



## Corrigendum to Central Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	23/01216/APP
<b>Proposal:</b>	Temporary Planning Permission (23.11.2023 until 31.12.2023 inclusive) for Change of Use of part of the existing authorized Glasshouse and Storage Area to facilitate an ice rink and refreshment bar and associated ancillary facilities
<b>Site Location:</b>	Chiltern View Nurseries, Wendover Road, Stoke Mandeville Buckinghamshire, HP22 5GX
<b>Applicant:</b>	Mrs & Mr Suzanne & James Bone
<b>Case Officer:</b>	Mrs K Elliot
<b>Ward(s) affected:</b>	WENDOVER, HALTON & STOKE MANDEVILLE
<b>Parish-Town Council:</b>	STOKE MANDEVILLE
<b>Date valid application received:</b>	18.04.2023
<b>Statutory determination date:</b>	13.06.2023
<b>Recommendation</b>	Refusal

### Update

Clarification is provided regarding comments made within the report pertaining to the effect of granting permission upon the (appealed) Enforcement Notice which seeks to prevent use of the site as an ice rink. This is referred to at paragraphs 1.5 and 6.17 of the CVN Committee report.

Section 180 of the Town and Country Planning Act 1990 provides that, where an Enforcement Notice has been issued, planning permission granted for any development carried out beforehand means the EN ceases to have effect "so far as it is inconsistent with that permission". The Enforcement Notice issued in respect of the unauthorised use of the site as a skating rink will therefore lapse in so far as it is inconsistent with the current application, if planning permission is granted. This does not mean that the Notice totally falls away, as suggested in paragraphs 1.5 and 6.17 of the report, rather it will only fall away for the area covered by this application [even if this permission is only granted on a temporary basis] but will continue in respect of the remainder of the land at Chiltern View Nursery. Therefore, even if this permission is granted, the Council would

still have to deal with the appeal against that EN as regards the land OUTSIDE the red edge of this application but WITHIN the land outlined in the EN.

### Area of Land Included within Enforcement Notice Below

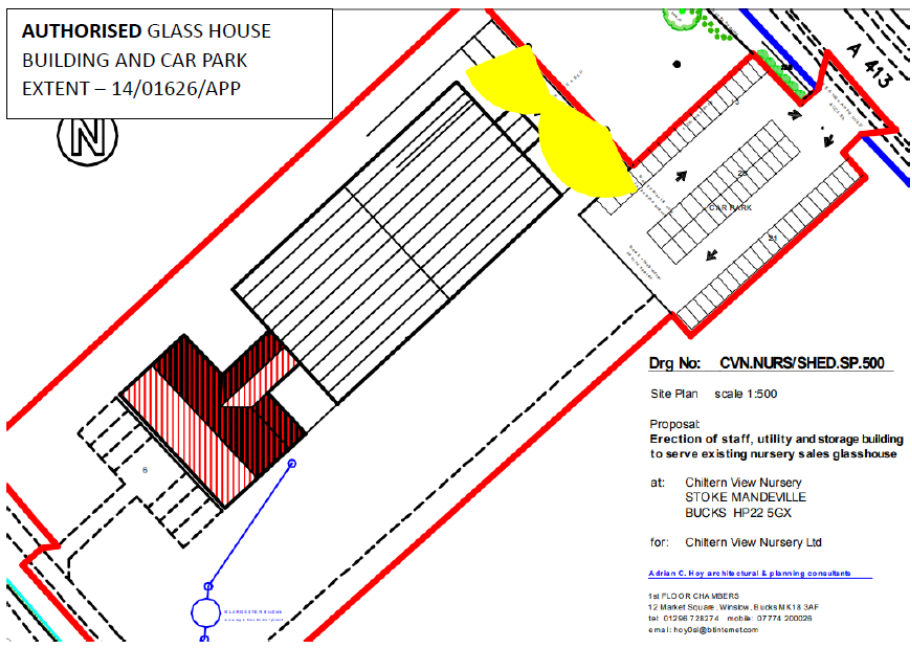
ICE RINK EN PLAN



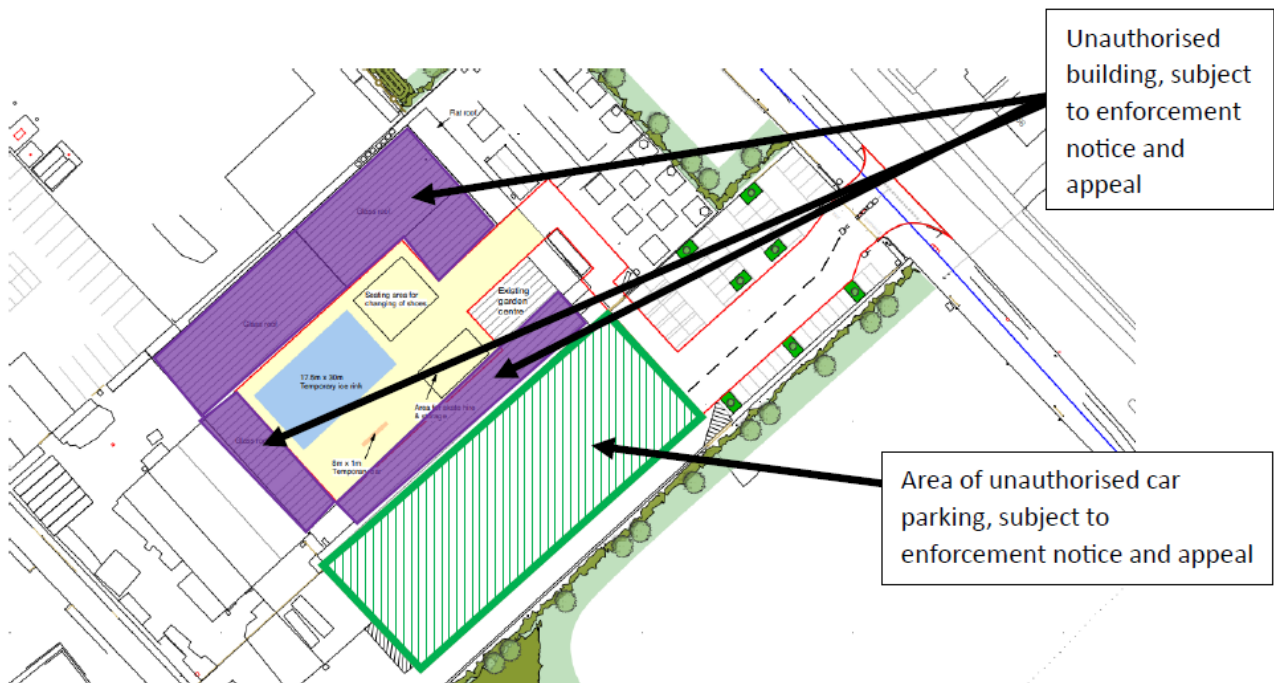
- Requirements of the notice
- 1) Permanently cease the leisure use of the Land, including but not limited to use as an Ice Rink
  - 2) Permanently remove the Ice Rink and all associated equipment, including but not limited to; bar, tables and chairs, booths, Christmas displays and decorations, VR sleigh ride, skate store and flooring

The below image represents the Authorised Glass House building and car park approved under planning application 14/01626/APP

AUTHORISED GLASS HOUSE BUILDING AND CAR PARK EXTENT – 14/01626/APP



The below image highlights the unauthorised building and car parking subject to Enforcement Notices currently at appeal, as well as the application site outlined in red.



As is the case for the Ice Rink Use, should planning permission be granted subject to a condition which relies upon use of the unauthorised car park, there is a risk that the Enforcement Notice in respect of use of this element will also fall away. The current application proposes no car parking provision within the application site for the Temporary Ice Rink use, as can be seen from the tightly drawn application site shown above.

The Council is aware of documentation having been sent to members of this committee within the last 24 hours suggesting that parking could be provided on land under the control of the applicant located south of the application site. This documentation has not been reviewed by Highway colleagues and the Applicant has confirmed in writing that it does not form part of this application. Therefore, is to be given no weight in the assessment of this application. It cannot be relied upon as an acceptable solution to overcome the Highway issues highlighted in the published report.

Following the publication of the agenda, updates to the report are required as the Council has made two Article 4 Directions on 09 August 2023 which remain in force until 14 February 2024 when they will expire unless confirmed by the local planning authority. These Article 4 Directions cover land under the control of the applicant and located within the blue edge to the south-east and north/north-east of the current application site. The areas of land affected are shown below. The Article 4 Directions mean that if the applicant wanted to use either of these areas of land for a temporary use, planning permission would be required from the local planning authority as permitted development rights have been removed.

