



Report to West Area Planning Committee

Application Number:	21/06407/FUL
Proposal:	Retention of an underground store, hardstanding and open fronted animal shelter (retrospective)
Site Location:	Litmore Shaw Grays Lane Ibstone Buckinghamshire HP14 3XX
Applicant:	Mr Hamid Hakimzadeh
Case Officer:	Ray Martin
Ward(s) affected:	Chiltern Villages
Parish-Town Council:	Ibstone Parish Council
Date valid application received:	26th May 2021
Statutory determination date:	21st July 2021
Recommendation	Application Permitted

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought to retain an underground store, forecourt and open fronted animal shelter.
- 1.2 The development described above is located beyond the residential curtilage of Litmore Shaw, but the building sitting above this as permitted under 17/06411/FUL is proposed to be recognised as being part of the residential curtilage with a definitive curtilage to be agreed under this application.
- 1.3 The underground store and animal shelter represent acceptable development to facilitate the use and maintenance of the holding within the applicant's control outside of the residential curtilage and the rationalisation of the curtilage sees no overall encroachment into the open countryside.
- 1.4 The site is located in the Chilterns Area of Outstanding Natural Beauty. The development and associated landscaping successfully assimilates into this landscape and thus conserves its scenic beauty.
- 1.5 Moreover, the applicant has demonstrated that appropriate measures have been incorporated into the development to ensure that the trees and other interests of significant ecological value have been safeguarded.

- 1.6 Cllr Zahir Mohammed has called in the application for consideration by committee, noting the level of concerns expressed in relation to the impact of the development on the open countryside and Chilterns Area of Outstanding Natural Beauty
- 1.7 Recommendation – approval.

2.0 Description of Proposed Development

- 2.1 The application seeks retrospective permission for an underground store, forecourt, and an open fronted animal shelter.
- 2.2 The development described above is located beyond the residential curtilage of Litmore Shaw, but the building sitting above this as permitted under 17/06411/FUL is proposed to be recognised as being part of the residential curtilage with a definitive curtilage to be agreed under this application.
- 2.3 The works have taken place on land to the south of the dwelling, alongside a workshop building which was permitted under 17/06411/FUL. This itself replaced former buildings on the land.
- 2.4 The application for that building was submitted as a householder application, but was not accepted as such. The Council believed this to be outside the residential curtilage and assessed the application on this basis. There is no condition attached to the permission defining the use and this could be a subject of contention, if this application were to be refused and the appeal against the enforcement notice is proceeded with.
- 2.5 The underground store, is part secure and part open fronted and is cut in to the face of the hillside. The storage space sought under this application has a floor area of about 375 square metres. The stated use of the structure is as a workshop/store associated with the maintenance of the holding. The open fronted element is used as an animal shelter.
- 2.6 The applicant has provided the following statement in support of the application as regards the wider land holding:

“We have been dedicated to biodiversity and nature conservation since we acquired Litmore Shaw in 1997. I summarise a few points, to provide you with a flavour of our endeavours.

The central objective of our efforts is the creation of diverse habitats and improvement of the chalk grasslands, beginning with our 5-acre Site of Special Scientific Interest. Please come in June to see the wild orchids and in August to see the Chiltern Gentian. The BBOWT Manager from the nearby Warburg Reserve some years ago declared our meadows to be far superior to any of their 70+ reserves or any other meadow he knew of.

Having lain about 1.2 km of hedges over the last two seasons, we are now embarking on improvement of the newly acquired woodland, for which we have obtained the attached felling licence. The other documents give you a flavour of the tree planting we are envisaging. We have recently commissioned a large charcoal retort, which will consume some of our timber and be used to improve the natural fertiliser we use on our hedges and other plants that can use help in the very poor soil Chiltern soil.

Our cooperation with the Bisham Barn Owl Group resulted in observing the nesting of Britain’s oldest ever recorded barn owl on our land. (See page 8 of their attached report.)

A key management tool for all this is sympathetic rotational grazing with a variety of animals, most notably sheep and small cattle. This in turn drives our requirement for equipment, machinery, storage space, water supply and materials. We have 3 permanent full-time employees dedicated to these objectives, who obviously require suitable facilities.”

2.7 The agent explains the underground storage building is for various vehicles used to tend the wider land holding, including small tractors, gators and the various power tools required to manage the ancient woodland, grassland and the hedgerows between. It is low range and generally hidden from view – with a row of evergreen oak in the foreground effectively screening any views of the entrance door.

2.8 In respect of the open fronted shelter the agent explains:

“The open fronted storage building and animal shelter serves a number of functions. A grazing regime is an important part of the management of the land and this provides space to corral or otherwise provide shelter for animals as required. The grazing of the land is required to be extensive so that the animals do not over graze any particular part of the SSSI – and this requires far more significant stock movement compared to a typical agricultural undertaking.

At other times the central open fronted lean to section will provide storage for timber (which is being felled on site and which will require seasoning before it is use-able). As part of the active management of the ancient woodland areas there is a felling licence to remove 40 cubic metres of timber up to 2023 and the applicants intend to make use of the timber on site. To ensure it is usable it needs to be stored effectively. It is intended to be used, depending on quality, for building maintenance, firewood or for producing charcoal for burning or on site composting additive (biochar).”

2.9 The red edge for this application bears no resemblance to the residential curtilage of the site, rather it covers access to the road and the land, subject to the development only, with the remainder of the land owned by the applicant, both residential and non-residential, edged in blue. However, as indicated above the application does offer to regularise the extent of the residential curtilage

2.10 The application site is located in the open countryside beyond the Green Belt and within the Chilterns Area of Outstanding Natural Beauty. It is also adjacent to/or within buffer zones for Priority Habitat site a Biological Site and a Site of Special Scientific Interest.

2.11 The application is accompanied by:

- a) Design and Access and Planning Statement
- b) Landscape and Visual Appraisal
- c) Arboricultural Report
- d) Small Woodland Management Plan
- e) Tree Schedule
- f) Ecology and Trees Checklist
- g) Ecology Review & Ecological Management Plan

2.12 An amendment to plans showing the route of the bridleway adjacent to the site was received correcting a drafting error in relation to this.

3.0 Relevant Planning History

98/06597/FUL	Demolition of existing house. Erection of replacement 3 storey dwelling with double garage, staff accommodation, pool and gym	PER	16 October 1998
17/05307/FUL	Householder application for insertion of three new dormer windows	PER	5 April 2017
17/06411/FUL	Construction of replacement single storey garage/workshop with the erection of a detached oak framed garage/workshop	PER	12 September 2017
19/05120/FUL	Retention of an underground store, forecourt, retaining wall and open fronted lean-to store and installation of a ground source heat system (part retrospective)	REF	22 October 2019
18/00438/OP	Retention of an underground store, forecourt, retaining wall and open fronted lean-to store and installation of a ground source heat system (part retrospective)	Enforcement Notice Served	October 2019. Appeal pending
20/07518/FUL	Erection of single storey extension to existing plant room to facilitate installation of ground source heat pump and associated works (retrospective)	PER	22 December 2020

The reasons for refusal of 19/05120/FUL were as follows:

- 1 In the opinion of the Local Planning Authority, the development represents an unacceptable encroachment of built form in to the open countryside. The site is located outside of the residential curtilage of Litmore Shaw, but includes several residential elements that would only be appropriate within that curtilage. Other elements of the storage provided are indicated to be for use in association with the maintenance of the wider estate. Whilst some development serving this purpose can be acceptable, the extent of this, together with that provided within the permitted barn, far exceeds what would be

reasonably required in association with the maintenance of the non-residential land. As a consequence, the development erodes the open and rural character of the countryside to the detriment of its character and appearance.

Therefore, the development conflicts with Policies CP9 (Sense of place) and DM44 (Development in the Countryside Outside of the Green Belt) of the Wycombe District Local Plan (Adopted August 2019).

- 2 In the opinion of the Local Planning Authority, the development is highly visually intrusive in the Chilterns Area of Outstanding Natural Beauty. The forecourt, retaining walls, underground store, planters and lean-to store are large scale, urban and engineered features. These features do not reflect the strong, rural character of this farmland landscape and they harm the natural, rolling topography of the valley. They have a significantly adverse impact on views from public rights of way primarily to the east and south of the site. Moreover, the large, oval levelled area, created for the ground source heat system, harms the natural folds of the landform and the rolling valley side. It creates a formal, semi-residential feature, which is incongruous in this agricultural landscape. Therefore, the development fails to conserve, or enhance the natural beauty of this designated landscape asset.

As such the development conflicts with Policies CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns) and DM35 (Placemaking and Design Quality) of the Wycombe District Local Plan (Adopted August 2019).

- 3 In the opinion of the Local Planning Authority, the development has failed to safeguard trees and other ecological assets associated with the locality. Some trees have been lost, while others have not been adequately protected. Soil has been spread across the site without any proper assessment of the impact on trees or valuable ecological features of the locality and as such the applicant has failed to demonstrate that appropriate safeguards and/or mitigation has been deployed.

The development conflicts with Policies DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development) of the Delivery and Site Allocations Development Plan Document (Adopted July 2013) and Policies CP7 (Delivering the infrastructure to support growth), CP9 (Sense of place), DM32 (Landscape character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development) of the Wycombe District Local Plan (Adopted August 2019).

4.0 Policy Considerations and Evaluation

Principle and Location of Development

DSA: DM1 (Presumption in favour of sustainable development)

Adopted Local Plan (2019): CP1 (Sustainable Development), CP9 (Sense of place), DM30 (The Chilterns Area of Outstanding Natural Beauty), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM44 (Development in the Countryside Outside of the Green Belt)

- 4.1 The site is located in the open countryside beyond the Green Belt wherein only certain types of development are acceptable, as set out in Policy DM44 of the Local Plan.
- 4.2 This proposal is for non-residential buildings outside the residential curtilage, together with the rationalisation of the residential curtilage of the property which would mean

that the building constructed under planning permission 17/06411/FUL would become accepted as an ancillary residential outbuilding. Such development can be acceptable, subject to criteria set out in policy.

Previous deliberations

- 4.3 The planning history is complex for this site various applications have been accompanied by various red edge application site boundaries, so the definitive residential curtilage boundary remains in dispute.
- 4.4 This matter has been considered in previous applications where it was concluded that the Council believe the residential curtilage does not include the land identified within this current application, or that relating to the building approved under 17/06411/FUL. The applicant's agent suggests that because there are no conditions restricting use on that building, it can be used for residential purposes. This is not accepted, but does remain unresolved, with various versions of a curtilage showing on previously submitted plans.
- 4.5 The extent of the curtilage is significant in terms of the current proposal in that it calls into question the acceptability of the new structure as a non-residential building to serve the land along with the existing building permitted under 17/06411/FUL.
- 4.6 Within the open countryside beyond the Green Belt, one of the acceptable forms of development as set out in policy is "Additional buildings where these are required to support an existing rural enterprise or business located in the countryside, which are proportionate to the existing". It is accepted that the occupiers of Litmore Shaw own and manage additional land beyond their residential curtilage. Their aims and aspirations for this are set out in the application section of this report and it is accepted that the management of their estate does justify a requirement of buildings outside of the residential curtilage to facilitate this.
- 4.7 Indeed, this was considered when the building sought under 17/06411/FUL was permitted.
- 4.8 When application 19/05120/FUL was refused it was concluded that the barn development provided significant storage space for the storage of vehicles and other equipment in association with the maintenance of the estate and that the underground store would substantially increase this. Some of the elements of the proposed were stated to be in association with the residential use of the site, whilst others were not. This had the result of effectively enlarging the residential curtilage and unacceptably encroaching in to the open countryside. At that time it was concluded that even if it were accepted that the new storage space were proposed exclusively for non-residential uses, the extent of this, together with that provided within the permitted barn, would far exceed what would be reasonably required in association with the maintenance of the non-residential land.

Current proposal for the non-residential element

- 4.9 Now the underground store and shelter are for exclusively non-residential uses, wherein this development in itself does not represent residential encroachment into the countryside. Moreover, in itself this development provides a level of accommodation that is not excessive in supporting the maintenance of the land as set out in the applicant's statement. In isolation therefore, there would be no objection in principle for the underground store and animal shelter in this open countryside location.

Current proposal for rationalising the residential curtilage

- 4.10 However, the above conclusion relies on the acceptability of the proposed revisions to the residential curtilage and the consequent accepted ancillary residential use of the barn permitted under 17/06411/FUL.
- 4.11 The authorised use of the barn is not legally established. The Council permitted this building on the basis that it was non-residential, considering it to be outside the residential curtilage, but there were no conditions/restrictions attached to that permission controlling its use. The submission was made as a householder application and the planning history reveals different red edge plans, so that no definitive residential curtilage has been established.
- 4.12 The permitted barn incorporated some elements that were, or could be deemed to be residential, with garaging, offices and a generator, all possibly associated with the residential use of the site.
- 4.13 With the uncertainty surrounding this issue the applicant has suggested a rationalisation of the residential curtilage that will encompass the barn. This will amount to a concession that it can lawfully be used for ancillary residential purposes, but the potential impact of this is offset by reducing the size of the accepted lawful garden. In effect an equivalent land swap is proposed wherein the resultant residential curtilage is no larger than that the Council believes to be currently lawful.
- 4.14 This approach is considered to be an acceptable compromise that will not result in any net encroachment of residential development into the open countryside and provides the opportunity to establish a lawful position in respect of the residential curtilage. The benefits this brings are considered to counterbalance the harm arising from the residential use of the barn, the physical presence of which has already been accepted, because it replaced previous buildings in the same location.
- 4.15 If accepted, this approach will overcome the Council's first reason for refusal of application 19/05120/FUL and the associated reason for issuing the enforcement notice which is the subject of a pending appeal.

Raising the quality of place making and design and Landscape and visual Impact

Adopted Local Plan (2019): CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns), DM35 (Placemaking and Design Quality)

- 4.16 The application site is located within the Chilterns Area of Outstanding Natural Beauty (AONB), which is designated for its high quality landscape that is afforded specific consideration under national and local planning policies. AONBs represent areas of the highest scenic quality, and, in landscape terms, are intended to enjoy equal status with National Parks.
- 4.17 The primary purpose of AONB designation is the conservation of the natural beauty of the landscape. Policy DM30 of the Adopted Local Plan states that the Council will require development in the AONB to conserve, and where possible enhance, the natural beauty of the AONB and deliver the highest quality design which respects the natural beauty and built heritage of the Chilterns and enhances the sense of place and local character.
- 4.18 The site is an area of agricultural land adjacent to the grounds of Litmore Shaw, a large country house on the top of a rolling, valley side. The site and its surroundings reflect several of its special qualities such as heavily wooded countryside; farmland, creating a

mosaic of fields bordered by ancient hedgerows and trees; the folds of the landscape hiding many dry valleys, providing hidden 'secret' landscapes and unspoilt countryside; and an extensive network of ancient routes. There are extensive views of the site from public footpaths on the valley sides.

- 4.19 The applicant has submitted a Landscape and Visual Impact Assessment suggesting that the development has limited impact on the landscape and that what limited impact there was, has been adequately mitigated. The Council now agree with this conclusion.

Underground store and associated retaining features

- 4.20 When first built, the forecourt, retaining walls, underground store, planters and lean-to store were seen as large scale, urban and engineered features. They did not reflect the strong, rural character of this farmland landscape and they harmed the natural, rolling topography of the valley.
- 4.21 The retaining walls and planters have been removed, the underground store finished in recessive colour and additional tree planting has been introduced. What was seen as an incongruous feature, with the underground store and barn above giving the impression of a large scale two storey structure that was especially intrusive, has been altered to the extent that it is barely discernible in the landscape.
- 4.22 The Council's Landscape Officer no longer objects to this element of the development and as such the mitigation has overcome the second reason for refusal of application 19/05120/FUL and the associated reason for issuing the enforcement notice which is the subject of a pending appeal.

Ground source heat system

- 4.23 Part of the landscape harm identified in the refusal of 19/05120/FUL and reasons for issuing the enforcement notice related to the large, oval levelled area, created for the ground source heat system, which harmed the natural folds of the landform. The creation of this artificially level area of land, on a sloping hillside was considered to be an alien feature causing harm to the special landscape qualities of this location. This has been addressed through the granting of planning permission 20/07518/FUL, wherein the land has been reinstated to its sloped form and planted to complement this part of the site.

Impact on trees

- 4.24 Mature trees were removed to build the underground store. Issues relating to the impact on trees have now been fully assessed and additional planting introduced at the site. The Council's Arboricultural Officer has no objections to the application.

Ecology

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

Adopted Local Plan (2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 4.25 The first application failed to demonstrate how the ecology of the site would be safeguarded and enhanced.
- 4.26 Adjacent to the west of the area where the development has taken place, the woodland is designated as: Ancient Semi Natural Woodland (ASNW), Local Wildlife Site (LWS), Biological Notification Site (BNS), Priority Habitat and it's also covered by a Tree

Preservation Order (TPO). The close proximity to this habitat means that there could be a detrimental impact. These could include, hydrology, lighting, noise and more.

- 4.27 The development also included the creation of a vehicle track leading into the woodland which could be related to impacts to the woodland. The track which goes into Litmore Shaw Wood (which is an ASNW) raised concern that soil could be being dumped into the woodland. This would cause damage to the trees and ground flora and fragile soil ecology through covering it over and causing compaction.
- 4.28 Concerns were also raised about the impact of planting non-native species (e.g. Holm Oak) in the wider landscape. The scheme seems to include ornamental planting in the field. The planting of non-native species can have a negative impact on native habitats and damage their associated ecology.
- 4.29 The absence of due consideration to ecology was a severe shortcoming of the development and the development thus conflicted with adopted planning policy in this regard and formed part of the third reason for refusal of application 19/05120/FUL and the associated reason for issuing the enforcement notice which is the subject of a pending appeal.
- 4.30 The current application is accompanied by an extensive Ecological Review and Management Plan. The Council's Ecology Officer now has no objections to the development and recommends a condition to ensure the Management Plan is implemented and followed.

Trees

Adopted Local Plan (2019): CP7 (Delivering the infrastructure to support growth), CP9 (Sense of place), DM32 (Landscape character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 4.31 In the same way that the first application failed to address ecological interests, the information submitted also demonstrated a lack of care for the retained trees.
- 4.32 Arboricultural supervision would have been strongly recommended throughout, and this had not been demonstrated.
- 4.33 Whilst some mitigation was included in the scheme this was not considered sufficient, or appropriate to overcome the harm to trees on and around the site. Accordingly, this deficiency comprised the second thread of the third reasons for refusal of application 19/05120/FUL and the associated reason for issuing the enforcement notice which is the subject of a pending appeal.
- 4.34 The current application is supported by a tree schedule, an Arboricultural Report and a Small Woodland Management Plan. This is considered to adequately address all concerns relating to trees and it is noted that the Council's Arboricultural Officer has no objections. Thus, the third and final reason for refusal of 19/05120/FUL and the associated reason for issuing the enforcement notice has been overcome.

Transport matters and parking

DSA: DM2 (Transport requirements of development sites)

Adopted Local Plan (2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 4.35 The transport implications of this development are acceptable. The site has adequate access and parking for the development without causing ongoing harm to highway safety.
- 4.36 It is recognised that there may have been considerable disruption caused by construction traffic in Grays Lane, but this was temporary in nature and does not amount to a reason for refusal which could be sustained in planning terms.

Amenity of existing and future residents

Adopted Local Plan (2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

- 4.37 The application site is too far distant from any neighbouring residential properties to have any adverse impact on the amenities of their occupiers.

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.2 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
- 5.3 As set out above it is considered that the proposed development would accord with all relevant development plan policies.
- 5.4 The proposal does require what the Council consider to be an enlargement of the residential curtilage and the consequent acceptance of the use of the barn permitted under 17/06411/FUL for ancillary residential purposes and this is a negative aspect of the scheme.
- 5.5 However, the potential harm arising from this is outweighed by:
- The opportunity to define a residential curtilage, which is no larger than that considered to be lawful by the Council, such that there is no net encroachment into the countryside.
 - The improvements made since the previous refusal, which means that the development conserves the scenic beauty of the Chilterns Area of Outstanding Natural Beauty.
 - The enhancements achieved through landscaping proposals that can be controlled through the imposition of a landscaping condition; and
 - The ecological benefits arising from the Ecological Management Plan which can be controlled through the imposition of a condition.

6.0 Working with the applicant / agent

- 6.1 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. The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this instance the application was acceptable as submitted and no further assistance was required. The application was recommended for approval but has been referred to the Planning Committee for decision.

7.0 Recommendation

Application Permitted, subject to the following conditions:

1. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers BC1; US 01; US 02; 2; 3; 49-LIT-DRWTLP/01; 30 - 33; 34; 35; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
2. The materials to be used for the external surfaces, including walls, roofs and doors shall be retained as specified in the approved submission details, unless the Local Planning Authority otherwise first agrees in writing.
Reason: To secure a satisfactory external appearance.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be retained in accordance with the details show on drawing number 49-LIT-DRW-TLP 01. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the date of this permission, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
4. The development hereby approved shall be demolished and all debris removed from the site, unless the Ecological Management Plan hereby approved is adhered to for the lifetime of the development.
Reason: In order to provide protection to legally protected or rare species.
5. Notwithstanding the red edges on plans submitted with previous planning applications for this site, the residential curtilage of Litmore Shaw shall henceforth be as shown on drawing number 34 as approved under this application. All residential uses shall be contained within the defined area. For the avoidance of doubt, the underground store and open fronted animal shelter shall at no time be used for any residential purpose of any ancillary or incidental residential use associated with The occupation of Litmore Shaw as a dwelling.
Reason: To ensure that the residential use of Litmore Shaw does not encroach in to the open countryside.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Zahir Mohammed

Comments: Please note that I wish to call in this planning application decision. This is with the support of the local ward members.

The reasons below are not the full list but in short, and further detailed reasons can be provided:

- the current development, most of which is outside the original, remains outside proposed revised curtilage of the residence and was refused consent in application 19/05120/FUL
- the size of the five acre SSSI and overall landholding associated with this application have significantly changed since 2017 and items such as the charcoal retort were not dependent upon this larger development taking place. The application has not justified the need for more construction and the lengthy description of the land management policy is little different to that which has been pursued since 2017.
- damage to the character and appearance of the AONB created by the enormous built form of the development. The extent of the development still 'far exceeds what would be reasonably be required in association with the maintenance of non-residential land'.
- some trees were removed to enable construction and that Condition 4 of consent for the 'barn'(17/06411/FUL) was not complied with and the development is located in an area specifically excluded for further building.
- its location below the permitted 'barn' approximately doubles the vertical impact of the combined site to the extent that it significantly damages the landscape. It still erodes the open and rural character of the countryside.
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I do not have any Disclosable Pecuniary Interest, personal interest, prejudicial interest or personal bias in the planning application.

Parish/Town Council Comments

Ibstone Parish Council

Comments: Ibstone Parish Council has carefully considered this part retrospective application and has the following comments:

1. The application heavily emphasises the management of the SSSI landholding associated with the application property. We support the active management and preservation of all SSSI's within the parish and surrounding areas and therefore support it in this case. However, it is important to note that the same argument was put forward to justify the construction of the garage/workshop building ('the barn') permitted in Application 17/06411/FUL, (see paras 2.2 and 3 in the planning officer's report) to the extent that Wycombe District Council negotiated changes to the design and access statement before granting consent.
2. We note that there was no actual condition attached to that consent concerning its use, but it was clearly understood by WDC at the time that it was essential for the management of the landholding and associated woodland, as evidenced by Reason 1 of the refusal notice to application 19/05120/FUL. JPPC are wrong to state that the building is under construction. It was completed more or less simultaneously with commencement of the major earthmoving

and excavation works adjacent to and below it which are the subject of enforcement notice 18/00438/OP.

3. The building now houses a collection of classic cars.
4. Bearing in mind 1. above it appears a bit rich for the applicant to apply exactly the same arguments in justification for the current development, most of which is outside the original, remains outside proposed revised curtilage of the residence and was refused consent in application 19/05120/FUL.
5. Construction of 'the barn' provided a larger effective floor area than the one it replaced, enabling the removal of the former 'unattractive' corrugated iron shed and other structures which are prominently featured in the current application under consideration i.e. they would have been removed without the need for the current development.
6. We are not aware that the size of the five acre SSSI and overall landholding associated with this application have significantly changed since 2017 and items such as the charcoal retort were not dependent upon this larger development taking place. The application has not justified the need for more construction and the lengthy description of the land management policy is little different to that which has been pursued since 2017.
7. We are grateful to have been provided with a copy of the council's pre-application responses P120/00631/PADR, from which it is clear that the applicant has tried to address the three reasons for refusal detailed in the notice for application 19/05120/FUL. We note that the suggested land swap modifying the residential curtilage has been accepted as a means to overcome Reason 1. In our opinion the part of the existing demise conceded, which has always had a rural image rather than being formal garden is no more than a minor contribution towards justifying the damage to the character and appearance of the AONB created by the enormous built form of the development. To quote Reason 1, the extent of the development still 'far exceeds what would be reasonably be required in association with the maintenance of non-residential land'.
8. The Council's advisers have noted that some trees were removed to enable construction and we attach slides which appear to show that Condition 4 of consent for the 'barn' (17/06411/FUL) was not complied with and the development is located in an area specifically excluded for further building.
9. Whilst accepting that the applicant has made some improvements to the lateral visual impact of the development, the fact remains that its location below the permitted 'barn' approximately doubles the vertical impact of the combined site to the extent that it significantly damages the landscape. It still erodes the open and rural character of the countryside.
10. We entirely agree with criticism of the 'deer fencing' and support its removal from inappropriate parts of the boundary and the substitution of a traditional five bar gate for the new urban style electric gate.
11. Please note that the application inaccurately illustrates the Bridleway on the Grays Lane side of the site. It actually follows the fence line and not the crushed gravel access roadway. We understand that a corrected plan will be supplied by the applicant.

If, notwithstanding our comments above, the LPA consider some additional accommodation is justified by the land management requirements of the applicant, we submit that the massive excavation of hundreds of tons of chalk in such a sensitive and visible part of the AONB was totally unnecessary. It has resulted in recontouring of the landscape and the creation of an unnecessarily

large car parking apron effectively formed by the roof of the new construction. It fundamentally breaches the key principles of landscape conservation and the proposed changes from the detail of refused application 19/05120/FUL do not compensate for the damage caused. As the photographs we submitted with our objection to that application are no longer available on the planning portal we attach them herewith.

We understand the obligations of the LPA to work with the applicant to find a solution. However, we submit that the compromises offered by the applicant amount to little more than window dressing and it has been persuaded too easily by the argument that the building is essential for land management purposes. The fact that the 'barn' now houses classic cars (which are being stored for a third party) should not be accepted as supporting an absolute need for the disputed development, as it was perfectly adequate for its purported purpose when application was made for its reconstruction and enlargement less than a year before excavation for this development commenced.

If this development is permitted it will create a dangerous precedent, not only for the two immediately adjacent properties in Grays Lane which overlook the same valley and which are currently on the market, but for the AONB as a whole.

For the reasons set out above we respectfully submit that the application is refused, and if you are minded to deal with the matter under delegated powers we strongly request that as it is of such significance to the AONB it should be considered by the full Planning Committee before a decision is taken.

Consultation Responses

Landscape Officers Planning Policy

Comments: Documents Referenced: Planning Statement JPPC May 2021 Fig.34 Proposed Curtilage Revised April 2021 Landscape & Visual Appraisal (LVA) MBELC Revised April 2021 Ecology Review & Ecological Management Plan Windrush Ecology July 2020 (resubmitted with minor amendments Nov 2020)

Detailed Comments: The same references to each issue have been used as in previous comments, with the responses updated to reflect the revisions made in the current application.

ISSUE 1 - ADVERSE IMPACT OF UNAUTHORISED UNDERGROUND STORE (RfR 1 ENCROACHMENT OF BUILT FORM AND RESIDENTIAL USES INTO THE OPEN COUNTRYSIDE) Much has been done to reduce the visual impact of the unauthorised underground store. As for landscape impact, the Planning Statement now describes this store as housing various vehicles and tools used to tend the wider land holding (rather than the previous private car collection). Fig.34 also shows a revision to the residential curtilage that would clearly demark the underground store and animal shelter as being outside the residential curtilage. This should help control any future issues of encroachment of residential use in the open countryside. RESPONSE The proposals reduce the landscape impacts to an acceptable degree. However, if this building is permitted, tight planning controls would be required (such as the removal of any permitted development rights), to ensure it does not revert to an unauthorised use and create future landscape impacts. Fig 34 should form part of any permission to ensure it can be used to control any future misuse.

ISSUE 2 - ADVERSE IMPACT FROM DOMESTIC USE OF PERMITTED GARAGE/WORKSHOP (RfR 1 ENCROACHMENT OF BUILT FORM AND RESIDENTIAL USES INTO THE OPEN COUNTRYSIDE) To overcome this, Fig.34 proposes the garage land be incorporated into the residential curtilage, and

an equivalent amount of land be removed and revert to non-residential land (being managed for ecological benefit). This is an acceptable approach in part and will help with future land use issues. However, the residential building use still triggers the need for a heavy security gate that has an unacceptable landscape impact on the Grays Lane PRoW.

RESPONSE The metal security fencing enclosing open countryside must be removed. The oak, electronic sliding gate at the entrance to the yard must be replaced by a hinged, timber 5 bar field gate.

ISSUE 3 - ADVERSE IMPACT FOLLOWING REMOVAL OF GARDEN HEDGE AND INSTALLATION OF METAL SECURITY FENCING (RfR 1 ENCROACHMENT OF BUILT FORM AND RESIDENTIAL USES INTO THE OPEN COUNTRYSIDE) The planning statement states that the applicant has now removed the elements of fencing that were picked up as not suitable for the land within the pre-application response.

RESPONSE This is a welcome response but should be verified on site.

ISSUE 4 - POTENTIAL ADVERSE IMPACT FROM EIGHT DRINKING TROUGHS (RfR 1 ENCROACHMENT OF BUILT FORM AND RESIDENTIAL USES INTO THE OPEN COUNTRYSIDE) These were referred to as water fountains in the previous report (which raised concerns about domestic garden features in the open countryside). The description was then changed to eight 'drinking troughs for animals' (Fig.3). Para 5.6 of the LVA refers to drinking troughs being provided in eight locations over the hillside to prevent 'poaching' of the ground at a single trough. It says more information is in the EMP, but this is not the case.

RESPONSE Design details of these troughs are required so their appropriateness in the open countryside can be assessed.

ISSUE 5 - ADVERSE IMPACT ON VIEWS FROM THE PROW ALONG GRAY'S LANE (RfR 2 VISUAL IMPACT ON SURROUNDING PUBLIC RIGHTS OF WAY) The heavily engineered gates to the yard and metal security fencing harm the rural character of the landscape when viewed from Gray's Lane PRoW. It is accepted that the security fencing along the boundary to Gray's Lane PRoW will, in time, be visually softened as the yew hedge grows. However, the electric, sliding oak gate is wholly inappropriate for an access into, what is still, agricultural land. An assessment of its impact is made in para. 5.14 of the LVA where it is described as formal, with its harm being limited to times when it is closed. The comparison to a gate into Wormsley Estate in a different location on another lane is irrelevant to this situation. The gate will be closed for the vast majority of the time and its design and sliding construction is overtly contemporary and more suited to a suburban setting, not a rural one. It harms the rural character of this PRoW in the AONB and conflicts with policies CP9 (1 & 2), DM30 (1 a & c) and DM32 (1 & 2).

RESPONSE The gate should be replaced by a hinged, timber, five bar field gate.

ISSUE 6 - ADVERSE IMPACT ON TREES AND WOODLAND (RfR 3 IMPACT ON TREES AND WOODLAND) Our tree officer will address this.

ISSUE 7 - ADVERSE IMPACT OF METAL SECURITY FENCING AND GATES AROUND RESIDENTIAL AND AGRICULTURAL LAND The planning statement states that the applicant has now removed the elements of fencing that were picked up as not suitable for the land within the pre-application response.

RESPONSE This is a welcome response but should be verified on site. If required, timber and wire

deer fencing should be used around Litmore Shaw woodland, to provide the deer protection recommended in the EMP.

Ecological Officer

Comments: The updated Ecology Review & Ecological Management Plan is now acceptable and compliance with it could be conditioned to ensure ecological protection and enhancement into the future.

Arboricultural Officer

Comments: The findings of the arboricultural report are acceptable and compliance with it could be conditioned along with replacement for any newly planted/existing trees which fail within a 3 year period. It is noted that the area within the red edge exceeds 0.5 hectares and is therefore subject of the 25 percent canopy cover requirement as per DM34. However, given the extent of new tree planting elsewhere on the site, adherence to this is at the case officer's discretion.

Representations

14 objections received raising the following concerns:

- Lack of sufficient landscaping and visually intrusive in AONB
- Light pollution in night sky
- Development is too large and out of keeping with the character of the area
- Site is too small to keep livestock, so question real need for shelter. Concerned about residential use being introduced
- Additional traffic movements
- Support refusal, enforcement notice should be upheld
- Biodiversity proposals not relevant not this proposal
- Unacceptable impact on SSSI
- Work already undertaken without first obtaining necessary permission
- Damage to road from transporting tonnes of soil that have been removed
- potential moving of bridleway as incorrectly shown on submitted plan

APPENDIX B: Site Location Plan

21/06407/FUL
Scale 1/2500



Planning Committee
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