special qualities justifying the AONB designation but it is within the setting of Peterley Wood, an important landscape feature in the AONB. As already stated, the appeal site is reasonably prominent in views from the wood, particularly the development along the southern and western boundaries, which is imposing and detracts from the tranquillity and visual quality of the woodland. Removing this development, comprehensively landscaping the site and designing the properties to reflect the vernacular of the area could enhance the AONB if the scale and layout of the houses was sensitively treated.*
- 5.23 Whilst concerns were raised by the Appeal Inspector in relation to proposed Plots 4, 5 and 6 (of application CH/2016/1762/OA), which were considered to be prominent in views from the wood, no new development is proposed on this part of the site under the current application, and instead the proposal seeks to erect the new dwellings on the footprints of and, in close proximity to the footprints of, the existing buildings to be demolished. This part of the site has a more developed character and the proposed dwellings would be viewed spatially as part of the cluster of buildings forming the former Peterley Manor estate which comprises the adjacent neighbouring properties, and the ménage and other developed parts of the application site, as opposed to in the context of the more wooded and open surroundings. For this reason, subject to an appropriate design of the proposed buildings (to be discussed in the next section of this report); the use of appropriate materials; and landscaping/boundary treatments, it is considered that the setting of and views from Peterley Wood would be retained and the proposal would have an acceptable, potentially improved, impact on the character and appearance of the area and Chilterns AONB, in line with the previous Appeal Inspector's conclusions.
- 5.24 The Appeal Inspector stated in relation to the previous scheme that: *the scheme as presented would have a conventional and unimaginative cul-de-sac layout designed with large detached houses set behind extensive driveways which would in turn provide access to large garages. This car dominated suburban layout would jar with the rural character of the area and fail to integrate with the Peterley Manor complex. Thus, the layout would not sufficiently reflect local distinctiveness. Instead, the development would*

appear as a discordant suburban intrusion into the area when viewed from local vantage points, which includes the adjoining wood.}

- 5.25 The revised scheme is of a much smaller scale than that previously proposed. It seeks the replacement of three existing buildings with three new dwellings. The buildings to be demolished include the existing farmhouse which is a reasonably modern chalet style detached dwelling characterised by brick and tile facing materials and roof dormers; a detached garage made of similar materials; and a single storey former farm office characterised by its concrete and render construction. The Appeal Inspector previously concluded that the buildings on site do not reflect the wider architectural context of the Chilterns.
- 5.26 The three dwellings would all differ in their appearance, albeit, they would have a similar character and would be built for the same materials. The dwellings would be characterised by projecting gable ends, gable roofs (and a hipped roof for the bungalow), balconies, and floor-to-ceiling glazing panels. The overall appearance would be contemporary.
- 5.27 In the locality, dwellings vary in character and are predominantly characterised by traditional brick and tile facing materials. The variation across the size and appearance of dwellings and buildings contributes to the informal, rural character of the area. It is considered that, by virtue of the mixed character of buildings in the locality, a development comprising three dwellings of uniform 'estate house' appearance would be inappropriate for this setting. As such, the proposed erection of three dwellings of varying character would be more appropriate and sympathetic. Despite being of a contemporary appearance, the use of gable roofs, projecting gable ends, chimney flues and porches would relate well to the character of buildings in the area. It is considered that the dwellings would appear as a contemporary interpretation of a Chilterns building and this is considered to be acceptable in this semi-rural, secluded location.
- 5.28 Similarly, unlike the arrangement of dwelling proposed under the previous application CH/2016/1762/OA, the proposed dwellings would be arranged so that they face onto the existing access road within the site, allowing for a fluid layout, as opposed to a formal, suburban layout characterised by estate roads and large dwellings set at the end of private driveways. The proposed siting would mean that the amount of new hardstanding within the site would be limited and the dwellings would have a more recessive relationship with the landscape, which is considered to be appropriate for the rural setting. The varied orientation of dwellings and non-regular plot shapes would further be more in keeping with the rural setting.
- 5.29 In terms of materials, the Design & Access Statement states that the proposed dwellings would be faced with timber and zinc elevations under a zinc or similar roof. The zinc could be matt black, of the same appearance as a

traditional slate roof. The plans show that the cladding would be arranged so that it is vertical across the dwellings. In this instance, given the rural setting, it is considered that the use of cladding across the buildings would relate well to the agricultural nature of the site and the agricultural buildings and barns in the locality. Should planning permission be granted, then a condition requiring the submission of specific information regarding the type and colour of the facing and roofing materials for approval would ensure that the resultant dwellings are sympathetic and in keeping with the landscape.

- 5.30 The proposed dwellings would each have a private amenity area to the rear. Suitable boundary treatments and modest levels of hardstanding would ensure that the encroachment is contained and that the development does not appear overly urban or unsympathetic to the rural surroundings. The submission of details for approval regarding the proposed boundary treatments and hardstanding within the site would ensure that the resultant development is appropriate for the Green Belt and AONB setting. A condition removing Permitted Development rights for outbuildings will also limit the encroachment of urbanising features in the Green Belt location and would help to retain the openness of the site.

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)

- 5.31 Dwellings One and Two would be sited to the north-west of the site at a sufficient distance away from neighbouring properties so that they would not appear overbearing or intrusive when viewed from adjacent properties. Their erection would not have a detrimental impact on any neighbouring amenities. Dwelling Three would be sited adjacent to Peterley House and it would have a flank-to-rear relationship with this property. Approximately 11 metres would separate the two dwellings and given that Dwelling Three would be a bungalow with a modest height of 4.5 metres, it is considered that the proposed dwelling would not appear overbearing or intrusive to the detriment of the amenities of the occupiers of Peterley House.
- 5.32 The three dwellings would each have a rear amenity area. The gardens would vary in size given the irregular plot shapes, but would each exceed the 15 metre garden depth recommended in Local Plan Policy H12. It is considered that the amenity areas provided would be appropriate for the size and type of residential accommodation proposed.
- 5.33 The existing dwelling on site (to be demolished) is located on an existing waste collection route and the current occupiers present their waste and recycling containers at the edge of the private drive and Peterley Lane. The proposed

dwellings will retain adequate space within their curtilages to accommodate their waste and recycling receptacles on non-collection days. The Waste Team has confirmed that waste is currently collected from Peterley House, with refuse vehicles accessing that far into the site. Therefore, residents would not need to carry waste for an excessive distance.

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)

TR15 (Design of parking areas throughout the district)

- 5.34 The three dwellings would each be served by a parking area to the front and Plots 1 and 2 would also be served by a separate garage also. There would be adequate space to provide three vehicular parking spaces per dwelling on site, and therefore the proposal would accord with the parking standards set out in Local Plan Policy TR16.
- 5.35 The dwellings would rely on the existing private driveway that runs through the site and which links with the public highway at Peterley Lane. These access arrangements have been reviewed by the Highway Officer who has confirmed that the existing buildings on site generate a similar number of vehicular movements to that of the proposals and therefore it is considered that the local highway network will not be adversely impacted by the proposals. The Highway Officer has not objected to the proposed development.
- 5.36 The previous application, CH/2016/1762/OA, included the lack of sustainability of the development site as a reason for refusal. It was stated that the location of the site was not sustainable in that it has only limited access by non-car modes of travel. The absence of adequate infrastructure and the site's remoteness from any built up area was considered such that it was likely to be reliant on the use of the private car. The Appeal Inspector did not uphold this reason for refusal on the basis that it was not established that walking would be unsafe and inconvenient and that residents would be more likely to use a car. He was also satisfied that any harm that would arise from a reliance on private motorised transport would be capable of being outweighed by an overall reduction in vehicle movements, compared to the existing lawful uses on the site. The current scheme would similarly not lead to an increase in vehicle movements. For this reason, and taking into account the comments of the Appeal Inspector, it is considered that the location of the development would not be unsustainable or contrary to local and national planning policies.

Environmental issues

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

CS24 (Biodiversity)

Local Plan Saved Policies:

GC4 (Landscaping throughout the district)

5.37 The application proposal involves the demolition of three buildings and there is a reasonable likelihood of the presence of protected species. Therefore, the proposal is likely to have a negative impact upon biodiversity if unmitigated. The Applicant has submitted a preliminary ecological assessment and bat emergence surveys which the Council's Ecology Consultant has assessed and considers to be acceptable. The Ecology Consultant has raised concerns in respect of the provision of adequate mitigation and enhancement measures for protected species on site, however it is considered that these measures can be secured by way of an appropriately worded condition requiring the submission of a scheme of ecological enhancement to be approved by the Council, and then implemented, prior to occupation of the development.

Affordable Housing and Housing Mix

Core Strategy Policies:

CS8 (Affordable housing policy)

5.38 The proposal involves a net increase of four dwellings on this site. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. Therefore, based on the amended guidance, which carries more weight than Policy CS8, no objections are raised to the current application without an affordable housing contribution.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 Overall, it is considered that the proposal would comply with the relevant policies of the Development Plan and the NPPF. For this reason, the application is recommended for approval, subject to planning conditions.

6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning

applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

6.3 As set out above it is considered that the proposed development would accord with the development plan policies and provisions of the NPPF.

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.

8.0 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. Before any construction work commences above slab level, details of the facing materials and roofing materials to be used for the external construction of the dwellings hereby permitted and any additional hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority. Any new hardstanding shall either be of a permeable surface, or shall allow for natural drainage within the site. The development shall be implemented in accordance with these approved details.
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality or results in surface water flooding.
3. Prior to occupation, full details of the means of enclosure to be erected as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected prior to the occupation of the dwellings.

Reason: To safeguard, as far as possible, the visual amenities of the locality, the amenities of the adjoining properties and approved dwellings, and to maintain the openness of the Green Belt.

4. 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 (inclusive) 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, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

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 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, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

6. 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.

7. Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

8. The development shall be undertaken in accordance with the measures recommended within the Bat Emergence Survey and Preliminary Ecological Assessment produced by ASW Ecology (June 2021 and January 2021).
Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

9. Prior to occupation of the development hereby approved, a scheme of ecological enhancements, and a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority to show that an overall net gain in biodiversity will be achieved. The scheme shall include details of landscape planting of known benefit to wildlife and the provision of artificial roost features, including bird and bat boxes. Any new fencing shall include holes to allow safe passage of hedgehogs. The scheme shall be implemented as approved by the Local Planning Authority.
Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

10. Prior to the occupation of the dwellings hereby permitted, the existing dwelling, former farm office and garage block shown on the Proposed Location Plan shall be demolished, as shown on the approved drawings, and all resulting debris and rubble removed from the site.
Reason: To maintain the openness of the Green Belt and in order to conserve the scenic beauty of the landscape.

11. 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>
23 Apr 2021	AMENDED PLOT 3 PROPOSED FLOOR PLANS
23 Apr 2021	AMENDED REV J - REV G - PROPOSED SITE
18 Nov 2020	Plan - Location Plan
18 Nov 2020	PROPOSED GARAGE FLOORPLAN AND ELEVATIONS.
19 Oct 2020	PLOT 1 FLOOR PLANS XO1 REV E
19 Oct 2020	PLOT 2 PROPOSED FLOOR PLANS

19 Oct 2020

PLOT 1 - REV D - 228898-A2 05 OUTLINE SE

19 Oct 2020

PLOT 2 REV D - 228898-A2 05 OUTLINE SECT

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

Councillor Gladwin: The proposed development is within the Green Belt and the Chilterns AONB, which the NPPF seeks to protect. There are also issues with traffic entering Peterley Lane. The nearest bus stop is at 1/2 mile from the property with a very limited service. I would like the application brought to the East Buckinghamshire Planning Committee if the officer's recommendation is for approval.

Parish Council Comments

The Parish Council oppose this application which it understands has been called in for consideration by the planning committee. The grounds for opposing the application are:

- a) The proposed development is within the Green Belt and an Area of Outstanding Natural Beauty where there is a presumption against development save in very special circumstances and the National Planning Policy Framework at S172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in, for example areas of Outstanding Natural Beauty.
- b) The Parish Council has concerns as to the Highways access to and from the site and as to whether or not it is adequate to provide safe access and egress for road users and in particular pedestrians if there is additional traffic flow from the site, as is inevitable with the creation of 2 additional dwellings along with an additional dwelling if permission is given in respect of PL/203247/FA. This is particularly critical in light of the 3rd ground, namely
- c) Sustainability. There appears to be limited safe pedestrian access from the site to the main roads and to the nearest point at which public transport is available. This would seem to necessitate the use of motor vehicles by those resident on the site if the development is approved.

Consultation Responses

Archaeology Officer: The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.

Building Control Officer: Access to the new dwellings will need to be in accordance with requirement M of the Building Regulations depending on the category of dwellings agreed. The minimum requirement is a level access threshold to the front door with firm ramped surfaces to the threshold from the parking area. Loose gravel will not be acceptable to the access paths/ramps. The internal door widths and ground floor WC will need to be domestic Part M compliant.

Ecology Consultant: The application is supported by a bat activity survey report (Ramm Sanderson, 2016), a preliminary ecological appraisal (ASW Ecology, January 2021) and an updated bat activity survey (ASW Ecology, June 2021).

We note that three emergence surveys of the main dwelling were undertaken during the optimal survey period for such surveys and in suitable weather conditions (May - June 2021). In line with the Bat Conservation Trust Survey Guidelines, at least one of the surveys should be a pre-dawn re-entry survey, however given that there were also surveys

undertaken in 2016, and that three surveys were undertaken, I do not consider this to be a significant limitation to the survey work.

Emergences of individual common pipistrelle bats were recorded during the surveys, with a maximum of four bats emerging during the second and third survey visits. A number of different roost features were used, under roof tiles and hanging tiles on the building.

In addition, the building has been identified as a brown long-eared bat roost, with at least 15 droppings found in the roof space during the January 2021 inspection. It is not known if the droppings were sent off for DNA analysis to confirm the species identification.

As bat roosts for common pipistrelle (low numbers) and brown long-eared bats have been confirmed in the main building, a Natural England mitigation licence will be required to enable the lawful demolition of the building. An outline bat mitigation scheme has been included in the report.

The replacement roosts outlined in the report are for five Schwegler 2F Bat Boxes installed on mature trees within the property. Although a replacement bat box may be accepted by Natural England, brown long-eared bats are void-dwelling species, the Local Planning Authority has a wider remit than Natural England under the provisions of the NPPF and the ODPM Circular 2005/6 in the requirement to maintain, enhance and restore biodiversity over and above just mitigating for any loss of a roost. In addition to the NPPF, the LPA also has a biodiversity duty under section 40 of the NERC Act in exercising its functions to 'have regard, so far as consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

Having reviewed the proposals, we note that the proposed dwelling and proposed garages are designed with roof voids. We see no reason why the roof void of one of the garages or dwelling could not be used and designed as a dedicated bat roost, to more closely replicate the nature of the brown long-eared bat roost lost, without compromising the proposed design and at minimal extra cost. We would also suggest that integrated bat boxes/bat tubes are used as replacement roosts in suitable locations within the dwellings, as opposed to the tree-mounted bat boxes, as they are longer lasting and less likely to be prone to disturbance, for example the Habitat Bat Box or Schwegler 1FR/2FR Bat Tube.

Locations/types of the bat boxes/tubes should be clearly shown on a plan. We would recommend that an updated bat mitigation plan is provided to include these details, so that they can be secured via a suitably worded planning condition.

Other matters

Ancient Woodland Peterley Wood is located adjacent to the red line boundary. However the site of the proposed works are approx. 30m from the boundary of the woodland and provided that all construction and site machinery remain within the site, the works are not expected to have any adverse impact on the ancient woodland or encroach within a 15m buffer zone in line with Natural England standing advice on Ancient Woodland.

In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. The preliminary ecological assessment (January 2021) provides recommendations for ecological enhancements within the design of the development which are generally acceptable, but it must be clearly stated what enhancements will be delivered by the proposed development so that they can be secured via a suitably worded planning condition.

Highway Officer: I note the Highway Authority has previously provided a number of comments for this site, of most relevant relates to outline application CH/2016/1762/OA (outline application for demolition of all existing buildings on site and the erection of 7 dwellings), which, in the latest response provided on 9th December 2016, the Highway Authority recommended refusal for the application based on the location of the site only having limited access by non-car modes of travel.

Peterley Lane is a rural 'C' class road subject to a 40mph speed limit. This application seeks permission for the demolition of an existing residential dwelling, former farm office and garage block with residential accommodation and the erection of 3 residential dwellings with associated garages.

In terms of trip generation, whilst the development does not appear like-for-like, I would expect the existing buildings on site to generate a similar number of vehicular movements to that of the proposals. Therefore, I am satisfied that the local highway network will not be adversely impacted by these proposals.

Whilst I trust you will comment on the level of parking proposed, I am satisfied that sufficient hardstanding is proposed to allow vehicles to park, manoeuvre and egress in a forward gear.

Mindful of the above, I have no objection to the proposed development.

Second comments: Having assessed the amended site plan, I am satisfied that all dwellings benefit from an appropriate parking and turning area. Therefore, I consider that the amendments do 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 my previous response.

Strategic Access Officer: No comments from a rights of way perspective.

Waste Officer: Waste services note the proposal for 3 dwellings at Peterley Lane. Each resident to bring and present their Waste & Recycling containers at the edge of the private drive as highlighted in the plans in front of Peterley House on collection day only. Collection teams/vehicle will stop at the adopted drive and will not access the private road. All collections to take place in accordance with council policies.

Representations

One letter of support received:

We confirm that we are very happy with the revised plan and would like to give it our support. At the moment there is a considerable level of traffic generated by the various tenants and businesses at Peterley Wood Farm all of which have to pass in close proximity to our property (Peterley Lodge) and we feel this development would create a reduction in traffic movements. At the moment Peterley Wood Farm is a run down, mish mash of buildings and out buildings and to be honest a bit of an eyesore. This development would definitely improve the site with the demolition of the garage, the office which looks like a shack and the main house and annex. The barn has already been granted conditional approval for conversion to residential use and in our view it would make absolute sense to upgrade the whole of Peterley Wood Farm into something more attractive and in keeping with the rest of the Peterley community.

One letter of objection received raising concerns regarding loss of view; impact of precedent of future development; and need for development to be in accordance with landscape character and AONB.

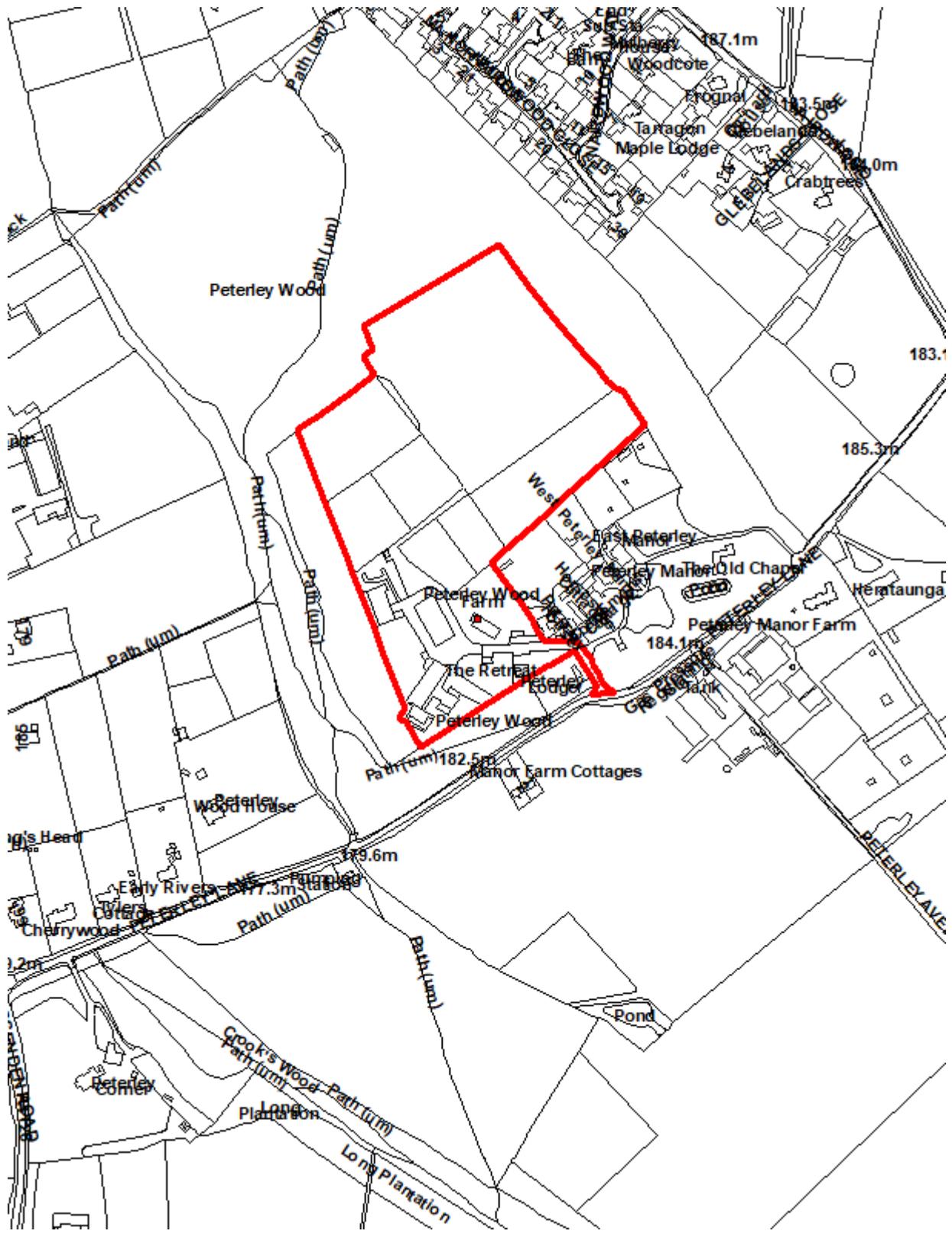
Three letters received stating no objection to the principle of development, but concerns are raised with regards to the siting of Dwellings One and Two and the impact their siting would have on amenities and views from neighbouring properties. It is suggested that the dwellings are built on the site of the existing farmhouse.

*Officer Note: Amended plans have since been received, amending the siting of the proposed dwellings. **Two letters have since been received stating that previous objections have been withdrawn.***

One neutral letter received stating that there is no objection to the principle of the development, on the condition that the buildings shown to be demolished are demolished prior to commencement of any works on site.

Comments of the Great Kingshill Residents Association: Peterley Wood Farm sits in a relatively secluded area in countryside at a midpoint between the villages of Prestwood, Great Kingshill, Little Kingshill and Great Missenden and within the Chilterns AONB accessed only by a narrow country lane. As such we felt that this is an inappropriate location to develop what amounts to a small housing estate which would have the effect of reducing the separation between the villages and contributing to a loss of their separate identity and a growth in urban sprawl. As such we consider it to be a totally inappropriate proposal for within an Area of Outstanding Natural Beauty. Allowing this development would also set a totally unacceptable precedent for other farm sites within the area. It should also be noted that the only access to the site is down a narrow country lane which is inadequate to take increased traffic and in particular the construction traffic that would be generated by the development of the site. As such we request that permission for this proposal should be refused.

APPENDIX B: Site Location Plan



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