



Report to East Area Planning Committee

Application Number:	PL/23/2669/FA
Proposal:	Change of use to Travellers caravan site consisting of 4 pitches and associated development.
Site location:	West Hyde Stables West Hyde Lane Chalfont St Peter Buckinghamshire SL9 0QP
Applicant:	Mr J M M Cash & Mrs M Green
Case Officer:	Melanie Beech
Ward affected:	Chalfont St Peter
Parish-Town Council:	Chalfont St Peter Parish Council
Valid date:	29 August 2023
Determination date:	4 April 2024
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application site is located on the northern side of West Hyde Lane which is located on the eastern side of Chalfont St Peter. It is situated within the Green Belt and within Colne Valley Park.
- 1.2 The proposed development is for the change of use of land from an equestrian use to a travellers caravan site consisting of 4 pitches and associated development. Each pitch includes a mobile home and a touring caravan, as well as 2 car parking spaces and a private patio area. The existing stables are to remain at the southern end of the site. The development will use the existing access from West Hyde Lane. Extensive native tree planting and landscaping is proposed in and around the site.
- 1.3 The development is inappropriate development in the Green Belt which is harmful by definition. In addition, there is harm to the openness of the Green Belt and moderate harm to the character of the area.
- 1.4 The benefits of the proposed development are that it makes a significant contribution to the Council's need to provide Gypsy and Traveller Pitches (of which there is currently a deficit of 4 pitches) on land that is outside of the Chilterns Area of Outstanding Natural

Beauty (AONB) and which is not constrained by the Chiltern Beechwoods Special Area of Conservation (SAC). It is also close to a built-up area but without having a detrimental impact on neighbouring properties in planning terms. There are no identified issues with regard to highways or flooding, and there is an opportunity to provide a net gain in biodiversity, and enhance the appearance of the site along West Hyde Lane by reinstating a previously lost hedgerow.

- 1.5 Furthermore, the personal circumstances of this case are compelling. The intended occupiers of this site are currently residing at an unlawful site on Cholesbury Lane in Buckland Common. The Enforcement Notice requiring them to vacate that land came into effect on 7th February 2024 and therefore if this application is refused, there is a real risk of them being made homeless. The family in question have provided detailed information on their medical and educational needs, and approving this application would provide them with suitable accommodation.
- 1.6 Officers have carried out a planning balancing exercise and conclude that in this case, the harm identified is clearly outweighed by other considerations and as such are recommending approval of the application, subject to conditions.
- 1.7 The application is brought to Committee at the request of Councillor Isobel Darby and Councillor Linda Smith.

2.0 Description of Proposed Development

- 2.1 The application site is located on the northern side of West Hyde Lane which is located on the eastern side of Chalfont St Peter. It is situated within the Green Belt and within Colne Valley Park. It is also located within the area covered by Chalfont St Peter Neighbourhood Plan.
- 2.2 To the north of the site are two dwellings and woodland, to the east is Pipwood Kennels and Cattery, and to the west is Robertswood School. The site is currently in equestrian use with a stable block and hardstanding located at the southern end of the field.
- 2.3 The application seeks planning permission for the “change of use to travellers caravan site consisting of 4 pitches and associated development”. Each pitch includes a mobile home and touring caravan, with two additional parking spaces. There are proposed native woodland buffers and native understorey buffers at the northern end of the site, and proposed native hedgerow planting along the edge of a new access drive situated to the west of the new pitches.
- 2.4 The existing stable block will be retained but some of the existing hardstanding will be replaced with ornamental grass lawn to be seeded with a flowering lawn mix.
- 2.5 The proposed development will make use of the existing access from West Hyde Lane but the existing timber retaining wall, close boarded fence and solid gates will be removed. The banks will be graded to a smooth slope.
- 2.6 The agent for this application has confirmed that the future site occupants have ethnic Traveller status.
- 2.7 The application is accompanied by:
 - a) Landscape Design Statement, May 2023
 - b) Ecology and Trees checklist
 - c) Waste and Recycling Strategy
 - d) Preliminary Ecological Appraisal, October 2023

- e) Biodiversity Metric, January 2024
- f) BNG Baseline and proposed Habitats, January 2024
- g) Drainage Strategy, January 2024
- h) Appeal Decision for Cholesbury Lane, Buckland Common, Buckinghamshire, February 2023.
- i) Appeal Decision for Southend Arterial Road, Wickford, Essex, November 2022.
- j) Appeal Decision for Alan's Hectare, Cemetery Lane, Hadlow, September 2023.
- k) Medical Report for xxx, October 2023
- l) Medical Reports for xxx, July 2020, June 2021 and April 2023
- m) Proof of Evidence of xxx for Cholesbury Lane Appeal, November 2021
- n) Statement relating to the Educational Needs of occupiers of Meadowview Caravan Park, Cholesbury Lane, Buckland Common, Buckinghamshire, January 2024
- o) Letter from Head of Gypsy Section at Hertfordshire County Council, November 2021.
- p) Press cutting from Bedfordshire Bulletin, February 2021.

3.0 Relevant Planning History

- 3.1 **PL/19/4001/SA** - Creation of a new vehicular access – Certificate granted, 20 January 2020.
- 3.2 **PL/20/1031/FA** - Change of use of the land from agricultural to equestrian and the erection of a stable block and associated hardstanding – Withdrawn 19 October 2020.
- 3.3 **PL/20/2634/FA** - Change of use of the land from agricultural to equestrian and the erection of a stable block and associated hardstanding – Conditional Permission 5th November 2020.
- 3.4 **PL/21/0017/FA** - Change of use of land to equestrian and construction of a block of four stables, tack room and store together with a separate hay barn – Refused 30 June 2021, dismissed at appeal 30th May 2022.
- 3.5 **PL/21/0471/FA** - Construction of outdoor manege and horse walker – Refused 9th May 2021, dismissed at appeal 30th May 2022.
- 3.6 **PL/21/3198/VRC** - Variation of condition 4 of planning application PL/20/2634/FA (Change of use of the land from agricultural to equestrian and the erection of a stable block and associated hardstanding) to allow amendment to roof – Refused 5th October 2021.
- 3.7 **PL/22/3548/FA** - Change of use of stables and store (with the addition of windows and doors) to dwellinghouse (Use class C3) – Refused 10th March 2023.

4.0 Summary of Representations

- 4.1 At the time of drafting this report, 5 representations have been made on the application, all of which object to the proposal.
- 4.2 Chalfont St Peter Parish Council object to the proposed development for the following reasons:
 - West Hyde Lane is a very narrow country lane in the Green Belt, to the rear of Robertston School.
 - The applicant cut down all the verge

- Chalfont St Peter Neighbourhood Plan Policy PW12 states that “if additional plots for travellers are needed, the further development of around 6 pitches on the existing approved site, The Orchards, will be supported”.
- The extra caravans with associated cars/vans will add to the already chaotic traffic around Robertswood School
- Inappropriate development in the Green Belt (NPPF and Core Strategy Policy CS14).
- Allocation of pitches should form part of assessment.
- Not aware that site has ever been used for equine purposes.
- “We strongly object to this application which will have a huge impact on the openness of this green belt countryside and add to the proliferation of travellers sites in this part of our village”.

4.3 Consultation responses have been received from the Planning Policy Team, Lead Local Flood Authority (LLFA), Ecology Officer, Tree Officer, Highway Authority, Waste Development Team, Environmental Protection Team and British Pipeline Agency.

4.4 A summary of these comments is set out in Appendix A of this report.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), December 2023.
- Planning Policy for Traveller Sites (PPTS), August 2015.
- Core Strategy for Chiltern District - Adopted November 2011: CS4, CS8, CS14, CS20, CS24, CS25, CS26, CS31.
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011: GC1, GC3, GC4, GC10, GB2, TR2, TR3, NC1.
- Chalfont St Peter Neighbourhood Plan 2013 – 2028.
- Buckinghamshire Countywide Parking Guidance September 2015
- Biodiversity Net Gain Supplementary Planning Document, July 2022
- Aylesbury Vale, Chiltern, South Bucks, and Wycombe District Councils Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) – ORS, February 2017.

Principle and Location of Development

Core Strategy Policies:

CS14 (Sites for Gypsies and Travellers and sites for Travelling Showpeople)

Local Plan Saved Policies:

GB2 (Development in general in the Green Belt)

- 5.1 The application site is within the Green Belt where, in accordance with Section 13 of the National Planning Policy Framework (NPPF), most development is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 5.2 Paragraphs 154 and 155 of the NPPF set out categories of development which are not considered to be inappropriate in the Green Belt. However, the stationing of caravans does not fall into any of the exceptions and therefore the development is inappropriate development, which is harmful by definition. This harm must be afforded substantial weight. Paragraph 153 of the NPPF states that very special circumstances will not exist

unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 5.3 Policy GB2 of the Adopted Chiltern Local Plan relates to development in the Green Belt and is broadly consistent with the aims of the NPPF. The policy lists the forms of development which are not inappropriate and traveller sites do not fall within any of the types of development listed.
- 5.4 Policy CS14 of the Core Strategy for Chiltern District specifically refers to Sites for Gypsies and Travellers and Sites for Travelling Showpeople. This policy makes it clear that Gypsy and Traveller sites constitute inappropriate development within the Green Belt.
- 5.5 This report sets out an assessment of the development to identify any harm as well as any benefits, so that a considered conclusion can be made as to whether the harm resulting from the proposal is clearly outweighed by other considerations that equate to very special circumstances.

Openness of the Green Belt

- 5.6 The fundamental aim of Green Belt policy is outlined in paragraph 142 of the NPPF which states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 143 then lists the five purposes of the Green Belt, including to assist in safeguarding the countryside from encroachment.
- 5.7 In this case, the existing site is in equestrian use and aside from the existing stable building and associated hardstanding, is free from built form. Therefore the introduction of 4 mobile homes, 4 touring caravans and associated hardstanding and domestic paraphernalia, would have a detrimental impact on openness and encroach into the countryside. It is noted however, that there is built form on three sides of the field where the proposed development is located.

Landscape and Visual Impact

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

- 5.8 As stated above, the existing site is in equestrian use, and aside from the existing stable building and associated hardstanding at the southern end of the site, is only occupied by paddocks and low-level post and rail fencing. The character is therefore rural in nature but it is acknowledged that there is development on three sides of the field (including Robertswood School to the west, nos.63a and 63b Denham Lane to the north, and Pipwood Kennels to the east).
- 5.9 Introducing 4 mobile homes and touring caravans with associated hardstanding and domestic paraphernalia will cause a degree of harm to the rural character of the location. However, it is noted that the application is accompanied by a landscape design statement, which demonstrates that the proposed development has been sited at the eastern edge of the field to minimise its impact on the wider landscape. In addition, extensive native planting is proposed within and around the site which will help to soften the appearance of the development. Finally, it is proposed to replace the existing high level close boarded fences and gates at the front of the site with post and rail

fencing and landscaping. This will be an improvement to the character and appearance of the area.

- 5.10 The site is located within Colne Valley Park, a large area to the west of London which was established in 1967 to improve the countryside which had been affected by extensive gravel works. However, it is not within the Chilterns Area of Outstanding Natural Beauty (AONB) which have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty.

Transport matters and parking

Core Strategy Policies:

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

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

- 5.11 The development makes use of the existing access from West Hyde Lane. In consultation with the Highway Authority, the additional vehicular movements can be accommodated onto the highway and adequate visibility splays can be achieved.
- 5.12 Each pitch has two car parking spaces which are of adequate dimensions and the number of spaces provided being acceptable in this instance. There is also sufficient space within the site for the parking and turning of vehicles.
- 5.13 The comments from local residents relating to vehicular movements are acknowledged. However, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the comments from the Highway Authority, it is not considered that the development would cause an unacceptable impact on highway safety and as such, no objections are raised in this regard.

Amenity of existing and future residents

Local Plan Saved Policies:

GC3 (Protection of amenities)

- 5.14 Local Plan Policy GC3 refers to the protection of amenities. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.
- 5.15 There are 2 residential properties located approximately 100m – 130m north-west of the application site. The rear boundary of Robertswood School is located approximately 60m to the west. The concerns from the school and from local residents are acknowledged, however there are only certain matters that can be considered as material planning matters. This includes any loss of privacy, loss of light, development being overbearing, or unacceptably noisy.
- 5.16 Given the considerable distance between the proposed caravans and the neighbouring properties, it is not considered that neighbouring amenity would be impaired to a significant degree. However, given that the land edged in blue (and owned by the applicant) adjoins the playground of the neighbouring school, it seems reasonable to

require the applicant to provide fencing and/or planting along this shared boundary. This can be secured by condition.

- 5.17 With regard to the future occupiers of the site, there is adequate space, privacy and facilities for each pitch and therefore no objections are raised in this regard. There is also sufficient space for bin storage and no objections are raised from the Council's waste team. To ensure that waste is appropriately stored and presented at the road edge on collection day, it is considered reasonable to require details of the bin storage to be submitted to and approved in writing by the Local Planning Authority.

Flooding and drainage

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding)

- 5.18 The application site is located in an area which has a very low risk of surface water flooding and a negligible risk of groundwater flooding.
- 5.19 With regard to surface water drainage, the applicant has addressed the comments provided by the Lead Local Flood Authority (LLFA) and based on the submitted information, no objections are raised in this regard subject to a condition requiring a surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority. This shall be based on the Drainage Strategy (1410, January 2024) which has been reviewed by the LLFA.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests)

- 5.20 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment through a number of measures. These include protecting and enhancing valued landscapes and sites of biodiversity or geological value, and minimising impacts on and providing net gains for biodiversity. Paragraph 185 says that to protect and enhance biodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for seeking measurable net gains for biodiversity.
- 5.21 Paragraph 186 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles; a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 5.22 In terms of the Development Plan, Policy CS24 of The Core Strategy states that the Council will aim to conserve and enhance biodiversity. In particular, development

proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.

- 5.23 In July 2022, the Council adopted the Biodiversity Net Gain Supplementary Planning Document (BNG SPD) which requires development to result in a net gain for biodiversity.
- 5.24 In this regard, the application is accompanied by a Preliminary Ecological Appraisal (prepared by Co-Ecology, October 2023) and a biodiversity metric which has been updated during the course of the application. These have been reviewed by the Council's Ecology Officer, who raises no objection to the application, subject to conditions.
- 5.25 The Ecology Officer notes the prior removal of the native tree line along the road, which is regrettable. She advises that this should be replaced by native tree planting. Furthermore, native tree planting or a native hedgerow should be planted along the boundaries of the red edged site. Additional habitat creation within the blue edged site (which is under the applicant's ownership) should also include "other neutral grassland" or "modified grassland". Other biodiversity enhancements should also be incorporated into the development, including bat and bird boxes, and piles of logs in suitable locations within the site.
- 5.26 Provided these measures are implemented, the Ecology Officer has confirmed that the development can result in a biodiversity net gain. The recommended conditions include the submission and approval of a Landscape and Ecological Management Plan (LEMP) which will secure habitat creation/enhancement and long-term management of the trees and hedgerows for a minimum period of 30 years. It is also recommended that a Construction Environmental Management Plan (CEMP) be submitted to and approved by the local planning authority, to safeguard protected and notable species and the nearby ancient and priority woodland during construction.

Trees

- 5.27 Policy GC4 of the Local Plan seeks to protect existing established trees and hedgerows in sound condition and of good amenity and wildlife value. It is noted that an old hedgerow, including several large oak trees, was completely removed on the road boundary when the access was created in 2020. This loss is regrettable and the proposed native tree and hedgerow planting would help compensate for this loss and restore some of the rural character to this part of West Hyde Lane.
- 5.28 In consultation with the Tree Officer, the proposed development would not require any further tree or hedgerow loss and therefore no objections are raised to the application.

Gypsy and Traveller Accommodation Needs

- 5.29 The relevant policy for the consideration of the needs of the travelling community in this area is in the Adopted Core Strategy for Chiltern District (2011). Policy CS14 of the Core Strategy refers to the provision of additional traveller sites and sets out the key principles for considering sites in the Green Belt.

Evidence of traveller accommodation needs.

- 5.30 The level of future need for new pitches for Gypsies and Travellers has been assessed in a joint study across Buckinghamshire. This is the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs

Assessment (2017). This Assessment, known as the GTAA, was carried out for the then Buckinghamshire District Councils by the independent consultants Opinion Research Services (ORS).

- 5.31 Reference is made to this assessment as it is the most recent information available. It supersedes the information on Traveller needs which is referred to in paragraph 11.5 of the Core Strategy.
- 5.32 The GTAA shows whether households which were subject of its surveys complied with the Government’s definition of travelling in Annex 1 of Planning Policy for Traveller Sites (August 2015). It provides an estimate of pitches needed according to whether households were travelling, non- travelling or where their travelling habits were unknown.
- 5.33 The proposed site was not included in the GTAA as it is a newly proposed site.
- 5.34 The results of the GTAA for the relevant part of Buckinghamshire are summarised in the table below.

Table 1 – Needs for 2026 – 2036.

Type of need	Immediate	Longer term	Longer term	Longer term	
Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
East Gypsies and Travellers (non-travelling)	8	2	2	3	15

- 5.35 The position on needs shown above, which is not restricted to meeting the needs of only those travellers who comply with the Government’s definition of traveller in its Planning Policy for Traveller Sites (PPTS) is in accordance with the Court decision on the Lisa Smith case. This case which found the application of the Government’s definition of travellers in its PPTS to be discriminatory and that there wasn’t proposed justification for that discrimination. (Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Other – 31 October 2022¹.)
- 5.36 Since then, the PPTS has been amended. It’s definition of travellers for planning purposes does not now exclude those travellers who no longer travel (December 2023).

Progress towards meeting needs

- 5.37 Since the GTAA was published seven pitches have been permitted / tolerated in the East area. These were on two existing traveller sites in the Green Belt at Chalfont St Peter and off the A404 in Amersham Parish, as show in Table 2 below. There are no Local Plan allocations for new pitches in the East area.

Five-year needs and supply for the years 2022 – 2028.

¹ [Microsoft Word - Smith judgment 31 October 2022.docx \(no5.com\)](#)

5.38 Calculation of needs has to take into account supply and needs shown in the GTAA for previous years. In particular, it has to account for un-met needs from previous years. The calculation below has also included an estimate based on a proportion of need arising from the third phase of needs shown in the GTAA. The calculation includes planning permissions for new pitches and a tolerated site.

5.39 There is a deficit of 4 pitches. The calculation is shown in the following table. This is up to date as of 16 January 2024.

Table 2 - East area Gypsy and Traveller Pitches Five Year supply

	All types of Gypsy and Traveller households	Site	Number of pitches	Legend
Number of pitches needed from the GTAA. 2016-2021	8		8	
Number of pitches granted and delivered 2016-2021		Three Oaks Farm Chalfont St Peter PL/18/3194/FA	5	
Remaining GTAA needs to 2021			3	A
Number of pitches needed from the GTAA. 2021-2026	2		2	B
Total GTAA needs. 2021-2026, including past un-met needs			5 (A+B)	C
Number of pitches granted and delivered 2021-2026	2	Waggoners Bit, Amersham 2 pitches tolerated	2	D
Remaining GTAA needs to 2026		3	(C-D)	E
Number of pitches needed. 2026 – 2027	0.4		(Total needs of 2 divided by 5 years to give annual rate)	F
Number of pitches needed 2027 - 2028	0.4		(Total needs of 2 divided by 5 years to give annual rate)	G
Total GTAA needs for Five Year Supply¹ Position	4 (rounded up from 3.8)		(E+F+G)	

2023/24 -2027/28				
Supply of new pitches	0			
Overall, 5 Year Supply Position 2023 - 2028	Deficit of 4 pitches			

The pitches which are subject of this application would make a significant contribution towards meeting five-year needs.

5.40 The impact of the new pitches on the Five-year supply is an important consideration for this planning application. As the site is in the Green Belt new pitches would be inappropriate development and so the evaluation of the impact on needs should also be considered alongside the issue of whether compelling and robust evidence of very special circumstances has been provided in support of this planning application whether this would override and the harm to the Green Belt.

Cultural needs for new accommodation

5.41 The Council needs to have regard to the accommodation needs of protected groups whose cultural needs are for mobile homes / caravans, not living in bricks and mortar.

5.42 The Public Sector Equality Duty relates to the elimination of racial discrimination and promote equality of opportunity and the requirements of the Human Rights Act 1998. Section 124 of the Housing and Planning Act 2016 is also relevant. This refers to the duty to consider the needs of those resorting to / residing in caravans. As a result, there is a duty for the Council to have regard to the specific needs of these groups in carrying out their functions as a local housing authority, which in turn links into the Councils’ role in determining planning applications. Planning for the housing needs of different groups is also referred to in the NPPG (Paragraph 001 Reference ID: 67-001-20190722. Revision date: 22 07 2019).

5.43 The agent for this application has confirmed that the site occupants have ethnic Traveller status. Therefore, the occupants’ needs for a specific type of accommodation does need to be afforded some weight as part of the consideration of this planning application.

Very special circumstances

5.44 Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes onto say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.45 As outlined in the assessment above, harm has been identified with regard to the Green Belt, which must be afforded substantial weight. Harm has also been identified with regard to the character of the area, but given that the proposed caravans are sited at the edge of the field which is well screened by vegetation on land which has limited built form on 3 sides, this harm is given moderate weight.

- 5.46 The benefit of the development is that it provides 4 pitches for gypsy and travellers which makes a significant contribution towards meeting the area's need for this type of accommodation. This benefit should be afforded significant weight. Furthermore, the site is located outside of the AONB on land that is adjacent to the built-up area of Chalfont St Peter. It has also been identified that there would be no planning harm to the amenities of neighbouring properties or existing trees, and that a suitable surface water drainage scheme can be provided. Finally, there is an opportunity to enhance the appearance of the site frontage along West Hyde Lane and provide for a biodiversity net gain.
- 5.47 As well as the benefits listed above, the applicant has provided detailed personal circumstances in order to try and justify the need for this type of accommodation in this location. This includes medical information and a statement of educational needs for the intended occupiers of the site and details of why it would not be suitable for them to share alternative sites with other travellers.
- 5.48 It is noted that Chalfont St Peter Parish Council object to the application and that Policy PW12 of the Chalfont St Peter Neighbourhood Plan says that "if additional plots for travellers are needed, the further development of around six pitches at the existing approved site, The Orchards, will be supported". Although the Parish Council would prefer additional pitches to be located at The Orchards, this application has to be assessed on its own merits and the proposal here is for 4 new pitches to the north of West Hyde Lane.
- 5.49 The Design and Access Statement submitted with the application confirms that the intended occupiers of this site are Travellers, who are currently residing at an unauthorised site on Cholesbury Lane in Buckland Common. An application to change the use of that site to residential for members of the Traveller Community and the provision of static and touring caravans was refused by the Council on 23rd September 2020 (PL/20/1835/FA). An Enforcement Notice was subsequently served and appeals were made against both the refusal of planning permission and the Enforcement Notice. All of the appeals were dismissed and the Enforcement Notice which was upheld at appeal (although the time for compliance was extended) gave the occupiers of the site until 7th February 2024 to vacate the site in order to comply with the enforcement notice.
- 5.50 In issuing the appeal decision, the Inspector stated the following; "Should this appeal be dismissed, I understand that the site occupants would likely become homeless and would need to return to travelling, including possibly staying on the roadside. There is a risk this would result in the children being removed from their current education provision. It would make links to health care more difficult, especially as constant monitoring is required for at least two children...That could have a significant impact on the children's development whose best interests are a primary consideration in this appeal". The Inspector said that "The needs of the appellants in this case are particularly compelling. The appellants need to find suitable alternative accommodation. Living by the roadside or in temporary accommodation within touring caravans, taking account of their particular circumstances and the best interests of the child, would result in significant harm to these families".
- 5.51 In weighing up all the issues, the Inspector dismissed the appeals because it was considered that the circumstances of the case did not amount to the very special circumstances necessary to outweigh the Green Belt harm and any other harm. It is

important to note that unlike the site at West Hyde Lane being considered under this application, the site at Cholesbury Lane is within the Chilterns AONB and within the Zone of Influence of the Chiltern Beechwoods Special Area of Conservation (SAC). The development therefore resulted in harm to a protected landscape and harm to ecology and biodiversity.

- 5.52 Granting permission for 4 pitches at West Hyde Lane would provide this vulnerable family with suitable accommodation on land which is close to the built-up area, outside of the AONB and Chiltern Beechwood SAC zone. This should be given very significant weight.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 The proposed development is inappropriate development in the Green Belt, which is harmful by definition. In accordance with paragraph 153 of the NPPF, this harm should be given substantial weight. In addition, there is harm to the openness of the Green Belt and moderate harm to the character of the area.
- 6.2 The benefits of the proposed development are that it makes a significant contribution to the Council's need to accommodate a Five Year Supply of Gypsy and Traveller pitches, on land that is outside of the AONB and Chiltern Beechwood SAC zone, and located close to the built up area of Chalfont St Peter but without having an adverse impact in planning terms on any neighbouring properties. There is also suitable access, no issues in relation to flooding, and the opportunity to enhance biodiversity and the appearance of the site from West Hyde Lane.
- 6.3 Also of great significance is that it would provide suitable accommodation for a vulnerable family who would otherwise be at risk of being made homeless as the Enforcement Notice requiring them to vacate their current site at Cholesbury Lane came into effect on 7th February 2024.
- 6.4 In weighing up the harm vs the benefit, in this case the identified harm is considered to be clearly outweighed by the benefits and as such the application is recommended for approval, subject to conditions.

7.0 Working with the applicant / agent

- 7.1 In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and was focused on seeking solutions to the issues arising from the development proposal. In this respect, officers advised the agent that additional/amended information would be required in relation to biodiversity and surface water drainage. This information was provided by the agent and accepted by the Council. The agent was kept informed of consultation responses and anticipated timescales for a determination of the application.

8.0 Human Rights

- 8.1 In considering the Human Rights implications of the proposal, it is necessary to carry out a balancing exercise weighing the harm arising to the public interest against the applicant's right to respect for private and family life, home, and amongst other things, the law. Article 8 of the European Convention on Human Rights states that everyone has the right to respect for his private and family life, his home and correspondence. However, this right is not absolute but is qualified to allow public authorities to act "as in accordance with the law and as is necessary in a democratic society in the interest of

national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others".

- 8.2 Planning law allows Councils as Local Planning Authorities to make decisions on planning applications in the public interest. The policies in the development plan set out the policies and criteria, in accordance with Government policy and advice, for making decisions on applications for Gypsy sites in the Green Belt and AONB.
- 8.3 It is acknowledged that to refuse or indeed to grant only a temporary planning permission for this development results in an interference with the occupiers' rights to the enjoyment of their possessions under Article 1 of the first Protocol of the Human Rights Act 1998 and rights to home and family life under Article 8. However, it is necessary to balance such interference against the issues of wider public interest in respect of the significant harm identified to the Green Belt, and the moderate harm to the character of the area.
- 8.4 In this case it is considered that the harm to the issues of wider public interest as identified above do not outweigh the applicants rights under Article 8 and Article 1 of the First Protocol. The right to a fair trial under Article 6 is protected through the established appeal procedure.

9.0 Recommendation: Conditional permission

Subject to the following conditions:

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
2. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
3. The scheme for the parking of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park, and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
4. No development above ground level shall take place until full details of soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include trees to be retained showing their species, spread and maturity and include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be

carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To help the development integrate with the character of the area and ensure biodiversity net gain on site.

5. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To help the development integrate with the character of the area and ensure biodiversity net gain on site.

6. Prior to occupation of the development hereby permitted, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved units and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall then be erected prior to occupation and maintained in accordance with the plans approved by the Local Planning Authority.

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

7. Prior to occupation of the development hereby permitted, details of the waste and recycling bin storage shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall then be implemented in accordance with the approved details prior to occupation of the development hereby permitted and shall not thereafter be used for any other purpose.

Reason: To provide satisfactory amenities for future occupiers of the development and to safeguard, as far as possible, the visual amenities of the locality.

8. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:

- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging
- b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible
- c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition)
- d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts
- e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery
- f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP

- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.)
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk)
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species
- k) Temporary management of existing wildlife features during construction / implementation.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To protect habitats and species of conservation importance.

9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
 - a) Description and evaluation of features to be managed within the red line and blue line boundaries of the site, including integrated bat boxes, bird boxes and log piles.
 - b) Ecological trends and constraints on-site and off-site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy CS24: Biodiversity and providing roosting features to species of conservation concern.

10. Prior to the occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife and that are likely to cause disturbance in or around their

breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

11. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Drainage Strategy (1410, January 2024, Flume) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

12. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

13. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed below unless the Local Planning Authority otherwise first agrees in writing.

TDA.2859.01 (Location Plan) received 14 August 2023

TDA.2859.03 (Sheet 1 of 2) received 6 December 2023

TDA.2859.03 (Sheet 2 of 2) received 6 December 2023

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Isobel Darby:

I would like to call this application in regardless of the officer's recommendations. This site has been the subject of much local concern as to its previous change of use to stables and recent application to change use again to residential.

Councillor Linda Smith:

I would like to request that this application be decided by the Planning Committee.

Chalfont St Peter Parish Council Comments:

Comments received 21st September 2023:

West Hyde Lane is a very narrow country lane in the green belt. This site is to the rear of Robertswood School.

Following the purchase of this land; applicant cut down all the verge trees and hedges alongside the site which were not in his ownership. This was an unwanted destruction of the verge causing much concern from Councillors and residents.

Secondly came an application for a change of use from agricultural to equestrian with a brick built stable block – 20/2634 which was allowed.

21/0017 – construction of block of four stables, tack room, store and hay barn – refused and dismissed on appeal.

21/0471 – construction of outdoor manage and horse walker – refused.

21/3198 – amendment to roof form of stable block – refused.

22/3548 – change of use of stables and store to dwellinghouse – refused

Chalfont St Peter currently has 3 sites for gypsies and travellers - all sited along West Hyde Lane.

This is a very narrow country lane with only two residential properties.

The Chalfont St Peter Neighbourhood Plan - Policy PW12 – states:

“if additional plots for travellers are needed, the further development of around 6 pitches on the existing approved site, The Orchards, will be supported”.

West Hyde Lane is in Green Belt.

These 8 extra caravans with associated cars/vans will add to the already chaotic traffic around Robertswood School at drop off and pick up times (evidenced in attached photos).

According to the National Planning Policy Framework this development should not be approved except in very special circumstances. Paragraphs 149 and 150 set out categories of development which can be considered appropriate. The stationing of caravans does not fall into any of the exceptions and therefore we consider this application is inappropriate development and harmful to the green belt.

Chiltern District Council's Core Strategy – page 53 – states that further assessment for homes for Gypsies and Travellers will be carried out as part of the DDP to assess the requirement to 2026. This

plan was withdrawn but the allocation of pitches should form part of the assessment in the emerging Buckinghamshire Council Local Plan.

Policy CS14 makes it clear that gypsy and traveller sites constitute inappropriate development within the green belt.

We are not aware that the site has ever been used for equine purposes which are obviously not now required. We strongly object to this application which will have a huge impact on the openness of this green belt countryside and add to the proliferation of travellers sites in this part of our village.”

Comments received 23rd November 2023:

Our previous objections still stand from A&P Committee on 18th September 2023.

We support objector from Robertswood’s School.

Consultation Responses

Planning Policy Team:

Comments received on 11th October 2023:

Introduction

These comments set out information on Gypsy and Traveller accommodation needs and supply of pitches in the East area. This is a key issue for this planning application.

This is not an existing traveller site. It is located in the Green Belt. Local Plan policy background for traveller needs

The relevant policy for the consideration of the needs of the travelling community in this area is in the Adopted Core Strategy for Chiltern District (2011).

Policy CS14 of the Core Strategy refers to the provision of additional traveller sites and sets out the key principles for considering sites in the Green Belt.

Evidence of traveller accommodation needs

The level of future need for new pitches for Gypsies and Travellers has been assessed in a joint study across Buckinghamshire. This is the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs Assessment (2017). This Assessment, known as the GTAA, was carried out for the then Buckinghamshire District Councils by the independent consultants Opinion Research Services (ORS).

Reference is made to this assessment as it is the most recent information available. It supersedes the information on Traveller needs which is referred to in paragraph 11.5 of the Core Strategy.

The GTAA shows whether households which were subject of its surveys complied with the Government’s definition of travelling in Annex 1 of Planning Policy for Traveller Sites (August 2015). It provides an estimate of pitches needed according to whether households were travelling, non-travelling or where their travelling habits were unknown.

This site was not included in the GTAA.

The results of the GTAA for the relevant part of Buckinghamshire are summarised in the table below.

Table 1 – Needs for 2026 – 2036:

Type of need	Immediate	Longer term	Longer term	Longer term	
Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
East Gypsies and Travellers (non-travelling)	8	2	2	3	15

The position on needs shown above, which is not restricted to meeting the needs of only those travellers who comply with the Government’s definition of traveller in its Planning Policy for Traveller Sites (PPTS) is in accordance with the Court decision on the Lisa Smith case. This case which found the application of the Government’s definition of travellers in its PPTS to be discriminatory and that there wasn’t proposed justification for that discrimination. (Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Other – 31 October 20221.)

Progress towards meeting needs

Since the GTAA was published seven pitches have been permitted / tolerated in the East area. These were on two existing traveller sites in the Green Belt at Chalfont St Peter and off the A404 in Amersham Parish, as show in Table 2 below.

There are no Local Plan allocations for new pitches in the East area.

Five-year needs and supply for the years 2022 – 2028.

Calculation of needs has to take into account supply and needs shown in the GTAA for previous years. In particular, it has to account for un-met needs from previous years. The calculation below has also included an estimate based on a proportion of need arising from the third phase of needs shown in the GTAA. The calculation includes planning permissions for new pitches and a tolerated site.

There is a deficit of 4 pitches. The calculation is shown in the following table. This is up to date as of 11.10.2023.

Table 2 - East area Gypsy and Traveller Pitches Five Year supply:

	All types of Gypsy and Traveller households	Site	Number of pitches	Legend
Number of pitches needed from the GTAA. 2016-2021	8		8	
Number of pitches granted and		Three Oaks Farm Chalfont St Peter	5	

delivered 2016-2021		PL/18/3194/FA		
Remaining GTAA needs to 2021			3	A
Number of pitches needed from the GTAA. 2021-2026	2		2	B
Total GTAA needs. 2021-2026, including past un-met needs			5 (A+B)	C
Number of pitches granted and delivered 2021-2026	2	Waggoners Bit, Amersham 2 pitches tolerated	2	D
Remaining GTAA needs to 2026		3	(C-D)	E
Number of pitches needed. 2026 – 2027	0.4		(Total needs of 2 divided by 5 years to give annual rate)	F
Number of pitches needed 2027 - 2028	0.4		(Total needs of 2 divided by 5 years to give annual rate)	G
Total GTAA needs for Five Year Supply¹ Position 2023/24 -2027/28	4 (rounded up from 3.8)		(E+F+G)	
Supply of new pitches	0			
Overall, 5 Year Supply Position 2023 - 2028	Deficit of 4 pitches			

The four pitches which are subject of this application would make a contribution towards meeting five-year needs as shown in table 2 above. The deficit of 4 would be addressed.

The impact of the new pitches on the Five-year supply is an important consideration for this planning application.

However, as the site is in the Green Belt, new pitches would be inappropriate development and so the evaluation of their impact on needs should also be considered alongside the issue of whether

compelling and robust evidence of very special circumstances has been provided in support of this planning application and whether this would override and the harm to the Green Belt.

Cultural needs for new accommodation

The Council needs to have regard to the accommodation needs of protected groups whose cultural needs are for mobile homes / caravans, not living in bricks and mortar. This is irrespective of whether those households comply with the definition of travelling in PPTS.

The Public Sector Equality Duty relates to the elimination of racial discrimination and promote equality of opportunity and the requirements of the Human Rights Act 1998.

Section 124 of the Housing and Planning Act 2016 is also relevant. This refers to the duty to consider the needs of those resorting to / residing in caravans. As a result, there is a duty for the Council to have regard to the specific needs of these groups in carrying out their functions as a local housing authority, which in turn links into the Councils' role in determining planning applications. Planning for the housing needs of different groups is also referred to in the NPPG (Paragraph 001 Reference ID: 67-001-20190722. Revision date: 22 07 2019).

There is very limited information about the need for the new pitches accompanying this planning application. There is a reference to a new residential site for Gypsies and Travellers in the Landscape Design Statement but there is no information on the intended occupiers of the site and their needs. The needs for a specific type of accommodation does need to be afforded some weight as part of the consideration of this planning application but there are very few details about this.

Information on the specific needs of households

It is essential that a planning application for inappropriate development within the Green Belt is accompanied by robust evidence of the personal circumstances of the households who are proposed to occupy the site. This detail will be assessed in the officers' report for the application. Without this evidence it will be difficult to show that very special circumstances exist to permit inappropriate development within the Green Belt.

Conclusion

It is essential that very special circumstances are demonstrated as this site is in the Green Belt. The general presumption against inappropriate development in the Green Belt is emphasised in the adopted Core Strategy Policy CS14. The new pitches would make a contribution to the Five-year supply of traveller pitches. This is an important consideration but is not of overriding significance if the application is unacceptable in other respects and not robustly supported by evidence of personal circumstances."

Comment received 18th January 2024:

Introduction

These comments set out information on Gypsy and Traveller accommodation needs and supply of pitches in the East area. This is a key issue for this planning application.

The site is located in the Green Belt and the Colne Valley Park.

Local Plan policy background for traveller needs

The relevant policy for the consideration of the needs of the travelling community in this area is in the Adopted Core Strategy for Chiltern District (2011).

Policy CS14 of the Core Strategy refers to the provision of additional traveller sites and sets out the key principles for considering proposed sites in the Green Belt.

Evidence of traveller accommodation needs.

The level of future need for new pitches for Gypsies and Travellers has been assessed in a joint study across Buckinghamshire. This is the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs Assessment (2017). This Assessment, known as the GTAA, was carried out for the then Buckinghamshire District Councils by the independent consultants Opinion Research Services (ORS).

Reference is made to this assessment as it is the most recent information available. It supersedes the information on Traveller needs which is referred to in paragraph 11.5 of the Core Strategy.

The GTAA shows whether households which were subject of its surveys complied with the Government’s definition of travelling in Annex 1 of Planning Policy for Traveller Sites (August 2015). It provides an estimate of pitches needed according to whether households were travelling, non-travelling or where their travelling habits were unknown.

The proposed site was not included in the GTAA as it is a newly proposed site.

The results of the GTAA for the relevant part of Buckinghamshire are summarised in the table below.

Table 1 – Needs for 2026 – 2036:

Type of need	Immediate	Longer term	Longer term	Longer term	
Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
East Gypsies and Travellers (non-travelling)	8	2	2	3	15

The position on needs shown above, which is not restricted to meeting the needs of only those travellers who complied with the Government’s definition of traveller in the August 2015 version of its Planning Policy for Traveller Sites (PPTS), is in accordance with the Court decision on the Lisa Smith case. This case found the application of the Government’s definition of travellers in its August 2015 PPTS to be discriminatory and that there wasn’t proposed justification for that discrimination. (Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Other – 31 October 20221.)

Since then, the PPTS has been amended. It’s definition of travellers for planning purposes does not now exclude those travellers who now longer travel.

These Planning Policy comments are in accordance with the Lisa Smith case and with the amended version of PPTS (December 2023).

Progress towards meeting needs

Since the GTAA was published seven pitches have been permitted / tolerated in the East area. These were on two existing traveller sites in the Green Belt, one at Chalfont St Peter and the other off the A404 in Amersham Parish, as shown in Table 2 below.

There are no Local Plan allocations for new pitches in the East area.

Five-year needs and supply for the years 2023 – 2028.

Calculation of needs has to take into account supply and needs shown in the GTAA for previous years. In particular, it has to account for un-met needs from previous years. The calculation below has also included an estimate based on a proportion of need arising from the third phase of needs shown in the GTAA. The calculation includes planning permissions for new pitches and a tolerated site.

There is a deficit of 4 pitches. The calculation is shown in the following table.

This is up to date as of 16.1.2024. A new five-year position for 2024 – 2029 will be provided after March 2024.

Table 2 - East area Gypsy and Traveller Pitches Five Year supply:

	All types of Gypsy and Traveller households	Site	Number of pitches	Legend
Number of pitches needed from the GTAA. 2016-2021	8		8	
Number of pitches granted and delivered 2016-2021		Three Oaks Farm Chalfont St Peter PL/18/3194/FA	5	
Remaining GTAA needs to 2021			3	A
Number of pitches needed from the GTAA. 2021-2026	2		2	B
Total GTAA needs. 2021-2026, including past un-met needs			5 (A+B)	C
Number of pitches granted and delivered 2021-2026	2	Waggoners Bit, Amersham 2 pitches tolerated	2	D
Remaining GTAA needs to 2026		3	(C-D)	E
Number of pitches needed.	0.4		(Total needs of 2 divided by 5 years)	F

2026 – 2027			to give annual rate)	
Number of pitches needed 2027 - 2028	0.4		(Total needs of 2 divided by 5 years to give annual rate)	G
Total GTAA needs for Five Year Supply¹ Position 2023/24 -2027/28	4 (rounded up from 3.8)		(E+F+G)	
Supply of new pitches	0			
Overall, 5 Year Supply Position 2023 - 2028	Deficit of 4 pitches			

The 4 pitches which are subject of this application would make a significant contribution towards meeting five-year needs.

The impact of the new pitches on the Five-year supply is an important consideration for this planning application. As the site is in the Green Belt new pitches would be inappropriate development and so the evaluation of the impact on needs should also be considered alongside the issue of whether compelling and robust evidence of very special circumstances has been provided in support of this planning application whether this would override and the harm to the Green Belt. This is a matter for the case officer's report.

Cultural needs for new accommodation

The Council needs to have regard to the accommodation needs of protected groups whose cultural needs are for mobile homes / caravans, not living in bricks and mortar.

The Public Sector Equality Duty relates to the elimination of racial discrimination and promote equality of opportunity and the requirements of the Human Rights Act 1998.

Section 124 of the Housing and Planning Act 2016 is also relevant. This refers to the duty to consider the needs of those resorting to / residing in caravans. As a result, there is a duty for the Council to have regard to the specific needs of these groups in carrying out their functions as a local housing authority, which in turn links into the Councils' role in determining planning applications. Planning for the housing needs of different groups is also referred to in the NPPG (Paragraph 001 Reference ID: 67-001-20190722. Revision date: 22 07 2019).

The agent for this application has confirmed that the site occupants have ethnic Traveller status. Therefore, the occupants' needs for a specific type of accommodation does need to be afforded some weight as part of the consideration of this planning application.

Information on the specific needs of households

It is essential that a planning application for inappropriate development within the Green Belt is accompanied by robust evidence of the personal circumstances of the households proposed to occupy the site. This detail will be covered in the officers' report for the application.

Conclusion

This proposed development is within the Green Belt and Colne Valley Park, and it is essential that very special circumstances are demonstrated if an application in the Green Belt were to be permitted. The general presumption against inappropriate development in the Green Belt is emphasised in the adopted Core Strategy Policy CS14. The new pitches will make a significant contribution to the Five-year supply of traveller pitches in this area. This is an important consideration for this application.”

Highway Authority:

“West Hyde Lane is an unclassified rural road which in this location is subject to a speed restriction of 30mph. Proposals include the change of use to a travellers caravan site.

In terms of trip generation, I would expect a pitch to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, I would expect the development as a whole to generate in the region of 16-24 vehicular movements (two-way). As this is the case, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the level of vehicular movements anticipated.

As West Hyde Lane is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable commensurate with current Manual for Streets guidance. I can confirm that these visibility splays can be achieved, both within land under the control of the applicant and land within the extent of the publicly maintained highway. The proposed access would measure 5m in width, which I can confirm is acceptable and would allow for the simultaneous two-way flow of vehicles in this location.

Within the site, I note that two parking spaces are provided per pitch. I can confirm that these parking spaces are of adequate dimensions, with the number of spaces provided being acceptable in this instance.

Mindful of the above, I have no objection to the proposals, subject to the following conditions being included on any planning consent that you may grant:

Condition 1: No other part of the development shall begin until the existing means of access has been altered and constructed in accordance with the Buckinghamshire Council guide note “Commercial Vehicular Access Within the Public Highway”.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Condition 2: No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area

contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

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

Waste Development Team:

I have looked at the plans and there are no indicators on the site plans for bin storage location or collection point. It is stated within a waste and recycling strategy document that, bins will be brought

to the front of the site for collection without the need for waste vehicles to enter site and appropriate storage for containers within the curtilage of the property. Standard container provision for domestic households is one of each bin for refuse (180L), recycling (240L), paper/card box (55L) and food caddy (23L).

Provided consideration is given to enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and Highways have no objections, Waste services have no objections towards the proposal for waste and recycling provisions at property.

Residents to present their waste and recycling at the property boundary for kerbside collections. All collections to take place in accordance with Council policies.

Lead Local Flood Authority:

Comments received 6th October 2023:

Buckinghamshire Council as the Lead Local Flood Authority has reviewed the information provided below:

- Site Location Plan (TDA.2859.01, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 1 of 2) (TDA.2859.03, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 2 of 2) (TDA.2859.03, May 2023, TDA)
- Existing Site Plan (TDA.2859.02, May 2023, TDA)

The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

Flood risk

The Risk of Flooding from Surface Water map (RoFSW) provided by the Environment Agency shows that the site lies in an area of very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

The Groundwater Flood Map (Jeremy Benn Associates, 2016) shows the groundwater level in the area of the proposed development to be within 5m of the ground surface for a 1 in 100-year return period. This means that there is negligible groundwater flood risk.

Surface water drainage

The above application requires further detail regarding surface water management. From the information provided within the planning application documents submitted online, we consider that this is not sufficient in meeting our requirements to complete a SuDS Appraisal. Whilst the Proposed Site Layout & Outline Landscaping drawings indicate that permeable paving will deal with surface water runoff onsite, the applicant must submit further information regarding the proposed surface water drainage strategy in line with the guidance set out in this letter.

Ground Investigations

The application form/drainage strategy states that the surface water runoff will be managed via infiltration. The applicant should be made aware that ground investigations including infiltration rate testing in accordance with BRE 365 is required to support this method of surface water disposal. If infiltration techniques are found to be unfeasible, or ground investigations are unable to be completed at this stage of the planning process, then an alternative discharge receptor will have to be investigated in line with the Drainage Hierarchy (paragraph 056 of the PPG).

Infiltration Rate Testing

The applicant is required to complete site specific testing in accordance with BRE 365. Tests must be completed in the location (or as close as practically possible) and to the effective depth of the proposed infiltration component. Tests must be completed a minimum of three times and water should drain until nearly empty. The time taken for the trial pit to drain from 75% full to 25% full is then used to calculate the infiltration rate. The worst calculated rate from the three tests is then used to inform the storage calculations.

In line with Chapter 25 of the CIRIA SuDS Manual, full infiltration-based schemes which are reliant on a rate of less than 1×10^{-6} m/s are not permissible. For slower rates the LLFA may accept a partial infiltration (Type B) drainage schemes. In line with Chapter 25 of the CIRIA SuDS Manual, infiltration rates which have been extrapolated are not permissible.

Calculations

The LLFA require calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site. These calculations must include details of critical storm durations and demonstrate how the proposed system as a whole will function during different storm events. If any flooding occurs for the 1 in 100 year plus 40% climate change event, then we require details of where this flooding will occur and the volume of the flooding.

Above-Ground SuDS Components

The LLFA encourage the applicant to investigate the inclusion of additional above-ground SuDS components such as active rainwater harvesting, tree pits, swales, and rain gardens and/or planters to meet the four Pillars of SuDS as defined in Section 2.1 of the CIRIA SuDS Manual (2015): water quantity, water quality, amenity, and biodiversity. It is worth noting that Paragraph 174 (d) of the NPPF specifies the requirement for developments to provide biodiversity net gains, and green roofs provide opportunities to meet this in developments where green space is limited.

Drainage Layout

A surface water drainage layout will be required to show the location of the proposed components and the connectivity of the system. The layout must also show pipe numbers, gradients, and pipe sizes complete, together with storage volumes of all SuDS components. Details of overland flow routes in the event of system exceedance or failure should also be clearly shown to demonstrate that any flooding can be safely contained onsite.

Construction Details

Construction drawings of all SuDS and drainage components included in the drainage strategy must be provided. Where applicable, this must also include any flow control device. All construction details must include cover and invert levels, depths/diameters of pipes, along with details of construction materials and demonstration of anticipated water levels for the calculated storm durations up to the 1 in 100 + 40% climate change allowance storm event.

Water Quality Assessment

In order to meet the Water Quality assessment criteria an applicant must demonstrate their compliance in reducing the risk of pollutant run off into natural water systems. Often a combination of various controls to mitigate pollutant run off will be sufficient enough to meet the criteria. Controls or SuDS on the ground surface are preferable as they help to not exceed the pollution

hazard index. These methods can consist of permeable paving, green roofs and SuDS which prevent potentially harmful pollutants in all forms from entering eco-systems or our own water ways.

Maintenance

A maintenance schedule for the surface water drainage system needs to be provided; it should include what maintenance tasks will be completed, who will be responsible for undertaking maintenance and how often the maintenance tasks will be completed.

We request that the applicant visit our website, where our requirements are clearly stated. Useful documents include our Developer Pack and Minor Applications Sustainable Drainage Guidance. Our minor guidance includes a checklist which should be completed and submitted alongside supporting documents; FAQs can also be found within this guidance which should also be reviewed.

Please take this letter as a formal request for information regarding management of surface water in the form of a comprehensive Drainage Strategy and accompanying Drainage Statement.

Advice to LPA

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.”

Comments received 12th December 2023:

“Buckinghamshire Council as the Lead Local Flood Authority has reviewed the information provided below:

- Site Location Plan (TDA.2859.01, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 1 of 2) (TDA.2859.03, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 2 of 2) (TDA.2859.03, May 2023, TDA)
- Existing Site Plan (TDA.2859.02, May 2023, TDA)
- Drainage Strategy (1410, 27/11/2023, Flume Consulting Engineers)
- West Hyde Stables - Surface Water Drainage Strategy (SK CIV01 1, 27/11/2023, Flume Consulting Engineers)

The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

Flood risk

The Risk of Flooding from Surface Water map (RoFSW) provided by the Environment Agency shows that the site lies in an area of very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency’s Long term flood risk information mapping.

The Groundwater Flood Map (Jeremy Benn Associates, 2016) shows the groundwater level in the area of the proposed development to be within 5m of the ground surface for a 1 in 100-year return period. This means that there is negligible groundwater flood risk.

Surface water drainage

The applicant is proposing to manage surface water runoff generated by the proposed development using permeable paving to facilitate infiltration into the underlying geology. This approach adheres to the Drainage Hierarchy (paragraph 056 of the PPG). However, further information is required in support of the proposal.

Ground Investigations

Results of infiltration rate testing has been provided indicating an infiltration rate of 2.04×10^{-4} . It is normally expected that the overall depth of the trial pit is equal to the depth of the proposed component (based on the provided construction drawing the proposed permeable paving is 450mm in depth), however, the applicant has used a trial pit with a depth of 700mm (the supporting photograph indicates a depth closer to 800mm- this should be clarified). A trial pit log indicating the encountered geology is required to determine whether the geology is the same at 450mm and 700mm. If geology is the same then no further testing is required, but if the geology varies between the depths additional testing will be required at the actual depth of the permeable paving (450mm) to demonstrate the viability of infiltrating in this geology.

It is not clear where the infiltration rate testing was undertaken onsite, and a map detailing the trial pit location is required. The applicant is also required to provide graphs to illustrate the fall in water level clearly showing the 75% and 25% marks.

It appears that testing has only been undertaken in one trial pit. The permeable paving is stated to be 45.8m in length; as per BRE 365, additional testing is required if the component is longer than 25m. Testing should be undertaken at intervals of 25m. This is to ensure that any variations in geology over the site are considered in the design of the permeable paving.

Calculations

Whilst the applicant has provided calculations indicating that the system does not flood up to the 1 in 100 year +40% climate change storm event, further clarification is required in support.

Firstly, it appears that a flow control has been incorporated in the calculations. Based on the system being infiltration based, it is not expected that a flow control is necessary. If the system is designed to have an overflow, details of where the overflow will discharge to this must be provided. Calculations of the greenfield and brownfield runoff rates will be required should outfall offsite be proposed.

Clarification is also required regarding the modelled area of permeable paving. Both the length and width of the permeable paving have been modelled as 45.8m, this would result on an area of over 2000m². Confirmation of the proposed area of permeable paving is requested to ensure that the right size has been modelled.

It is also noted that a safety factor of 10 is used within the calculations. Whilst this is not unacceptable, a safety factor of 2 is usually recommended. It is likely that a safety factor of 10 will result in a system much larger than is actually required to provided sufficient storage.

Above-Ground SuDS Components

It is stated that the use of permeable paving will meet all four pillars of SuDS. The LLFA disagree with this statement- permeable paving does not provide biodiversity or amenity benefits. The applicant must investigate the inclusion of additional above-ground SuDS components such as active rainwater harvesting, tree pits, swales, and rain gardens and/or planters to meet the four Pillars of SuDS as defined in Section 2.1 of the CIRIA SuDS Manual (2015). Swales can be used alongside access roads to provide additional storage and promote infiltration. Rain gardens and planters can be used at plot-level. Without consideration of biodiversity or amenity, the LLFA will not remove its objection. A full assessment of SuDS components must be provided with sufficient justification for their exclusion where necessary.

Drainage Layout

An indicative surface water drainage layout has been provided to show the location of the proposed permeable paving. It is not entirely clear if the entire access road will be constructed using permeable paving, or if it just the driveways. Clarification is required. The layout must also show the storage volumes and dimensions of all SuDS components. The drainage layout must be updated in line with any revisions made to the scheme including the addition of above-ground SuDS.

It is noted that the permeable paving is labelled as Type C. Type C permeable paving is lined whereas Type A is fully infiltrating. It is assumed this was done in error and should be updated.

Details of overland flow routes in the event of system exceedance or failure should also be clearly shown to demonstrate that any flooding can be safely contained onsite.

Construction Details

Construction drawings of the proposed permeable paving have been provided. At detailed design, this must include demonstration of anticipated water levels for the calculated storm durations up to the 1 in 100 + 40% climate change allowance storm event.

Construction details of additional SuDS components such as rain gardens/planters, tree pits and swales must be included.

Water Quality Assessment

The applicant has provided an indicative Water Quality Assessment for the proposed development. However, it is noted that only residential roofs have been used for the pollution hazard level. It is expected that the driveways and residential road is also considered for the assessment. Taking both the roofs and driveways/roads into consideration, it can be seen that the permeable paving does provide sufficient water quality benefits. The water quality assessment should be updated in line with any revisions made to the scheme.

Maintenance

A maintenance schedule for the surface water drainage system has been provided; the LLFA require confirmation of who will be responsible for maintenance tasks. Given the shared nature of the proposed road, it is expected that a maintenance company is instated to avoid conflict or neglect of maintenance duties by residents. The maintenance schedule should be updated in line with any revisions made to the scheme.

Outstanding Information

The following information is required in support of the proposal at this stage of the planning process.

Please note, this list does not provide an exhaustive summary and should be read in conjunction with the LLFAs formal comments above.

- Trial pit log
- Trial pit map
- Graphs of the infiltration rate testing
- Additional testing at 25m intervals along proposed permeable paving location
- Clarification regarding the use of a flow control in the calculations
- Details of outfall location if this is proposed
- Greenfield and brownfield calculations if discharging offsite
- Confirmation of area of proposed permeable paving
- Additional SuDS components such as swales, rain gardens/planters and tree pits to provide biodiversity and amenity benefits

- Updated drainage layout including storage volume and dimensions of permeable paving. Permeable paving label to be revised to "Type A"
- Drawing of overland flow routes
- Construction details of additional SuDS components
- Maintenance schedule to include additional components.

Advice to LPA

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us."

Comments received 29th January 2024:

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Drainage Strategy (1410, January 2024, Flume)

Surface water drainage

The applicant has provided the information requested in the LLFAs previous response.

I would request the following condition be placed on the approval of the application, should this be granted by the LPA:

Condition 1:

No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Drainage Strategy (1410, January 2024, Flume) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Ecology Officer:

Latest Comments received 8th February 2024:

Summary

No objection, subject to conditions

Inadequate information relating to biodiversity net gain was so far submitted, however in light of the blue line boundary of the application site that is under the applicant's ownership and subject to appropriate habitat creation/enhancement within both the red line and the blue line boundary I have no objection to the proposal.

Discussion

Various revisions of a biodiversity metric and a proposed habitats plan have been submitted since our previous comments to the application.

The latest metric that was submitted was a statutory metric and a proposed habitat plan illustrating the creation of 'other neutral grassland' instead of 'other broadleaved woodland' at the northern boundary of the site. It was discussed with Co-ecology that the creation of woodland is more appropriate habitat creation at that location than grassland as woodland will form a sufficient buffer between the development and existing woodland that connects to other parcels of ancient

woodland and priority habitat Lowland Mixed Deciduous Woodland. I therefore strongly recommend that the final proposed habitat provisions include the creation of broadleaved woodland at the northern boundary and of the same total area that was previously proposed.

In addition, the native tree line that was previously removed along the access road should be reinstated by native tree planting. A native hedgerow or native tree line should be also planted at the boundaries of the development (red line).

Additional habitat creation within the blue line boundary can include 'other neutral grassland' creation or enhancement of the 'modified grassland' to 'other neutral grassland'.

I carried out a brief calculation of the habitats on-site (red line boundary) and off-site (blue line boundary) and if for example the entire blue line 'modified grassland' (approximately 1.02 hectares) is to be enhanced to 'other neutral grassland' of 'good' condition then the metric results in a net gain of total net change of 16.89% habitat units. If the linear trees that were previously removed are reinstated by native tree planting and a new native species-rich hedgerow is also planted at the red line boundary of the site then there will be a net change of 230.98% in hedgerow units.

I am therefore satisfied that the development can achieve biodiversity net gain as far as habitat creation/enhancement will also be implemented within the off-site/blue line boundary of the site.

To secure habitat creation/enhancement and long-term management of habitats/tree lines and hedgerows for a period of minimum of 30 years a Landscape and Ecological Management Plan (LEMP) is required. This should be accompanied by a proposed habitats plan, including a detailed planting scheme, and a statutory metric.

The LEMP should also include details of other biodiversity enhancements to be incorporated in the development such as bat and bird boxes, and creation of log piles in suitable locations within the site.

Owing to the location of the site within close proximity to priority woodland we would welcome that only native plant species are used in the new gardens, ideally locally sourced.

The LEMP can be secured via a condition to any approval granted.

In addition, a Construction Environmental Management Plan (CEMP) to address all precautionary measures to take prior to commencement and during development to safeguard protected and notable species and the nearby ancient and priority woodland parcels from pollution/dust deposition should be submitted and secured via a condition.

Owing to the location of the site within an area that can be used by foraging and commuting bats a lighting design for light-sensitive biodiversity should be submitted and secured via a condition.

In order for this condition to be discharged a lighting plan should be submitted illustrating the lux levels across the site and its boundaries.

Legislation, Policy and Guidance

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.

Nesting birds

Under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent

for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

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 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.

Badger

Badgers and their setts (including tunnels) are protected under the Protection of Badgers Act 1992. The most likely offences through development include wilful killing and injury of a badger, intentional or reckless damage or destruction of a badger sett, obstruction of access to a sett, or to disturb a badger when it is occupying a sett.

Reptiles

All reptile species are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill or injure a reptile.

All reptile species are listed in Section 41 of the Natural Environment and Rural Communities Act as Species of Principal Importance – Priority Species.

Ancient Woodland

The Natural England and Forestry Commission Standing Advice (Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk)) for ancient woodland, ancient trees and veteran trees is a material planning consideration for local planning authorities (LPAs). Decisions have to be made in line with paragraph 180 (c) of the NPPF.

Paragraph 180c of the NPPF states that: “Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 63 and a suitable compensation strategy exists.

(63) For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

NERC Act Section 41 Habitat of Principal Importance - Priority Habitat

Local planning authorities have a duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act 2006).

The NERC Act 2006 requires that the Section 41 habitats and species list be used to guide decision-makers, such as public authorities, in implementing their duty under Section 40 of the NERC Act ‘to have due regard’ to the conservation and enhancement of biodiversity when carrying out their normal functions.

Biodiversity Net Gain

The Environment Act 2021 sets out the key components of mandatory biodiversity gain:

- Amends Town & Country Planning Act (TCPA);

- Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
- Habitat secured for at least 30 years via planning obligations or conservation covenants;
- Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- National register for net gain delivery sites

Biodiversity Net Gain Supplementary Planning Document

The BNG SPD was adopted by Buckinghamshire Council. It sets out a Buckinghamshire process for achieving net gain and aids planning applicants in ensuring their development would result in a biodiversity net gain. It also sets out a Buckinghamshire process for compensating for losses of biodiversity using off-site habitats and guides landowners in offering their land for BNG.

National Planning Policy Framework

Paragraph 174d of the NPPF requires that: “Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”.

The NPPF in section 179b states: “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

The NPPF Paragraph 180a states “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

The NPPF Paragraph 180d states “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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

Chiltern District Local Plan, Adopted September 1997 (CDLP) and Chiltern Core Strategy, Adopted 2011 (CCS)

Buckinghamshire Council resolved to withdraw the Chiltern and South Bucks Local Plan 2036 on 21st October 2020. The Core Strategy for Chiltern District (adopted November 2011) Policy ‘CS24: Biodiversity’ states that: “The Council will aim to conserve and enhance biodiversity within the District. In particular:

- the Council will work with its partners to protect and enhance legally protected species and all sites and networks of habitats of international, national, regional or local importance for wildlife or geology.
- development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan.
- where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.

- where, in exceptional circumstances, development outweighs any adverse effect upon the biodiversity of the site and there are no reasonable alternative sites available, replacement habitat of higher quality will be provided through mitigation and/or compensation to achieve a net gain in biodiversity.

The Delivery DPD will indicate on maps the location of the various sites mentioned above as required by PPS9.

Conditions

1. Construction Environmental Management Plan (CEMP)

Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:

- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
- b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;
- c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
- d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
- e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
- f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;
- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
- k) Temporary management of existing wildlife features during construction / implementation. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To protect habitats and species of conservation importance.

2. Landscape and Ecological Management Plan (LEMP)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and providing roosting features to species of conservation concern.

3. Lighting design for light-sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" for shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

Tree Officer:

There are no trees within the site or on the boundary with West Hyde Lane. An old hedgerow, including several large oak trees, was completely removed on the road boundary when the existing access was created in 2020.

There is a hedgerow including some trees along the south-eastern boundary of the site. It appears that the proposal should not involve damage to this hedgerow.

The Proposed Site Layout and Outline Landscaping Scheme plans show some indicative native tree planting, native woodland buffers and native hedgerow planting. It also shows a native understorey buffer, but it is not clear what this means as there is no existing overstorey of vegetation in this vicinity. A woodland buffer or native hedgerow would appear to be more appropriate.

The proposed change of use would not require any further tree or hedgerow loss so I would not object to the application. However, I would like to see significant new native tree and hedgerow planting on the site, which would help compensate for the previous hedgerow loss. Landscape planting of this type would also help to restore some of the rural character of this part of West Hyde Lane.

Environmental Protection:

Historical mapping indicates that the site has had an agricultural use, inferred by field boundaries depicted on the map for the 1920s, no changes are shown on the subsequent available maps.

Online mapping indicates that the site has had an agricultural use, inferred by field boundaries depicted on the map published in 1883, no changes are shown on the subsequent available maps (the last of which was published in 1944).

The site appears to have remained undeveloped, with the exception of the stable block.

There are a number of areas of landfill in relatively close proximity to the site. These include the following:

Approximately 250m to the north-east (hld_ref EAHL D 32411, site name Richard Biffa Limited, easting 501300, northing 191500, firstinput 30/09/1972, industrial, commercial);

Approximately 270m to the east (hld_ref EAHL D13121, site name Warren Quarry, site address West Hyde Lane, Chalfont St Peter, wrc_ref 0400/0085, site_ref WDA/122, lic_hold R Biffa Limited, easting 501600, northing 191500, lic_issue 16/11/1977, lic_surren 28/11/1981, firstinput 31/12/1955, lastinput 31/12/1980, inert, industrial, commercial, household); Approximately 240m to the south east (hld_ref EAHL D12482, site_name Warren Farm Quarry, site_add Denham Lane, Chalfont St Peter, wrc_ref 0400/0089, site_ref WDA/183, 1025/4, lic_hold Biffa Limited, easting 501300, northing 191100, lic_issue 17/09/1982, lic_surren 31/03/1993, firstinput 31/12/1983, lastinput 31/12/1986, inert, industrial, commercial, household).

The proposed development includes some planting; however, it does not include any private gardens or other soft landscaping.

In the event of ground gases migrating from the former landfills, accumulation of gases will be unlikely as there will not be any underground voids and there will be ventilation beneath the mobile homes/touring caravans.

Based on this, the following condition is recommended on this and any subsequent applications for the site.

The application requires the following condition(s):

1. **Reporting of Unexpected Contamination:** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

British Pipeline Agency:

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.

Representations

5 representations have been made on the application, which are summarised below:

- Inappropriate development in the Green Belt with no very special circumstances to allow the development
- Harm to openness of Green Belt and would fail to safeguard countryside from encroachment
- When constructing the access, approx. 75m of hedgerow and mature trees were removed, creating an eyesore
- Development would introduce urban feature to countryside
- Intensification of site would harm character and appearance of locality
- It appears stables were built to be used as a dwelling
- Planning permission should be refused for same reasons that application to convert stables to dwelling was refused
- There have been caravans in the past without permission and the Council have had to serve enforcement notices
- Intensification of access and use by large trailers and caravans would compromise road safety close to school
- No zone indicated at the front of the site for refuse receptacles on collection days
- Question the Ecology and Tree checklist
- No bat survey submitted. Bats could roost in trees surrounding the site.
- Suggest preventing any access to the ancient woodland
- Recommend strict conditions on landscaping being implemented and maintained.
- Have had difficulties with travellers in the past
- Concern over personal safety and safety of students at Robertswood School.