



## Report to East Area Planning Committee

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<b>Application Number:</b>	PL/20/4289/FA
<b>Proposal:</b>	Conversion of existing storage barn to a dwelling
<b>Site location:</b>	Land opposite The Chinnery, Church Road, Penn, Buckinghamshire
<b>Applicant:</b>	Mr E Noonan
<b>Case Officer:</b>	Emma Showan
<b>Ward affected:</b>	Penn Wood & Old Amersham
<b>Parish-Town Council:</b>	Penn Parish Council
<b>Valid date:</b>	4 January 2021
<b>Determination date:</b>	6 July 2021
<b>Recommendation:</b>	Conditional permission

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

- 1.1 This application proposes the conversion of an existing storage barn to a residential dwelling. The dwelling would be served by an existing access onto Church Road, within the settlement of Penn. The main considerations are the impact of the proposal on the Green Belt and Area of Outstanding Natural Beauty, the suitability of the building to be converted, and the impact on wildlife and ecology. The assessment concludes that the application should be determined with the recommendation of conditional permission.
- 1.2 Councillor Waters has called in the application for consideration by the Planning Committee.
- 1.3 The recommendation is for conditional permission to be granted.

### 2.0 Description of Proposed Development

- 2.1 This application relates to a site located off the north side of Church Road in the open Green Belt outside of the settlement of Penn. The site comprises a detached former agricultural barn that is located close to the site boundary with the highway. Church Road is characterised by ribbon development along both sides and the application site itself shares a boundary with a detached

residential dwelling to the west and a Methodist chapel to the east. The site is located adjacent to and across the road from the Penn Conservation Area. The site is also located within the Chilterns Area of Outstanding Natural Beauty (AONB).

- 2.2 This application proposes the conversion of an existing storage barn to a dwelling.
- 2.3 The building has a width of 12.6 metres, depth of 4.5 metres (not including the porch overhang) and roof height of 3.8 metres, with an eaves height of 1.8 metres. It would be converted to provide a single storey, one-bedroom unit.
- 2.4 The dwelling would be served by an existing access on Church Road and parking for two vehicles would be provided to the front of the building. A residential garden area would be provided to the rear and this would be demarcated by a proposed post-and-rail fence. The garden area would have a depth of 13.3 metres.
- 2.5 Additional ecology information and survey data has been submitted during the course of the application in response to queries raised by the Council's Ecology Consultant.

### **3.0 Relevant Planning History**

- 3.1 CH/2000/1288/FA - Use of land for siting storage container for temporary period; refused permission.

### **4.0 Summary of Representations**

- 4.1 Parish Council: 'Strong objection – this is not residential land but agricultural GB/AONB. The shed is unsuitable for conversion. This is unadulterated chalk grassland. This is an attempt to re-zone GB/AONB to residential land.'  
*[Officer Note: The Parish Council seems to misunderstand the nature of the proposal. The re-use of buildings in the Green Belt is acceptable in principle, and the land remains Green Belt and AONB (i.e. it does not "re-zone").*
- 4.2 Four letters of objections received which have been summarised below:
  - Proposal will be detrimental to appearance and character of Conservation Area
  - Structural work is required for the conversion
  - Loss of openness
  - Loss of view
  - Overlooking and intrusion to adjacent neighbour
  - The building has not been used
  - Application is a precursor for a further application for a new dwelling
  - Concerns regarding future applications for infilling
  - No need for an increase in traffic in locality

- The Applicant has not consulted with neighbours

## **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 The site is within the open Green Belt where most development is inappropriate development and there is a general presumption against such development. Section 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 re-use of buildings provided that the building is of permanent and substantial construction and provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including within the Green Belt.
- 5.3 Meanwhile, Policy GB2 of the Development Plan permits the change of use of existing permanent and substantial buildings in the Green Belt, in accordance with the other relevant Development Plan policies. Policy GB11 specifically relates to the re-use of existing non-residential buildings in the Green Belt for residential purposes and states that this will be permitted where the building is of permanent and substantial construction, and has a form, bulk and general design in keeping with its surroundings. In addition, it should be clearly demonstrated to the Council by the applicant that the building was substantially completed at least 10 years before the date of the application; the building should not be in a derelict condition; the amount of new building work required to make the building suitable for residential use should not

involve such substantial alterations or new building work as to amount to major reconstruction or be tantamount to the construction of a new building, and; the Council must be satisfied that the proposed residential use would not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including within it.

- 5.4 Based on the above, it is necessary to consider whether the building to be converted is of permanent and substantial construction and whether the works required to facilitate the conversion would amount to the construction of a new building.
- 5.5 In terms of the condition of the existing building, the barn is characterised by stained timber boarding above a brick plinth with a clay tiled roof with inset rooflights. Internally, the building is boarded along the walls and roof. The Applicant has submitted a structural assessment in support of the application. It states that the slab is ground bearing and the principal structural members of the existing building, timber framing, roof, walls, ground floor and roof are robust and structurally sound. It is noted that there is evidence of minor cracking to the foundation masonry walls and concrete ground slab, but the conclusion provided is that the existing structural fabric of the barn can be retained and upgraded within the conversion works to form a residential dwelling. The Structural Engineer has also confirmed that the building is structurally stable and its conversion would not lessen its stability. The submitted report has been undertaken by a consultant Structural Engineer and a visual inspection on a site visit confirmed that the building is clearly permanent and not derelict, or in a poor state of repair or condition. Based on the above, it is considered that the building is substantial and capable of conversion without the works required being tantamount to the creation of a new building.
- 5.6 It is noted in the Structural Report that it states in the conclusion that *'upgrading of the principal structural parts of the fabric to form the new building will of course require some piecemeal material replacement and upgrading'*. Officers queried this statement and the Applicant has confirmed that this will entail the replacement of failed guttering; replacement of missing/loose roof tiles; repairing of timber cladding (if necessary) and the insertion of insulation on the internal walls. These are evidently minor works and certainly would not be tantamount to the level of work that would result in the creation of a new building.
- 5.7 In regards to the age of the building, it is noted that a planning application was submitted in 2000 for the barns replacement. The barn was in situ in 2000 and therefore has been on site for in excess of 10 years.
- 5.8 Based on the above, it is considered that the principle of development could be acceptable, provided that it can be shown that the proposed residential use

would not have a materially greater impact than the existing use on the openness of the Green belt and the purposes of including within it.

- 5.9 The size of the barn will not increase and therefore the conversion will not in of itself affect the openness of the Green Belt. It is noted that a small flat porch canopy is proposed which was reduced in size during the course of the application, at Officers' request. This would not increase the footprint of the building and it would be of modest proportions so as to have negligible impact on the openness of the Green Belt. The overall height and footprint of the building will remain as existing.
- 5.10 The access to the building from Church Road will remain as existing and so it is not considered to have a detrimental impact on the openness of the Green Belt either. There is an existing gate with the boundary with Church Road and hardstanding within the site. Although it is proposed to replace the hardstanding, the overall coverage of hardstanding within the site would be reduced, resulting in an improvement on site. The new hardstanding can also be subject to a condition requiring it to be permeable, creating a better environmental solution.
- 5.11 In terms of the boundary materials, these could be erected under Permitted Development rights if planning permission is granted, nonetheless, the submitted site plan indicates that the boundary treatments would be largely post and rail fencing which is considered to be appropriate for the rural setting and it would maintain the openness of the Green Belt. The submission of details for approval of any new or additional fencing within the site can be requested by planning condition, should planning permission be granted.
- 5.12 Furthermore, although the curtilage of the dwelling would include an amenity area which would have some impact on the openness of the Green Belt, the garden area proposed is modest and it would be located in close proximity to the main dwelling. It is not considered to sprawl into areas beyond the setting of the dwelling and these areas contain a sizeable area of hardstanding anyway, which would be reduced in size. The existing hardstanding could be used for agricultural vehicles. A limited residential curtilage, with a reduced area of hardstanding, would not have a materially greater impact than the existing use on the openness of the Green Belt.
- 5.13 The concerns of the Parish Council and neighbours in relation to the 're-zoning' of this land from agricultural use to residential are noted, however the NPPF allows for the re-use of buildings provided that the buildings are of permanent and substantial construction (NPPF, Paragraph 146). This allows for the re-use of agricultural buildings as residential dwellings. Case law accepts that as part of such conversions the provision of a garden/amenity area would result in some intrusion into the Green Belt, however this is considered to be acceptable, provided the curtilage is not overly large and does not encroach

into the Green Belt to a harmful degree. In this instance, the proposed amenity area would be small and in close proximity to the dwelling, and it is considered to be proportionate to the dwelling size. It is not considered to encroach into the more open areas of the site to the rear. A condition removing permitted development rights for outbuildings and other incidental structures, as well as extensions to the barn itself, is recommended, to ensure the garden remains open.

- 5.14 Based on the above, it is considered that the proposal does not represent inappropriate development in the Green Belt and is acceptable in principle.

### **Affordable Housing and Housing Mix**

Core Strategy Policies:

CS8 (Affordable housing policy)

- 5.15 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 now 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 development (less than 5 dwellings, in an AONB), such as that proposed under this application. This is more recent than the Core Strategy, and takes precedence.

### **Transport matters and parking**

Core Strategy Policies:

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

CS26 (Requirements of new development)

Buckinghamshire Parking Guidance SPD, 2015

- 5.16 In accordance with the Buckinghamshire Parking Guidance SPD, two car parking spaces are required for the proposed dwelling. The plans indicate that these can be provided on the hardstanding located to the front of the building. As such, the proposal would comply with the Local Planning Authority's parking standards and no objections are raised in this respect.
- 5.17 The dwelling will use the existing access onto Church Road. This arrangement has been assessed by the Highway Officer who has confirmed that they have no objection.

### **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)

- 5.18 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 115 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.
- 5.19 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. To this end, the building would largely retain its shape and form, with the addition of a small flat canopy above the door. This would appear as a minor and sympathetic addition. New openings are required to allow for light into the building and these would take the form of simple openings in all four elevations. The number of openings have been reduced during the course of the application, at Officers' request. Seven new windows are proposed, six of which would be small one or two-pane windows, with frames to match the existing timber boarding. The northern elevation would feature a larger opening, although given the low height of the barn, this is all at single storey level and would not be visible in views from the public realm. The three existing rooflights in the west elevation would be retained which is considered to be acceptable, and no new or additional rooflights are proposed. Overall, it is considered that the scale and amount of new openings are acceptable, and they would relate well to the existing character of the building.
- 5.20 The submitted details indicate that the proposed dwelling would retain the existing materials, of timber cladding for the elevations, the brick plinth and tiles on the roof. It would therefore maintain the appearance of the existing building which is appropriate for the rural setting.
- 5.21 The site is characterised by a substantially sized area of hardstanding. It is proposed to replace this with a new smaller area of hardstanding which is to be located partly on the existing area of concrete and partly relocated closer to the proposed dwelling. Nonetheless, the proposed driveway would be 8 metres shorter than the existing hardstanding, which would be an improvement on site. Details of the proposed hardstanding can be secured by way of condition to ensure that the proposed hardstanding is appropriate for the rural and Green Belt setting, and also of a permeable surface.
- 5.22 Post and rail fencing would be erected to the rear boundary of the site to separate the proposed residential curtilage from the open Green Belt to the rear. This is considered to be appropriate for the rural setting.

- 5.23 The site is located adjacent to the Penn & Tylers Green Conservation Area and therefore, as per the requirements of Local Plan Policy CA2, any proposed development should preserve and enhance the important views within, looking out of, and into, the Conservation Area. To this end, the resultant building would largely remain as existing. It would retain the same footprint, same height and would be clad and tiled in materials that reflect the existing materials on site. The amount of hardstanding would be reduced, improving views into the Conservation Area, whilst the access arrangements would remain as existing. The building is set back from the highway, so although changes to the elevations are proposed, the resultant building would not be prominent in views from the public highway. It is noted that the existing front boundary with Church Road is characterised by mature hedging and trees and the retention of this can be secured by way of planning condition, should permission be granted. This vegetation provides a high level of screening and its retention would maintain views into and out of the adjacent Conservation Area. Overall, it is considered that the changes to the building would continue to respect its existing agricultural character whilst the boundary vegetation would maintain existing views of the site from the public highway. It is not considered that the change of use to residential would in-of-itself result in a change in character that would be harmful to the adjacent Conservation Area, as the site would appear little different.
- 5.24 The Parish Council has raised concern that the site is “unadulterated chalk grassland. This is an attempt to re-zone GB/AONB to residential land.” In this respect, there is support for the re-use of existing buildings such as this within the provisions of the NPPF. The principle of development is therefore acceptable. Although the concerns of the Parish Council are noted, given that the NPPF supports this type of development, there can be no objection to the principle. In terms of the impact of the AONB, it is noted that this proposal would result in a reduction in the amount of hardstanding on site, and the siting of the building is such that it is heavily screened from the highway and public views by hedging and tree cover, to the extent that the barn is barely visible. On this basis, and given that the building is in existence at present, the changes to any views would be minimal. The associated residential curtilage is considered to be of an appropriate scale and not overly large and sufficient space would be maintained between the east flank of the dwelling and the site boundary to ensure adequate separation and spaciousness within the site. The retention of this gap is important in contributing to the character of the area and maintaining visual separation between the residential ribbon development to the west of the site along Church Road and the church located to the east of the site. The retention of this 'gap' would prevent visual coalescence and would secure the character of this part of the AONB. As this 'gap' would be

retained and as the conversion would be a sympathetic re-use of an existing building, it is considered that the proposal would not have a harmful impact on the AONB.

### **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)

- 5.25 The proposed dwelling would be single storey and would be relatively secluded in its siting. The nearest neighbouring property is Oldfields, which is located approximately 44 metres away (inclusive of the intervening garage) from the proposed building. The existing boundary is characterised by trees/hedging which provide a good degree of screening between the two properties. Furthermore, only one window is proposed to face towards Oldfields, and this is a ground floor window that would serve a bathroom. It is therefore considered that the proposal would not be detrimental to the amenities of this neighbouring property. To the other side, approximately 55 metres would separate the proposed dwelling from the adjacent church. As such, it is considered that the proposed dwelling would not have a detrimental impact on the occupiers of the adjacent dwellings. Other neighbouring properties would be located at a sufficient distance away from the applicant site so as to be materially unaffected by the proposal.
- 5.26 With regard to the amenities of future occupiers of the building, the development will provide adequate light, space and outlook, and sufficient outdoor space given the amount of residential accommodation proposed to be provided. Furthermore, there is adequate space on site to provide appropriate storage for waste and recycling receptacles. Church Road is on an existing waste collection route and the Council's Waste Officer has raised no objections to the proposed development.

### **Ecology**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

GC7 (Noise-generating developments throughout the district)

- 5.27 Core Strategy Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District and where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.

- 5.28 The Applicant has submitted an Arboricultural Assessment showing the proposed trees for removal in addition to the proposed replacement planting. The Council's Tree and Landscaping Officer has reviewed these proposals and confirmed that no high quality trees would be lost and that the tree and hedge protection measures would be adequate. No objections are made by the Tree and Landscaping Officer, subject to appropriate conditions ensuring the development is undertaken with appropriate tree and hedge protection measures.
- 5.29 Additional information has been submitted regarding the proposed mitigation to ensure no net loss of biodiversity and the Council's Ecology Consultant has raised no objection to the scheme, subject to conditions.

## **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 so the application is recommended for approval on this basis.
- 6.3 The Applicant has agreed to the pre-commencement conditions listed below.
- 6.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

## **7.0 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

7.2 The Council works with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

**8.0 Recommendation:**

Conditional Permission: subject to the following conditions:-

1. The 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. No development shall take place (including any demolition, ground works or site clearance) until a method statement for protected species has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
  - a. purpose and objectives for the proposed works;
  - b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c. pre-commencement checks and/or working practices for badger, bats, breeding birds and amphibians and reptiles by a suitably qualified ecologist
  - d. mitigation measures relating to unimproved neutral grassland habitat
  - e. extent and location of proposed works shown on appropriate scale maps and plans;
  - d. timetable for implementation
  - e. persons responsible for implementing the works;The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.  
Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.
  
3. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.  
Reason: To protect the historic and archaeological interests on site.
  
4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the

Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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

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

5. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with 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'.

6. Before any construction work commences above slab level, details of the hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority. The new hardstanding shall be of a permeable material or shall allow for natural drainage within the site. The works shall be carried out 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, and to prevent surface water flooding.

7. Prior to occupation of the dwelling hereby permitted, full details of the means of enclosure to be erected around the edges of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected prior to the occupation of the new dwelling and thereafter retained, with no alterations.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.

8. Prior to occupation of the development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern and to ensure that some form of covenant is in place to ensure that the management body that takes on long-term responsibility for implementation of the LEMP (management of the ecological areas) is to do so in strict accordance with the details contained therein.

9. 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 and shall not be enlarged or altered thereafter without first having written approval by the Local Planning Authority.

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.

10. Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Church Road shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

11. The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Impact Assessment and Method Statement report Ref: MW.20.1018.AIA dated 14 December 2020 by Mark Welby Arboricultural Consultant and those shown on the Tree Protection Plan Ref: MW.20.1018.TPP dated 14/12/2020 in Appendix II of the report. This shall include the use of tree protection fencing, ground protection measures and no-dig construction in accordance with these documents.

Reason: To ensure that the existing established trees and hedgerows in and around the site that are to be retained, including their roots, do not suffer significant damage during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

12. The existing facing materials and roofing materials shall be retained in situ and utilised as part of the conversion and any repairs shall take place using materials of a similar colour, texture and appearance.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

13. The window frames for the new windows hereby permitted shall be of timber, to match the adjacent timber of the existing barn. 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.

Reason: To retain the barn like appearance of the building, to conserve the rural character of the locality and the landscape value of the AONB, in accordance with policies GC1 and LSQ1 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).

14. 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14 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 15.

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.

15. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, no 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 and to protect wildlife and protected species.

16. 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 to 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.

17. 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 to B 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.

18. 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>
16 Dec 2020	1508 -P-01 PROPOSED SITE PLAN(1)
22 Apr 2021	1508-P-05 SITE PLAN WITH GRASSLAND SHOWN
16 Dec 2020	1508 -P-04 PROPOSED SITE SECTION(1)
15 Jun 2021	1508/P-03A - FP and Roof plan
15 Jun 2021	1529/P-02A - ELEVATIONS
16 Dec 2020	1508 -OS-01 SLP

**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 Waters: I would like to call in the application for consideration by the Planning Committee if the Officer recommendation is for approval.

### Parish Council Comments

‘Strong objection – this is not residential land but agricultural GB/AONB. The shed is unsuitable for conversion. This is unadulterated chalk grassland. This is an attempt to re-zone GB/AONB to residential land.’

### Consultation Responses

**Archaeology Officer:** ‘We have concluded that the proposed development has the potential to impact on in situ archaeological deposits associated with the important medieval tile making industry at Penn. The medieval Penn tile industry is of archaeological significance, with Penn tiles decorating the floor of numerous high status buildings including Windsor Castle. Excavations along Church Road, both north and south of the routeway, have identified several kiln sites and recovered artefacts associated with the tile industry, including at Dell Cottage and Stumpwell Cottage, to the south of the application site, where medieval tile and pottery were found during archaeological works.

The relatively undeveloped nature of the application site suggests if archaeological remains associated with the tile making industry are present, that they are likely to survive in a good state of preservation. Whilst the proposed barn development is mostly limited to within the footprint of the existing barn, the excavation of service trenches, the removal of the existing concrete drive and the subsequent laying down of a new permeable drive way and parking area, all have the potential to impact on upper archaeological horizons within the application site.

If planning permission is granted for this development then it is likely to harm a heritage asset’s significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 199.’

**Building Control Officer:** ‘The access for the fire service appears to comply with Part 5 of the Building Regulations’.

**Ecology Officer:** ‘No objection, subject to condition’.

**Environmental Health Officer:** ‘The historical maps indicate that the site has had an agricultural use, inferred by the presence of field boundaries on the map for the 1874-1871 epoch, a round feature with sloping sides is shown to the north east, this feature may be a pit or quarry, a burial ground is shown to the east, a building is shown on site on the map for the 1898-1899 epoch, no changes are shown on the available subsequent maps.

Information submitted with the application states that the barn has had various uses including the storage of car parts, gardening equipment and general domestic paraphernalia. Prior to this, it is believed the barn was used for agricultural purposes. The proposed development will result in a sensitive end use. An assessment of the risks associated with the site is considered necessary.

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

**Highway Officer:** 'Church Road is classified as the B474 and in this location is subject to a speed restriction of 30mph. This application seeks permission for the conversion of the existing storage barn to a dwelling.

In terms of trip generation, I would expect a residential dwelling to generate between 4-6 daily vehicular movements, two-way. I would consider the existing agricultural/storage barn to have a relatively low trip generation and as such I would consider the proposal to result in an intensification of the site.

As the existing access will be subject to an intensification in use, it must be assessed to ensure it is safe and suitable. In line with current guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required, commensurate with a 30mph speed limit. Having assessed the submitted plans, I am satisfied that full visibility splays can be achieved within highway land and land under the applicant's control. I will secure these visibility splay by way of condition below.

The existing access measures approximately 4m in width. I am satisfied that this is suitable to serve the proposed development. Whilst I trust you will consider the level of parking proposed, I can confirm that the spaces proposed are of adequate dimensions and would allow vehicles to park, manoeuvre and egress in a forward gear.

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

**Tree and Landscaping Officer:** 'The application includes an Arboricultural Assessment & Method Statement. The site is adjacent to the Penn and Tylers Green Conservation Area. The application would use an existing access and it appears that the proposed visibility splay would not require any tree or hedge loss but there may be some hedge trimming.

The site appears to have been an agricultural field that has been neglected for many years allowing trees to become established and start to develop into woodland.

The ecology report describes the site as:

*Trees and scrub*

*On the western side of the survey site and surrounding the shed, are medium aged trees of ash and sycamore with an under-storey of cherry laurel, elm suckers and hawthorn. There is a band of trees along the western boundary dominated by hawthorn and on the west-facing slope. There are also stands of bramble.*

*Hedge*

*A hedge borders the ranch-style fence beside the footpath alongside the road. It is dominated by hawthorn with ash saplings and elm suckers.*

All of the eight trees shown for removal are maturing young trees of ash, sycamore, elm and field maple that have grown upwards for light. Several have multiple stems and three are classified as Category U with the other five as Category C. T6 ash is very close to the building and T15 field maple has a distinct lean over the existing concrete track. Other trees may have been cut back to a height of about 3m many years ago. Consequently, it appears that none of the trees is individually a high quality specimen but they do collectively contribute to the wooded character of this part of the site.

The Landscape Strategy plan shows the planting of three indigenous trees near the boundaries of the site as replacements, and some shrub planting around the permeable driveway.

The Tree Protection Plan shows the positions of proposed tree protection fencing, of ground protection measures and of no-dig construction for part of the drive. These measures are considered to be appropriate.

Overall, no high quality trees would be lost so I would not object to the application provided the tree and hedge protection measures in the submitted Arboricultural Assessment & Method Statement are carried out.'

**Waste Officer:** 'Waste Services note the proposal for a dwelling at Land Opposite the Chinnery. We have no objections, the residents to store their waste & recycling containers within the property boundary except on collection day. Residents to present adjacent to Church Road. All collections to take place in accordance with Council policies.'

### Representations

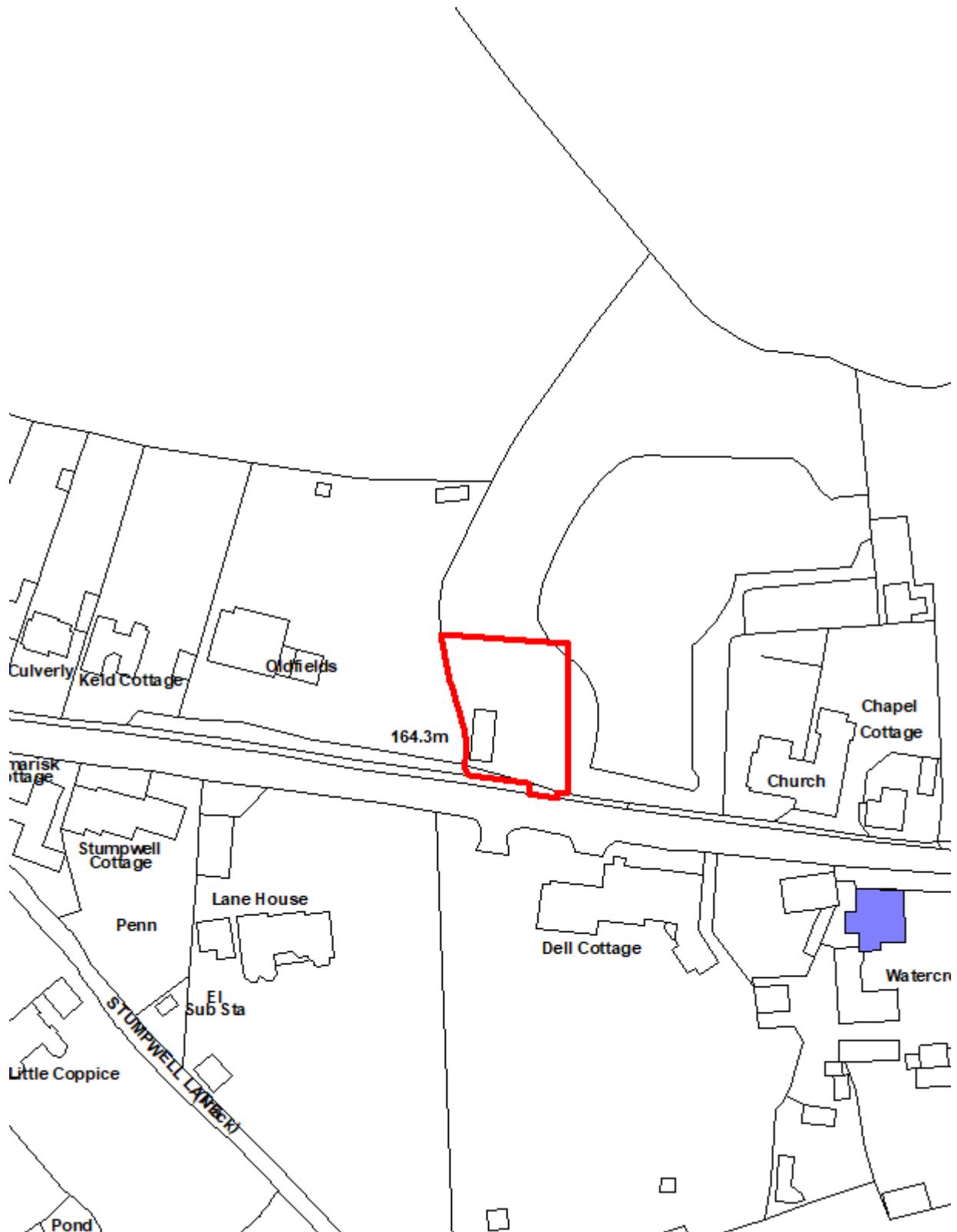
#### **Other Representations**

Four comments have been received objecting to the original proposal:

- Proposal will be detrimental to appearance and character of Conservation Area
- Structural work is required for the conversion
- Loss of openness
- Loss of view
- Overlooking and intrusion to adjacent neighbour
- The building has not been used
- Application is a precursor for a further application for a new dwelling
- Concerns regarding future applications for infilling
- No need for an increase in traffic in locality
- The Applicant has not consulted with neighbours

One letter has been received in response to the amended plans, reiterating their initial objections.

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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