



Report to South Area Planning Committee

Application Number:	PL/23/0366/FA
Proposal:	Dismantling and partial dismantling and reinstatement, by restoration and partial replacement, of agricultural buildings that are in an extremely poor and dangerous condition
Site location:	Rowley Farm Black Park Road Wexham Buckinghamshire SL3 6DR
Applicant:	Buckinghamshire Council (Mr Charles Brocklehurst)
Case Officer:	Richard Regan
Ward affected:	Stoke Poges & Wexham
Parish-Town Council:	Wexham Parish Council
Valid date:	2 February 2023
Determination date:	25 August 2023
Recommendation:	Conditional Permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks planning permission for the dismantling and partial dismantling and reinstatement, by restoration and partial replacement, of agricultural buildings that are in an extremely poor and dangerous condition.
- 1.2 Three of the four buildings subject to this application are Grade II listed buildings.
- 1.3 Heritage assets are an irreplaceable resource, and it is important to conserve them in a manner appropriate to their significance.
- 1.4 The existing buildings are in a very poor condition, with some sections having already collapsed. The proposed works set out in this application are urgently necessary in the interests of health and safety and for the preservation of the buildings and it is not considered that it is practical to secure the preservation of all of the buildings by temporary support or shelter.
- 1.5 The Councils Heritage Officer considers that the proposed works are acceptable, whilst Historic England advise that the proposed approach would be the most practical solution for the conservation needs of the existing buildings.

- 1.6 The proposals would not adversely impact upon wildlife, including any protected species.
- 1.7 The application has been referred for determination by the South Area Planning Committee as Buckinghamshire Council are the applicant.
- 1.8 Recommendation – Conditional Permission.

2.0 Description of Proposed Development

- 2.1 The application seeks planning permission for the dismantling and partial dismantling and reinstatement, by restoration and partial replacement, of agricultural buildings that are in an extremely poor and dangerous condition.
- 2.2 There are 4 buildings that are subject to this application, but it is important to note that one of the buildings has elements which are referenced differently – those being barn 1 and barn 2. The buildings and the works proposed to them are as follows:

Main Barn (barn1)

- 2.3 Grade II listed 5 bay timber-framed barn, the principal building of the east range. There are two single-storey lean-to 'outshots' to the west of the farm either side of the projecting porch facing into the central farmyard. The east range includes the brick addition to north of the barn, most probably 19th century, that provides stabling with hayloft above [previously known as Barn 2]. The brick stable is not mentioned in the list description for the barn.
- 2.4 List description: Barn to south of Rowley Farm - Date cut into one of the tie beams, 17 H F 35. Timber-framed; queen post truss; weatherboarded. Central projecting gabled cart entrance; old tile roof. Left and right of cart entrance stock brick additions.
- 2.5 Proposed works:-
 - Strip the existing machine made tiles from the slopes of the outshots.
 - Implement repairs and improvements to the timber roof frames of the outshots so that they are capable of supporting the roof coverings.
 - Recover the outshot roofs with handmade clay tiles in-keeping with the roof of the main barn (1)
 - In conjunction with the repairs to the outshots remove and dispose of plastic rainwater goods on Main Barn. Repair decayed timbers and replace loose and damaged cladding to the north west of the west porch of Main Barn. Replace the plastic rainwater goods with new metal [aluminium in traditional profile] gutters and downpipes.

Hay Barn Addition (Barn 2) with outshot (2A) lean-to to the east.

- 2.6 The east range includes the brick addition to the north of the barn, most probably 19th century, providing stabling with hayloft above [previously known as Barn 2]. The brick stable is not mentioned in the list description for the barn but is deemed to be listed as part of the main barn.
- 2.7 Proposed Works:
 - Carefully dismantle the roof and remove the roof timbers to the hay barn addition (2); the rafters, roof trusses and roof plates. All sound timbers to be put aside in safe storage for reuse in rebuilding works.

- Carefully remove all loose and/or potentially dangerous brickwork to the hay barn addition (2). All sound bricks to be put aside in safe storage for reuse in rebuilding works.
- Carefully dismantle the brick walls of the rear lean-to outshot (2A). All sound bricks to be put aside in safe storage for reuse.
- Remove the trees to the east and cut back the ground to the immediate east of the lean-to outshot (2A).
- Remove the internal hayloft floor and provide cross bracing to restrain the remaining walls.
- Rebuild the remaining hay barn addition (2) to match existing height, openings and bond of brickwork etc.
- The east outshot (2) is not to be reinstated. The existing dividing wall between the hay barn addition (2) and the lean-to outshot (2A) is to be retained and repaired in-situ or, where found necessary, rebuilt to match the existing with re-used bricks.
- Reinststate the internal first floor. Wherever possible reuse timbers capable of reuse.
- Reconstruct the roof frame to the hay barn addition (2) and recover the roof with plain clay tiles to blend in with the main barn (1).

Granary (Barn 3]: Grade II listed timber-framed granary

2.8 List description: C18/C19. Timber-framed; weatherboarded; old tile-hipped roof. Set on settle stones.

2.9 Proposed Works:

- Carefully remove the tiles from the roof slopes. All sound tiles to be put aside in safe storage for reuse.
- Carefully remove the timber weatherboarding from the walls. All sound weatherboarding to be put aside in safe storage for potential reuse.
- Provide strapping and restraint to the walls to reduce the risk of collapse during the works.
- Carefully remove the brickwork from between the timber frame. The bricks will need to be removed to allow repairs to the timber frame to be implemented.
- The internal timber wall linings and features are to be retained in-situ wherever possible. Partial removal, and/or release of fixings, may be found necessary to facilitate the repairs to the wall frames.
- Repair and replace the timber frame of the walls and roof as found necessary so that it can perform a structural function. It is anticipated that the lower ends of posts and studs and new horizontal base plates [sill beams] will be the minimum amount of work required. Wherever possible as much of the existing timber frame is to be retained.
- Upon completion of the timber frame repairs it is not intended to reinststate the brickwork between the timbers, as the bricks provide unnecessary loads on the timber frame and increase the risks of damp being held against the timbers.
- The granary is raised off the ground by staddles 'stones'; there is a combination of stone, and/or concrete, and metal staddles. These are to be retained and, where missing, replaced.
- Prior to reinstating the timber frame on the staddles firm footings/foundations are to be provided, where found necessary, to ensure that the staddles are suitably founded and can support the granary.
- Reinststate the repaired timber frame upon well-founded staddles.

- Reclad the walls of the granary in weatherboarding to match the existing; where weatherboarding is capable of reuse it will be reinstated.
- Recover the roof with tiles found to be re-useable and/or new clay tiles to match the existing.

Stables (Barn 4).

2.10 This is a much altered outbuilding forming the west range of the farmyard. The west range is the unlisted building in the group. It has low eaves and a narrow plan, suggesting use as pig pens or similar, that limits the future use of this building. Whilst this building is not listed, it would be considered to be a curtilage building as it forms part of the farmyard and would serve the listed farmhouse.

2.11 Proposed Works:

- The stable/west range is to be mechanically demolished and materials removed from site.
- The existing stable/west range to be replaced with as a modern softwood framed outbuilding.
- The height of the ridge and the eaves to be raised to provide a more useable building whilst retaining an appropriate scale and mass with the adjoining and neighbouring traditional buildings in the farmyard.
- The east elevation to be presented as a cart-shed/stable style building to enable flexible future use.
- The west and north elevations to be clad in weatherboarding consistent with existing finishes.
- The roof to be clad in a modern lightweight covering, such as corrugated metal.

Calf pens barn (Barn 5): Grade II timber-framed listed barn – that has partially collapsed.

2.12 List description: C18. Timber-framed; red brick base; buttressed; old tile roof, left hand, hipped base to gable end, right hand, hipped gable end.

2.13 Proposed Works:

- Working from an access platform, or similar, to remove by hand the roof tiles from the standing eastern section of the building. This will remove the loading of the tiles from the remaining remnants of the timber frame. All sound tiles to be put aside in safe storage for reuse.
- Carefully dismantle the roof and wall timbers to the eastern section of the building; common rafters, roof trusses, roof plates and posts and studs to the walls. All sound timbers to be put aside in safe storage for reuse.
- Carefully dismantle and remove all brickwork to the remaining walls of the building. All sound bricks to be put aside in safe storage for reuse in rebuilding works.
- Sort through the collapsed western section of the building, with any sound timbers, tiles and bricks capable of reuse to be put aside for safe storage for reuse.
- The existing building to be replaced with a traditional oak framed building based on the original bay configuration. The timber frame to be built off brick plinth walls and clad with weatherboarding. The north face to be partially clad and provided with openings to enable flexible future use based on archaeological records and practicable proposals that maximise the beneficial use

2.14 The application is accompanied by:

- a) Design and Access Statement/Heritage Statement

- b) Ecology Report
- c) Method Statement for demolition/dismantling

2.15 Additional ecology information has been submitted during the course of the application.

3.0 Relevant Planning History

3.1 Whilst there have been a number of applications submitted in relation to this site, only the following relate to the land/buildings subject of this current application:

- 14/00469/LBC – Conditional Consent, 6 May 2014 - Listed Building Application: Repair damaged roof, front elevation, doors and windows to Calf Pens and repair damaged cladding, roof and support to Granary.
- PL/23/0367/HB – Pending consideration - Listed Building Consent for dismantling and partial dismantling and reinstatement, by restoration and partial replacement, of agricultural buildings that are in an extremely poor and dangerous condition.

4.0 Summary of Representations

4.1 Wexham Parish Council did not raise an objection to the proposals but did want to express their unhappiness that the Council has not shown the respect for these buildings over the years, and they would expect that as much of the original material, where possible, is used to rebuild the buildings. A copy of the Parish Council's comments can be viewed in Appendix A. No other representations were received.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF) 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

Principle and Location of Development

Local Plan Saved Policies:

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

GB2 (Re-use of buildings in the Green Belt)

5.1 The site falls within the Green Belt where the types of development that are deemed acceptable are very limited. Policy GB1 of the Local Plan, together with the National Planning Policy Framework (NPPF) set out the types of development that are deemed acceptable. Where there is a conflict, then the NPPF takes precedence. Section 13 of the NPPF sets out the Governments guidance on development within the Green Belt, as well as identifying its five purposes.

5.2 Paras. 149 and 150 of the NPPF set out the exceptions for types of development within the Green Belt which are not inappropriate. Criteria 'c' of para. 149 allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, whilst criteria 'd' of para. 149

allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

- 5.3 The works to Barns 1, 2,3, and 5 would not result in any enlargement of these existing buildings, or them being replaced/rebuilt with a larger structure. It is acknowledged that the replacement building for Barn 4 would display a higher ridge and eaves, however these increases would be modest, and would not result in it being materially larger. As such, it is considered that the proposed works would meet the exceptions for development within the Green Belt as set out in the NPPF and would not constitute inappropriate development within the Green Belt.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.4 Given that the proposed works relate to existing buildings, and there would be no change of use, the proposed works would not result in any adverse highway implications, nor would they result in an increase in vehicular traffic or need for a greater level of parking provision.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

- 5.5 Due to the current poor condition of the existing buildings, the proposed works would significantly improve their appearance, which will be of great benefit not only to the buildings themselves, but also to the appearance of the site in general, which will be vastly improved with the presence of the restored buildings.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.6 Given the nature of the works, there would be no adverse impacts on the amenities of any residential properties within the vicinity of the buildings.

Ecology

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.7 The Councils Ecology and Newt Officers have assessed the proposals, to determine whether they would adversely affect wildlife, including protected species. Following the submission of additional Great Crested Newts survey information and the inclusion of a dedicated bat loft to accommodate brown long eared bats, both of these officers are satisfied, that subject to appropriate conditions, no wildlife, including bats and Great Crested Newts, would be adversely impact upon by the proposal.

5.8 In light of the above, it is considered that proposals will not adversely affect any protected species subject to conditions.

Historic environment (or Conservation Area or Listed Building Issues)

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

C1 (Development within a Conservation Order)

C6 (Alterations and extensions to Listed Buildings)

5.9 The buildings subject of this application are listed, with the exception of Barn 4. The buildings are owned by Buckinghamshire Council and have been tenanted for many years, however, unfortunately, over time they have fallen into disrepair. It is accepted that agricultural buildings can often fall into disrepair due to changes in farming practises, although it is unfortunate in this instance due to the listed status of the buildings, and every effort should always be made to ensure that designated heritage assets are maintained in good repair.

5.10 The Main Barn (1) is in a sound structural condition with no significant deflection or decay to the majority of the primary timber-frame. Water spillage to the north west corner of the projecting west porch is causing problems of decay to timbers in this area. Repairs are needed to prevent water spillage in the short-term, with repair of decayed timbers in the longer-term. The cladding to the roof and walls would benefit from a general overhaul. The roofs of the outshuts to either side of the central entrance porch to the west elevation are in a structurally poor condition, the roof to the north outshut, in particular, will need stripping, improved structural detailing and recovering.

5.11 The Hay Barn Addition (2) is structurally unsound and at risk of imminent collapse. Scaffolding has been provided to shore up the north elevation, adjacent to the main access road into the farm. It is advised however that no confidence can be placed on the scaffolding performing an adequate structural function. Consequently, this building is at serious risk of collapse and is providing a serious health and safety risk to the users of the main access road serving the farm.

5.12 The Granary (3) is in poor condition. The elm timber-frame is decayed and the, unusual, presence of brick infill panels between the timbers has added significant loading to a much weakened frame.

5.13 The Stables (4) is not listed but the roof coverings have been removed and the remaining felt is in a poor condition and does not provide protection against water penetration.

5.14 The western half of the Calf Pens (5) has collapsed and the remaining eastern section is at high risk of collapse. Due to the state of this building it is advised that it is not possible to make any further assessment of this building without making it safe through careful dismantling. The visible timbers are elm, many of which have been exposed the elements and have, as a result, suffered from decay. It is anticipated that a significant proportion of the timber frame to this building is beyond practical and economic repair and will require replacement.

5.15 In light of the condition of these buildings, it is proposed that a programme of dismantling is urgently needed to prevent the imminent and uncontrolled collapse of these buildings. The dismantling and making safe will allow the buildings to be safely

accessed so that they can be inspected, recorded and the extent and nature of repair and/or replacement can be determined. This will allow the proposed repair, rebuilding and reinstatement to be made on an informed basis that will enable the future preservation of the setting of the farmyard.

- 5.16 The Council's Heritage Officer considers that the proposals would cause substantial harm to the significance of the designated heritage assets, by virtue of the extent of works that would be required to be undertaken to the listed buildings, which includes extensive repair works, and where necessary their rebuilding or replacing.
- 5.17 Notwithstanding this identified harm, the Council's Heritage Officer considers that the proposed works are acceptable in this instance, as they are urgently necessary in the interests of health and safety and that it is not practicable to secure the preservation of the buildings by temporary support or shelter. The submitted evidence sets out that the existing buildings have been identified as being at serious risk of uncontrolled collapse, and that measures to prop or secure them via temporary measures such as scaffolding are not considered appropriate due to the structural weakness of the buildings and the inability for such temporary methods to guarantee continued support.
- 5.18 The Council's Heritage Officer does advise that a number of conditions will be required to be attached to any permission which ensure that the dismantling takes place in such a way that recording and safe storage of materials occurs on site in order to allow the accurate reinstatement of a maximum amount of fabric; as well as ensuring that accurate reinstatement takes place on site within the earliest possible timescale, new uses for the buildings are found to ensure their longevity, and that the remaining standing buildings on the site are protected and safeguarded to prevent further decay.
- 5.19 Historic England have also reviewed the proposals, and whilst they raise a number of questions on certain aspects of the proposals, they do conclude by advising that due to the condition of the buildings, the proposed approach would be the most practical solution to address their conservation needs.
- 5.20 In response to the comments of the Heritage Officer and Historic England, the applicant has confirmed a number of details, such as the confirmation that the current professional heritage team dealing with the matter on behalf of the applicant will be retained and continue to be involved in the project throughout all phases of the project. It has also been confirmed that the buildings will be incorporated into the existing farming business, and put to use in the most appropriate manner that suits the farming operations. It has also been confirmed that a suitably ventilated storage container will be brought onto the site to store the materials that are to be re-used in the restoration/rebuilding works. It is likely that this will be located adjacent to the main barn (1), on the land between that building and the front boundary of the site.
- 5.21 The NPPF sets out at para. 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.22 Para. 200 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Substantial harm to or loss of grade II buildings should be exceptional. Para. 201 goes on to advise that where

a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 5.23 In light of the evidence submitted, which details the extremely poor condition of the existing buildings, as well as providing an approach to repairing, and rebuilding these buildings, together with the views of both the Councils own Heritage Officer and Historic England, it is considered that subject to appropriate conditions which ensure that the historic fabric of the existing buildings are successfully recorded, stored, and then repaired or rebuilt, it is considered that the proposals are acceptable and would meet the requirements of the NPPF. Whilst it is acknowledged that substantial harm would be cause to the significance of designated heritage asset, it is considered that this has been clearly justified on the grounds of health and safety, and the extremely poor condition of the designated heritage assets themselves, and the fact that alternative approaches to rectifying their condition is impractical.
- 5.24 In turn, it is considered these works, and therefore the substantial harm, is necessary in this instance to achieve the substantial public benefits of the safety of the users of the site, who are at risk of injury from the potential collapsing of the buildings.
- 5.25 It is also considered that to ensure that the new development will proceed after dismantling works have taken place, a timeframe should be applied to when the restoration and reinstatement works have to be implemented to ensure that they are undertaken and to justify the harm that will be caused by their initial removal.
- 5.26 Overall, therefore, it is considered that the proposals would be compliant with Policy C6 of the South Bucks Local Plan, Core Policy 8 of the South Bucks Core Strategy and section 15 of the NPPF, namely paras. 200, 201, 204, and 205.

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 relevant policies as set out in the Development Plan and NPPF.
- 6.3 It has been identified that the proposals would result in substantial harm to the significance of a designated heritage asset by virtue of the nature and extent of works proposed.
- 6.4 It has also been identified that the existing buildings are at serious risk of uncontrolled collapse, and due to their extremely poor condition, temporary measures to support the buildings are impractical and insufficient. It is considered therefore that the works are urgent and are necessary on grounds of health and safety. Given the condition of

the buildings and the risk of their collapse, these health and safety benefits are considered to amount to substantial public benefits which would outweigh the substantial harm identified above, and thereby satisfying the requirements of paras. 200, 201, and 204 of the NPPF.

- 6.5 As such, it is considered that it would be fair and reasonable for planning permission to be granted in this instance.

7.0 Working with the applicant / agent

7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

8.0 Recommendation: Conditional Permission, subject to the following conditions:

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

Reason: To secure the implementation of works and protect the health and safety of users of the site.

2. Prior to any repair, restoration or rebuilding works commencing, details of all of the materials salvaged from the existing buildings and are to be re-used in the repair, restoration or rebuilding works, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic character of the building, in accordance with Policy C6 of the South Bucks District Local Plan (adopted March 1999), Policy CP8 of the South Bucks District Core Strategy, and guidance in the NPPF.

3. A photographic survey shall be undertaken during all dismantling works which shall accurately record the location of each element of the buildings fabric which has been removed. All elements/materials to be re-used shall be labelled and placed in an area of safe storage ready for re-use in the reinstatement/rebuilding works. A copy of the photographic survey evidence shall be submitted to the Council for its records.

Reason: To safeguard the special architectural and historic character of the building, in accordance with Policy C6 of the South Bucks District Local Plan (adopted March 1999), Policy CP8 of the South Bucks District Core Strategy, and guidance in the NPPF.

4. Prior to the commencement of any dismantling works, details of the location and type of safe watertight and ventilated storage facility, which will be used to store the existing building materials/fabric which are to be re-used in the reinstatement / rebuilding of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The storage of building materials/fabric shall be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic character of the building, in accordance with Policy C6 of the South Bucks District Local Plan (adopted March 1999), Policy CP8 of the South Bucks District Core Strategy, and guidance in the NPPF.

5. A programme of works shall be submitted to and approved in writing by the Local Planning Authority at the earliest possible date to ensure that works for the reinstatement of the farm buildings in their existing location occurs within an appropriate time frame. The reinstatement works shall be undertaken in accordance with the approved details and shall commence no later than May 2024 and all works shall be completed by no later than December 2024.
Reason: To secure the completion of repairs to the listed building and to safeguard the special architectural and historic character of the building, in accordance with Policy C6 of the South Bucks District Local Plan (adopted March 1999), Policy CP8 of the South Bucks District Core Strategy, and guidance in the NPPF.
6. Prior to any dismantling of the buildings, a statement shall be submitted to and approved in writing by the Local Planning Authority setting out how the remaining standing buildings in the farmstead grouping will be safeguarded and protected, during such works. The works shall be carried out in accordance with the approved details.
Reason: To safeguard the special architectural and historic character of the building, in accordance with Policy C6 of the South Bucks District Local Plan (adopted March 1999), Policy CP8 of the South Bucks District Core Strategy, and guidance in the NPPF.
7. Prior to any dismantling of the existing buildings, a statement shall be submitted to and approved in writing by the Local Planning Authority, outlining how the buildings, once repaired, will be maintained in the future.
Reason: To safeguard the special architectural and historic character of the building, in accordance with Policy C6 of the South Bucks District Local Plan (adopted March 1999), Policy CP8 of the South Bucks District Core Strategy, and guidance in the NPPF.
8. The works hereby approved shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.
9. The development shall be implemented in accordance with the agreed bat replacement roost features (including a bat loft and 5 bat boxes) (Review of Bat Mitigation & Compensation, Bernwood Ecology, 28th June 2023). The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.
Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.
10. Prior to the commencement of any development a combined construction method statement and ecological enhancements scheme shall have been submitted to, and approved in writing, by the Local Planning Authority. This to include details of protection measures and reasonable avoidance measures for protected and notable species (badger, nesting birds, amphibians including Great Crested Newts, reptiles and hedgehog) and biodiversity features including bat boxes on trees, swift bricks, house sparrow terrace boxes and log piles. The development shall proceed in accordance with the approved details, with the biodiversity features having been installed prior to the

first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the survival of species protected by legislation and notable species that may otherwise be affected by the development and in the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and to safeguard protected and notable species that may otherwise be affected by the development.

11. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
2 Feb 2023	Block/Site Plan
2 Feb 2023	P01
2 Feb 2023	P02
2 Feb 2023	P03
2 Feb 2023	P04
2 Feb 2023	P05
2 Feb 2023	E01
2 Feb 2023	E02
2 Feb 2023	E03
2 Feb 2023	E04
2 Feb 2023	E05
2 Feb 2023	Location Plan
21 Jul 2023	Review of Bat Mitigation & Compensation, Bernwood Ecology, 28th June 2023
21 Jul 2023	RO edit v1

Informatives:

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

APPENDIX A: Consultation Responses and Representations

Parish/Town Council Comments

Whilst Wexham Parish Council have no objections to these applications we would like to extend our unhappiness that the Council has not shown the respect for these buildings over the years, and because of their lack of finance in maintaining the original buildings we would like it known that we would expect that much of the original materials be used where possible to rebuild the buildings. These are Heritage Buildings and we would not like them to disappear.

Consultation Responses

Heritage Officer:

Summary

As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. The works set out in this application are urgently necessary in the interests of safety and health for the preservation of the buildings and that it is not practicable to secure the preservation of the buildings by temporary support or shelter and that notice has been given to the LPA justifying the scope of the works. Consequently, in accordance with s.9 of the P(LB&CA)A ,this proposal is supported in heritage terms subject to conditions.

Heritage Assets

Rowley Farmhouse – Grade II listed building

Barn Adjoining Rowley Farmhouse – Grade II listed building

Barn to South at Rowley Farm – Grade II listed building

Calf Pens at Rowley Farm – Grade II listed building

Granary at Rowley Farm – Grade II listed building

The above are designated heritage assets

Discussion

The buildings that are the subject of this application include three listed buildings and one unlisted building located at Rowley Farm associated with the listed farmhouse. The buildings are owned by Buckinghamshire Council and have been tenanted for many years, however unfortunately over time have been neglected and fallen into disrepair. Agricultural buildings can often fall into disrepair due to changes in farming practises, although it is unfortunate due to the listed status of the buildings and every effort should always be made to ensure that designated heritage assets are maintained in good repair. A pre-application submission was made in 2021 seeking heritage advice for the future and long term conservation of the historic farm buildings. The current proposal largely follows the pre-application advice provided however it is highly unfortunate that no future use has yet been identified to ensure the future repair and maintenance of these designated heritage assets.

This proposal seeks Listed Building Consent for the dismantling of the buildings that are in an extremely poor and dangerous condition. This aim is to formalise the urgent works needed.

The buildings are as follows:

A. Main Barn (Barn 1): Barn to south of Rowley Farm.

Grade II listed 5 bay timber-framed barn, the principal building of the east range. There are two single-storey lean-to 'outshots' to the west of the farm either side of the projecting porch facing into the central farmyard. The east range includes the brick addition to north of the barn, most probably 19th century, that provides stabling with hayloft above [previously known as Barn 2]. The brick stable is not mentioned in the list description for the barn.

List description: Barn to south of Rowley Farm - Date cut into one of the tie beams, 17 H F 35. Timber-framed; queen post truss; weatherboarded. Central projecting gabled cart entrance; old tile roof. Left and right of cart entrance stock brick additions.

Hay Barn Addition (Barn 2) with outshot (2A) lean-to to the east. The east range includes the brick addition to the north of the barn, most probably 19th century, providing stabling with hayloft above [previously known as Barn 2]. The brick stable is not mentioned in the list description for the barn.

B. Granary (Barn 3): Grade II listed timber-framed granary.

List description: C18/C19. Timber-framed; weatherboarded; old tile-hipped roof. Set on settle stones.

C. Stables (Barn 4).

This is a much altered outbuilding forming the west range of the farmyard. The west range is the unlisted building in the group. It has low eaves and a narrow plan, suggesting use as pig pens or similar, that limits the future use of this building.

D. Calf pens barn (Barn 5): Grade II timber-framed listed barn – that has partially collapsed.

List description: C18. Timber-framed; red brick base; buttressed; old tile roof, left hand, hipped base to gable end, right hand, hipped gable end.

It is important to highlight that the principal repairs, reinstatement and/or replacement of the buildings at Rowley Farm are based on replicating the appropriate appearance, form and plan of the existing buildings. An archaeologist is to be instructed to carry out a watching brief and to record building fabric as safe access is provided on all areas where building fabric is to be removed, dismantled or demolished to the listed buildings.

The following, as set out in the Design & Access Statement, outlines the proposed methodology for the careful partial dismantling and demolition of the buildings together with the proposed repair and replacement:

HAY BARN ADDITION (2) - EAST RANGE: Carefully dismantle the roof and remove the roof timbers to the hay barn addition (2); the rafters, roof trusses and roof plates. All sound timbers to be put aside in safe storage for reuse in rebuilding works. Carefully remove all loose and/or potentially dangerous brickwork to the hay barn addition (2). All sound bricks to be put aside in safe storage for reuse in rebuilding works. Carefully dismantle the brick walls of the rear lean-to outshot (2A). All sound bricks to be put aside in safe storage for reuse. Remove the trees to the east and cut back the ground to the immediate east of the lean-to outshot (2A). Remove the internal hayloft floor and provide cross bracing to restrain the remaining walls. Rebuild the remaining hay barn addition (2) to match existing height, openings and bond of brickwork etc. The east outshot (2) is not to be reinstated. The existing dividing wall between the hay barn addition (2) and the lean-to outshot (2A)

is to be retained and repaired in-situ or, where found necessary, rebuilt to match the existing with re-used bricks. Reinstall the internal first floor. Wherever possible reuse timbers capable of reuse. Reconstruct the roof frame to the hay barn addition (2) and recover the roof with plain clay tiles to blend in with the main barn (1).

MAIN BARN OUTSHOTS (1A & 1B) - EAST RANGE: Strip the existing machine made tiles from the slopes of the outshots. Implement repairs and improvements to the timber roof frames of the outshots so that they are capable of supporting the roof coverings. Recover the outshot roofs with handmade clay tiles in-keeping with the roof of the main barn (1).

MAIN BARN (1) In conjunction with the repairs to the outshots [7.3] remove and dispose of plastic rainwater goods. Repair decayed timbers and replace loose and damaged cladding to the north west of the west porch. Replace the plastic rainwater goods with new metal [aluminium in traditional profile] gutters and downpipes.

GRANARY (3) Carefully remove the tiles from the roof slopes. All sound tiles to be put aside in safe storage for reuse. Carefully remove the timber weatherboarding from the walls. All sound weatherboarding to be put aside in safe storage for potential reuse. Provide strapping and restraint to the walls to reduce the risk of collapse during the works. Carefully remove the brickwork from between the timber frame. The bricks will need to be removed to allow repairs to the timber frame to be implemented. The internal timber wall linings and features are to be retained in-situ wherever possible. Partial removal, and/or release of fixings, may be found necessary to facilitate the repairs to the wall frames. Repair and replace the timber frame of the walls and roof as found necessary so that it can perform a structural function. It is anticipated that the lower ends of posts and studs and new horizontal base plates [sill beams] will be the minimum amount of work required. Wherever possible as much of the existing timber frame is to be retained. Upon completion of the timber frame repairs it is not intended to reinstall the brickwork between the timbers, as the bricks provide unnecessary loads on the timber frame and increase the risks of damp being held against the timbers. The granary is raised off the ground by staddles 'stones'; there is a combination of stone, and/or concrete, and metal staddles. These are to be retained and, where missing, replaced. Prior to reinstating the timber frame on the staddles firm footings/foundations are to be provided, where found necessary, to ensure that the staddles are suitably founded and can support the granary. Reinstall the repaired timber frame upon well-founded staddles. Reclad the walls of the granary in weatherboarding to match the existing; where weatherboarding is capable of reuse it will be reinstated. Recover the roof with tiles found to be re-useable and/or new clay tiles to match the existing.

STABLES (4) - WEST RANGE: The stable/west range is to be mechanically demolished and materials removed from site. The existing stable/west range to be replaced with as a modern softwood framed outbuilding. The height of the ridge and the eaves to be raised to provide a more useable building whilst retaining an appropriate scale and mass with the adjoining and neighbouring traditional buildings in the farmyard. The east elevation to be presented as a cart-shed/stable style building to enable flexible future use. The west and north elevations to be clad in weatherboarding consistent with existing finishes. The roof to be clad in a modern lightweight covering, such as corrugated metal.

CALF PENS (5): Working from an access platform, or similar, to remove by hand the roof tiles from the standing eastern section of the building. This will remove the loading of the tiles from the remaining remnants of the timber frame. All sound tiles to be put aside in safe storage for reuse. Carefully dismantle the roof and wall timbers to the eastern section of the building; common rafters, roof trusses, roof plates and posts and studs to the walls. All sound timbers to be put aside in safe storage for reuse. Carefully dismantle and remove all brickwork to the remaining walls of the

building. All sound bricks to be put aside in safe storage for reuse in rebuilding works. Sort through the collapsed western section of the building, with any sound timbers, tiles and bricks capable of reuse to be put aside for safe storage for reuse. The existing building to be replaced with as a traditional oak framed building based on the original bay configuration. The timber frame to be built off brick plinth walls and clad with weatherboarding. The north face to be partially clad and provided with openings to enable flexible future use based on archaeological records and practicable proposals that maximise the beneficial use.

In heritage terms for health and safety reasons it is reasonable for these dismantling works and repair works to take place. However, the Heritage Team are concerned at the need to ensure that:

- dismantling takes place in such a way that recording and safe storage of materials occurs on site in order to allow the accurate reinstatement of a maximum amount of fabric
- Accurate reinstatement takes place on site within the earliest possible timescale and that new uses for the buildings are found to ensure their longevity.
- The remaining standing buildings on the site are protected and safeguarded to prevent further decay.

As such there is no objection to these dismantling works taking place subject to the following conditions:

- An archaeologist is to be instructed to carry out a watching brief and to record building fabric as safe access is provided on all areas where building fabric is to be removed, dismantled or demolished to the listed buildings.
- Detailed photographic survey takes place during dismantling work and that the location of each element of fabric is accurately recorded and labelled and placed in safe storage on site for reuse
- The location of safe, monitored, ventilated, watertight and protected storage be agreed on site
- A programme of works is submitted to the LPA at the earliest date to ensure that works for reinstatement of the farm buildings in their existing location occurs within a reasonable time frame. The reinstatement works commence before May 2024 and are completed by December 2024
- That prior to dismantling of the buildings that a statement of intent is submitted to the LPA for approval outlining how the buildings once repaired will be maintained going forward
- That prior to dismantling of the buildings that a statement is provided to the LPA for approval setting out how the remaining standing buildings in the farmstead grouping will be safeguarded and protected.

Heritage Policy Assessment

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals are urgently necessary in the interests of safety and health for the preservation of the buildings and that it is not practicable to secure the preservation of the buildings by temporary support or shelter and that notice has been given to the LPA justifying the scope of the works.

NPPF

The proposal due the substantial amount of dismantling and repair are necessary on the grounds of health and safety. Whilst this would cause substantial harm to the significance of the designated heritage asset, Paragraph 205 applies; in applying this policy it is considered that the requirements of Paragraph 204 are relevant factors. Paragraph 184/197/199/200 of the NPPF, should also be considered in determining the application

Conclusion

For the reasons given above it is felt that in heritage terms:

The application would not raise any heritage objection subject to the following conditions:

- i. An archaeologist is to be instructed to carry out a watching brief and to record building fabric as safe access is provided on all areas where building fabric is to be removed, dismantled or demolished to the listed buildings.
- ii. Detailed photographic survey takes place during dismantling work and that the location of each element of fabric is accurately recorded and labelled and placed in safe storage on site for reuse
- iii. The location of safe, monitored, ventilated, watertight and protected storage be agreed on site
- iv. A programme of works is submitted to the LPA at the earliest date to ensure that works for reinstatement of the farm buildings in their existing location occurs within a reasonable time frame. The reinstatement works commence before May 2024 and are completed by December 2024
- v. That prior to dismantling of the buildings that a statement of intent is submitted to the LPA for approval outlining how the buildings once repaired will be maintained going forward vi) That prior to dismantling of the buildings that a statement is provided to the LPA for approval setting out how the remaining standing buildings in the farmstead grouping will be safeguarded and protected.

Historic England:

This application is a resubmission of similar proposals we commented on in our letter dated 29 July 2022, which should be read in conjunction with this letter. At the time we raised serious concerns about the process of dismantling and rebuilding and the paucity of information supplied as part of that application. That application was subsequently withdrawn (PL/22/1650/HB).

This submission has provided further assurance that the buildings would be taken down in a controlled way and archaeologically recorded to enable elements to be salvaged and the form and constructional techniques of the buildings accurately recorded to inform their reconstruction.

Whilst this application does represent an improvement on the previous application, we would have expected an application for such substantial rebuilding of three grade II buildings to be supported by a much greater level of detail to give confidence that every effort would be taken to preserve the significance of these buildings. The involvement of Oxley Conservation does provide some reassurance on the calibre of expertise advising on the proposals. Confirmation should be provided that the current professional team would continue to be involved in the project throughout the dismantling and reconstruction phases of any approved scheme.

Our primary concern is that these buildings are redundant, and no future use has been identified. If consent is granted for their dismantling, there remains little incentive for the owner to reconstruct them. Even if they are rebuilt, without a meaningful use, there would be little desire to maintain these buildings. It would be very difficult, probably impossible, to take enforcement action that would compel their rebuilding, particularly given that they are Council owned. To provide some reassurance, it would benefit the application, if it was supported by a statement of intent outlining the applicant's commitment to undertake the repairs in a timely manner and set out how the buildings would be used and maintained going forward.

The application equally lack detail demonstrating how the remaining standing structures would be protected between the dismantling, recording and reconstruction phases. Within the provisional programme there is 3-4-month gap between the start of the buildings being dismantled and the start of the reinstatement (itself at least a 6- month process). Even if this timeframe is maintained, it remains unclear how the buildings will be safeguarded in the interim to prevent further decay of the surviving fabric.

Furthermore, there is a considerable amount of material that is likely to be set aside for reuse. Your authority should seek assurances this material will be stored on site, in a secure, monitored and ventilated area, protected from the weather for the duration of the project.

The application needs to be assessed against the policies contained within the heritage chapter of the NPPF. Most pertinently, great weight should be given to the conservation of a listed building (paragraph 199); substantial harm or loss of a grade II listed building should be exceptional and require a clear and convincing justification (paragraph 200); the tests for substantial harm/demolition set out in paragraph 201 would need to be applied. Furthermore, local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (paragraph 204) and should require developers to record the significance of any heritage assets to be lost (wholly or in part) in a manner proportional to their importance (paragraph 205).

While it is possible the tests set out in the NPPF for substantial harm could be met in this case the application does not attempt to do this. Planning permission may also be necessary to rebuild the structures once demolition has taken place.

Recommendation:

Historic England has concerns regarding the application on heritage grounds. Due to the condition of the buildings, the proposed approach would be the most practical solution to address their conservation needs. We would however be more assured in this approach if the safeguards outlined above are addressed, particularly if there was an identified beneficial use to incentivise their reconstruction and future maintenance. A statement of intent as set out above would help in this regard. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Cadent Gas:

After receiving the details of your planning application at Rowley Farm Black Park Road, Slough SL3 as we have completed our assessment. We have no objection to your proposal from a planning perspective.

British Pipeline Agency:

Thank you for your correspondence regarding the above noted planning application. Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application. However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Ecology Officer:

1st comments received 19th April 2023

Summary:

Holding Objection - Further Information Required

The following information is required prior to determination of the application:

- A plan indicating the bat loft (location, construction and dimensions) to compensate for the brown long-eared bat roost to be lost as part of the works.
- A great crested newt Habitat Suitability Index and eDNA survey of the pond within 75m of the site in line with the ecology report.

Protected species are a material consideration of the planning process and it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted (ODPM Circular 06/2005).

Discussion:

The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Appraisal and Bat Survey Report (Bernwood Ecology, 8 th October 2021). The initial survey was undertaken on 21st May 2021.

Bats

A summary of survey results is included below.

- Approximately 10-20 small bat droppings presumably of pipistrelle species were recorded in the large open barn (B1) in internal brickwork with some additional droppings up on the wall. DNA analysis of droppings confirmed the droppings to be of common pipistrelle.
- Approximately 30-60 moderately-sized fresh droppings were also found under the ridge line of the barn (B1) and by DNA analysis were confirmed to be of brown long-eared bat.
- No evidence of bats was found in the smaller barn (B2) connected to the large barn. A dead hedgehog was recorded.
- Internal access to the small square building 'The Granary' (B3) was not possible due to health and safety constraints. The building was classified to have high suitability for roosting bats.
- Similarly, internal access was not possible due to health and safety in buildings B4 (a more modern building in the farm) and B5 (the 'Calf Pens'). Both buildings were also classified of high roosting suitability.
- Three activity surveys were undertaken on 29/06/2021, 13/07/2021 and 25/08/2021.
- A total of 5 species were recorded foraging/commuting during the surveys including noctule, common pipistrelle, soprano pipistrelle, brown long-eared bat and Myotis species. There were also recordings of unidentified species thus there may be additional species using the site for foraging/commuting.
- During the June 2021 survey three brown long-eared bats were seen perched on the underlay of the roof near the ridge at the northern end and in the middle of the large barn building (B1) and one soprano pipistrelle was seen flying inside this building.
- During the July 2021 survey one unidentified bat was recorded emerging from the gable end of large barn (B1).
- During the August 2021 survey a minimum of two common pipistrelles emerged from the large barn (B1) and another two were seen emerging from the porch of the farmhouse north of the survey boundary. One common pipistrelle entered and exited the large barn (B1). Two brown long-eared bats were seen flying up and down the large barn (B1) internally and one entered into an area around a rafter at the eastern side of the building. A brown long-eared bat also flew around B1 internally until it emerged through a gap between the metal door and the weatherboarding. One brown long-eared bat was seen perched near the ridge of the large barn (B1) and was hand netted and confirmed to be a non-breeding adult female. A Myotis was also recorded inside the large barn (B1). A brown long-eared bat entered the smaller barn (B2) through a hole in the brickwork.

From the activity survey results it was concluded that the large barn (B1) and smaller barn (B2) are confirmed roosts supporting at least two bat species (brown long-eared bat and common pipistrelle). The report states: "An individual was hand-netted and was identified to be a non-

breeding adult female. Although non-breeding, due to the timing of the survey (late-August) it is not possible to be conclusive whether the female did or did not breed this year. Therefore, it should be assumed that a maternity roost is likely to be present in the area using B1 and potentially B2, with the individuals of the roost moving between multiple buildings which may include other buildings at the farm and beyond that were not included in the survey effort." I agree with these conclusions given that at least four brown long-eared bats were recorded to use the buildings B1 and B2 and it is known that brown long-eared bat maternity roosts can consist of a small number of individuals. The buildings also support common pipistrelle day roost and it is possible that are also used as a feeding perch/night roost of soprano pipistrelle and a Myotis species.

As roosting bats were confirmed a Natural England European Protected Species licence will be required to proceed with the works. This can be secured via a condition to any approval subsequently granted.

A 'like-for-like' replacement bat loft should be designed to compensate for the loss of the brown long_eared bat roost as brown long-eared bats are roof void species. To ensure that this bat roost provision is implemented a plan indicating the location of the bat loft, construction and dimensions, should be provided prior to determination of the application. Common pipistrelle, soprano pipistrelle and Myotis species are crevice-dwelling bat species thus their roosts can be mitigated for by the incorporation of integrated bat boxes in the replaced buildings.

No bats were seen emerging/entering buildings B3, B4 and B5 however there is a low possibility that undetected roosting sites in these buildings are present. Therefore, I agree with the recommendations in the report that works to these buildings are carried out under the supervision of a bat licensed ecologist (secured in a construction method statement via a condition to any approval subsequently granted).

A further common pipistrelle roost was confirmed in the porch of the farmhouse but it is understood that this building will not be affected from the proposed works.

Great crested newts

The nearest pond to the site is located within 75m distance. It is stated in the report: "It is recommended that this pond is subject to a Habitat Suitability Index (HSI), which should include an eDNA survey to confirm presence/ absence of great crested newt should the pond hold water and be determined through the HSI assessment to have an average or higher suitability for supporting great crested newt."

Owing to the extensive building works great crested newts may be injured or killed (should they be present in the pond). It is common for great crested newts to hibernate/shelter in the foundations of buildings. I would recommend that the HSI and eDNA survey are carried out and the results are submitted prior to determination of the application.

Other protected and notable species

The proposed works should be carried out outside the nesting bird season that lasts March to August. If this is not possible then the site should be checked for nesting birds immediately prior to works commencing. If nesting birds are present the works cannot proceed until the young have fledged.

I would recommend that the safeguarding of nesting birds and other protected and notable species (common amphibians, reptiles, badger and hedgehog) is addressed in a construction method statement to be secured via a condition to any approval subsequently granted. Reasonable avoidance measures should cover storage of materials, excavations and toolbox to builders.

Biodiversity Enhancements

In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. A scheme of biodiversity enhancements e.g. additional bat boxes on mature trees, bird boxes (swift bricks, sparrow terrace boxes), log piles would be recommended to be secured via a condition to any approval subsequently granted.

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted."

European Protected Species Licensing (applies to bats and great crested newts)

Before granting planning permission, the local planning authority should satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a protected species derogation licence is required, the licensing tests can be met and a licence is likely to be granted by Natural England. As a EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

Together with the ecologist's report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document.

If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017(as amended) and

enables a local planning authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species.

Bats

All bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and are European Protected Species, protected under The Conservation of Habitats and Species Regulations 2017 (as amended). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any roost site that they use.

Great crested newts

The proposals involve development within 75m of a pond where great crested newts may be present. The proposed development site is adjacent to an Amber impact risk area for great crested newts. This indicates that there is suitable habitat suitability for newts on site and/or in the surrounding landscape.

Natural England Interim Guidance on District Level Licensing (January 2020) stipulates that development projects that are located within 'Red' or 'Amber' impact risk zones must demonstrate proposals do not pose a risk to great crested newts or provide detail on the methods that will be used to safeguard against such risks, which may include licensing.

The presence or likely absence of great crested newts needs to be established by way of a survey in accordance with the Great Crested Newt Conservation Handbook (Froglife, 2001) – comprising a Habitat Suitability Index (HSI) assessment of nearby ponds, eDNA survey and/or great crested newt pond surveys to determine presence/likely absence and population size, where necessary.

If there are up-to date records confirming that great crested newts are present a licence will be required to enable the proposed works to proceed in a lawful manner via obtaining a European Protected Species (EPS) site-based mitigation licence from Natural England. Where on-site mitigation is required the LPA must have confidence that appropriate levels of mitigation will be delivered within the scheme.

Alternatively, the District Licensing scheme (operated by the Nature Space Partnership) can be applied for in the absence of the further information or in place of the current site-based mitigation licensing required above. Under Buckinghamshire Council's District Licence, development works that may cause impacts upon great crested newts can be authorised as part of the planning process.

Biodiversity Net Gain Paragraph 180d of the NPPF states that: "When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

2nd Comments received 26th July 2023:

Summary

No objection, subject to conditions

Discussion

Bats

Following our previous comments a document (Review of Bat Mitigation & Compensation, Bernwood Ecology, 28 June 2023) indicating a dedicated bat loft to accommodate brown long-eared bats was submitted. It should be noted that if the roof is lined the lining should be only bitumen felt as breathable membranes can be fatal to bats. I would recommend that a compliance condition to secure the bat loft and roost access features is attached to any approval granted. A condition relating to the Natural England European Protected Species licence is also recommended.

Great crested newts

For great crested newt matters please refer to the Newt Officer's comments.

Other protected and notable species

The proposed works should be carried out outside the nesting bird season that lasts March to August. If this is not possible then the site should be checked for nesting birds immediately prior to works commencing. If nesting birds are present the works cannot proceed until the young have fledged. I would recommend that the safeguarding of nesting birds and other protected and notable species (common amphibians, reptiles, badger and hedgehog) is addressed in a construction method statement. Reasonable avoidance measures should cover storage of materials, excavations and toolbox to builders.

Biodiversity Enhancements

As stated in our previous comments, a scheme of biodiversity enhancements e.g. additional bat boxes on mature trees, bird boxes (swift bricks, sparrow terrace boxes), and log piles, is recommended. I would recommend that a condition relating to a combined construction method statement and ecological enhancements scheme is attached to any approval granted.

Legislation, Policy and Guidance

European Protected Species Licensing

Before granting planning permission, the local planning authority should satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a protected species derogation licence is required, the licensing tests can be met and a licence is likely to be granted by Natural England. As a EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

Together with the ecologist's report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document. If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017(as amended) and enables a local planning authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species.

Bats

All bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and are European Protected Species, protected under The Conservation of Habitats and Species Regulations 2017 (as amended). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any roost site that they use.

Biodiversity Net Gain

Paragraph 180d of the NPPF states that: "When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

Conditions

Control to ensure EPS licence is provided ahead of commencement

The following works shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.

Control to implement development in accordance with agreed document/plans

The development shall be implemented in accordance with the agreed bat replacement roost features (including a bat loft and 5 bat boxes) (Review of Bat Mitigation & Compensation, Bernwood Ecology, 28th June 2023). The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.

Restrictions on commencement of development until specific protection measures are agreed and biodiversity outcomes are achieved.

Prior to the commencement of any development a combined construction method statement and ecological enhancements scheme shall have been submitted to, and approved in writing by the Local Planning Authority. This to include details of protection measures for protected and notable species (badger, nesting birds, amphibians, reptiles and hedgehog) and biodiversity features including bat boxes on trees, swift bricks, house sparrow terrace boxes and log piles. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy and to safeguard protected and notable species that may otherwise be affected by the development.

Newt Officer:

Summary

No Objection subject to condition regarding the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents.

For all other matters relating to Ecology please refer to the Ecology Officer's Comments.

Discussion

The development falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is moderate habitat and a low likelihood of great crested newt presence.

There are 2 ponds within 500m of the development proposal. One of these ponds is situated 70m east of the development.

The applicant provided an ecological report [Preliminary Ecological Appraisal, Rowley Farm, Bernwood Ecology, October 2021], which states:

There is a pond present within 70m of the development site.

If great crested newts are present, they could utilise ruderal vegetation and rubble piles onsite.

It was recommended that a HSI assessment and eDNA survey are carried out on the nearby pond.

However, due to the nature of works being carried out onsite I am satisfied that any residual risk of impacting great crested newts can be address through the use of a non-licensed method statement.

A compliance condition has been provided to ensure measures are complied with during construction.

For all other matters relating to Ecology please refer to the Ecology Officer's comments.

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Figure below: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.



Conditions

Restrictions on commencement of development until specific protection measures are agreed

Prior to the commencement of any development a construction method statement shall have been submitted to, and approved in writing, by the Local Planning Authority. This to include details of reasonable avoidance measures for protected and notable species (amphibians including great crested newt). The development shall proceed in accordance with the approved measures, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the survival of species protected by legislation and notable species that may otherwise be affected by the development.

Informatives

Protection of great crested newts and their breeding/resting places Informative: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply

for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Buckinghamshire Council have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result GCN and their habitats are a material consideration in the planning process.

Representations

1 letter of support has been received. Comments raised include the following:

- Pleased that landlord is taking steps to undertake repairs
- Looking forward to having the buildings back as part of their stock of agricultural buildings