



Report to Buckinghamshire Council Central Area Planning Committee

Application Number:	23/03387/APP
Proposal:	Demolition of existing barns and erection of dwelling with garden, parking area, and associated works. (Alternative development to permitted dwelling 23/00944/COUAR).
Site Location:	Barn South of Holymans Farm Frog Lane Cuddington Buckinghamshire HP18 0AU
Applicant:	Messrs Bernard
Case Officer:	Bibi Motuel
Ward(s) affected:	Stone and Waddesdon
Parish-Town Council:	Cuddington
Date valid application received:	31.10.2023
Statutory determination date:	26.12.2023 (agreed eot 16.02.2024)
Recommendation	Approval subject to conditions and informatives

1.0 Summary & Recommendation

- 1.1 Cuddington Parish Council called in the application to planning committee in the event the officer recommendation is for approval. The call-in is made citing public interest, being contrary to the local plan and CNP and the “unusual fallback position justification”.
- 1.2 Following due process, it was considered that the application should be considered at the relevant committee in line with the provisions in the Council's Constitution.
- 1.3 The application seeks planning permission for the demolition of existing barns and the erection of a dwelling with garden, parking area, and associated works. It has been evaluated against the adopted Development Plan and the NPPF.
- 1.4 The site, on the edge of the built up part of Cuddington, is a sustainable location for the scale of development proposed and the extant prior approval permission is a material consideration that carries weight. Therefore, the principle of the proposed development is accepted. There would be economic and housing land supply benefits in terms of the development itself, with the tilted balance engaged.
- 1.5 The scheme has been considered acceptable in terms of housing mix, design, transport and parking, flooding and drainage, residential amenity, flooding, landscape, trees, ecology and historic environment.

- 1.6 Taking all the relevant factors into account and having regard to all relevant policies of the Vale of Aylesbury Local Plan (VALP), Cuddington Neighbourhood Plan and National Planning Policy Framework (NPPF), the proposal would accord with an up to date development plan and is recommended for **approval subject to conditions and informatives**.

2.0 Description of Proposed Development

Site description:

- 2.1 The site relates to a 0.2 hectare area of land located to the south of Holymans Farm, just beyond the northern edge of the village of Cuddington. The site consists of a large steel frame barn that has recently received prior approval permission to be converted to a dwelling, along with several low barns with a mono-pitch roof in an L shaped footprint.
- 2.2 The site is accessed by a track which extends from Frog Lane. To the north is Holyman's Barn, now converted into a dwelling, and Holymans Farmhouse, both of which are Grade II listed buildings. To the east and south east are Tacks Orchard and Lower Church End, with other detached dwellings beyond. To the west is open countryside.
- 2.3 The site lies within the Brill-Winchendon Hills Area of Attractive Landscape. There is a public right of way CUD/2/1 running west to east along the northern boundary of the site. The site also is within the Manorial site archaeological notification area. The level of the land slopes down from south to north.

Proposals

- 2.4 This application seeks full planning permission for the demolition of existing barns and the erection of a dwelling with garden, parking area, and associated works. It is described as an alternative development to permitted dwelling 23/00944/COUAR.
- 2.5 The proposed dwelling would be L shaped and single storey with three bedrooms, two with en-suites, and a study in the western wing and a sitting/dining room, kitchen and utility room on the northern wing. The two wings would be connected by a flat roofed link section containing a bathroom.
- 2.6 The dwelling would have a footprint of about 300 sqm, measuring about 29m by 24m, and a maximum height of about 5.2m. It would have a traditional barn-like design, with contemporary detailing. It would be constructed of timber weatherboarding and lime render walls, under a plain clay tile and slate roof. The front door would be timber boarded and the windows and sliding doors would be anthracite powder coated aluminium.
- 2.7 There would be garden areas at the front and rear, with a terrace area next to the house. There would also be a parking area for two cars.

The application is accompanied by:

1. Application Form received on 31.10.2023.
2. Drg. No. 1651 01 – Existing Plan and Elevations (class Q) received on 31.0.2023.
3. Drg. No. 1651 06 – New dwelling floor plan received on 31.10.2023.
4. Drg. No. 1651 07 – New dwelling east & south elevations received on 31.10.2023.
5. Drg. No. 1651 08 – New dwelling west & north elevations received on 31.10.2023.
6. Amended Drg. No. 1651 Parking and garden plan December 2023 – New dwelling site & location plan received on 18.12.2023.
7. Drg. No. 1651 10 – Existing building elevations received on 31.10.2023.
8. Planning Statement dated 25.10.2023 ref DB/8777 received on 31.10.2023.
9. Arboricultural Report prepared by Sylva Consultancy dated Oct 23 ref 23091 received on 31.10.2023.
10. Ecological Impact Assessment dated Oct 23 prepared by Windrush Ecology received on 31.10.2023.
11. BMERC Environmental Information Search received on 31.10.2023
12. Heritage Statement dated Oct 2023 prepared by JP Heritage received on 31.10.2023

3.0 Relevant Planning History

- 3.1 Reference: 85/00475/AV - Development: Conversion of barn to dwelling. Decision: Approved on 13 June 1985.
- 3.2 Reference: 85/02008/AV - Development: Conversion of barn to dwelling. Decision: Approved on 17 April 1986.
- 3.3 Reference: 85/02009/AV - Development: Conversion of barn to dwelling. Decision: Approved on 17 April 1986.
- 3.4 Reference: 86/00004/ALB - Development: Stable block at south east corner of barn. Decision: Approved on 5 June 1986.
- 3.5 Reference: 86/00046/ALB - Development: Insertion of new windows and internal alterations. Decision: Approved on 28 April 1986.
- 3.6 Reference: 86/01924/ALB - Development: Installation of dormer windows and internal alteration. Decision: Approved on 2 February 1987.
- 3.7 Reference: 87/02157/ALB - Development: Modify doors insert dormer windows and internal alterations. Decision: Approved on 19 November 1987.
- 3.8 Reference: 89/02672/ALB - Development: Replacement of windows to north elevation. Decision: Approved on 13 December 1989.

- 3.9 Reference: 92/00072/AGN - Development: Notification of intention to erect farm buildings. Decision: Approved on 12 February 1992.
- 3.10 Reference: 92/00466/APP - Development: Erection of agricultural buildings. Approved on 23 April 1992.
- 3.11 Reference: 19/00771/ALB - Development: Alteration to windows. Decision: Approved on 26 April 2019.
- 3.12 Reference: 00/00857/ALB - Development: Two replacement windows. Decision: Approved in 2000.
- 3.13 Reference: 02/00658/ALB - Development: Removal of existing extension and erection of garden room and conservatory. Decision: Refused on 19 April 2002.
- 3.14 Reference: 02/00659/APP - Development: Removal of existing extension and erection of garden room and conservatory. Decision: Refused on 19 April 2002.
- 3.15 Reference: 02/01894/APP - Development: Demolition of existing rear extension and erection of single storey rear garden room/conservatory. Decision: Approved on 20 September 2002.
- 3.16 Reference: 02/01895/ALB - Development: Demolition of existing rear extension and erection of single storey rear garden room/conservatory. Decision: Approved on 20 September 2002.
- 3.17 Reference: 20/02318/APP - Development: Repairs and alterations to the outbuilding. Decision: Approved on 22 December 2020.
- 3.18 Reference: 20/02319/ALB - Development: Repairs and alterations to the outbuilding. Decision: Approved on 22 December 2020.
- 3.19 Reference: 22/03751/ALB - Development: Listed building application for proposed increase in height of central chimney. Line flue with twin wall insulated flue liner. Installation of wood burning stove. Decision: Approved on 30 January 2023.
- 3.20 Reference: 23/00944/COUAR - Development: Determination as to whether prior approval is required in respect of transport & highway impact, noise, contamination risk, flooding and locational considerations for the conversion of an agricultural building into one dwellinghouse (Class Q(a)) and in relation to design and external appearance of the building (Class Q(b)). Decision: Approved on 15 May 2023.
- 3.21 Reference: 20/A2318/DIS - Development: Application for approval of details subject to condition 3 (programme of archaeological work) and condition 7 (roof tiles) of planning approval ref:20/02318/APP. Decision: Pending Consideration.
- 3.22 Reference: 20/A2319/DIS - Development: Application for approval of details subject to condition 5 (insulation specification), condition 6 (roof tiles), condition 7 (timber windows) and condition 8 (timber frame repairs) of listed building consent:20/02319/ALB. Decision: Pending consideration.

4.0 Ward Councillor (s) and Parish/Town Council comments (Verbatim)

3.1 No comments received from Ward Councillor (s) at the time of writing the report.

3.2 Cuddington Parish Council:

- 30.11.2023: Objection. Full response provided in Appendix A.
- 12.12.2023: Cuddington Parish Council has opposed the application (Holymans) and wishes to call-in the application on the following material considerations:

1. Public interest
2. Country to local plan and CNP
3. Unusual fallback position justification.

- 26.01.2024: "Objection to 23/04487/APP by Cuddington Parish Council

Additional information

The objection submitted by Cuddington Parish Council referred to approx. building heights.

This note provides additional and more detailed information.

It supplements the information on the cross section that has been submitted.

The Arboricultural Report (Appendix 4) includes a topographical survey plan showing the following measured levels (AOD) :-

E/W Ridge of Holymans Farmhouse	79.43
N/S Ridge of outbuildings west of Holymans Farmhouse	77.98
Ridge of existing hay barn	80.35
Ridge of E/W cowshed	76.35
Ridge of N/S shed	77.49

For comparison , the ridge of proposed single storey building is 79.30."

5.0 Representations

4.1 33 representations received, 29 objecting and 4 supporting, raising the following summarised issues:

- Greater footprint than approved plans.
- Significantly higher than buildings it would replace.
- Harm to heritage, including adjacent listed buildings and Manor house that stood on site of 'grassy knole'.
- Loss of or damage to trees would be detrimental to wildlife. A haven for flora and fauna. Ecological study is incomplete and inaccurate.
- Increased number of windows and glazed doors compared with approved plan increases light pollution and affects privacy of neighbours.

- Increase in traffic onto narrow private road which is also a footpath.
- Sufficient sites to meet growth of village have already been identified.
- Site is visible from all directions.
- Site is much larger than curtilage of permitted development.
- Materials (slate roof) are inappropriate.
- Building is not in keeping with location and is unsympathetic.
- Fall back position should not apply as proposals are so different.
- If approved, should only be on basis of replacing permitted development scheme with surrounding ecological areas maintained.
- Site is outside of village boundary contrary to VALP and NP.
- Village is being overrun by big new builds.
- Roof ridge would block views south towards the church.
- Location of proposed dwelling is in a less prominent position compared to approved scheme.
- Demolition of tall barn opens up views of the site and countryside.
- Design of the new dwelling is more in keeping with surrounding vernacular than approved barn.
- Delivers a net gain in biodiversity.

6.0 Policy Considerations and Evaluation

- 6.1 Vale of Aylesbury Local Plan (VALP) was adopted on 15th September 2021 and therefore has full weight.
- 6.2 Cuddington Neighbourhood Plan was formally made by Buckinghamshire Council on 23/08/2022.
- 6.3 Aylesbury Vale Design Guide SPD (adopted on 30 June 2023)
- 6.4 National Planning Policy Framework (NPPF) December 2023
- 6.5 Planning Practice Guidance (PPG)
- 6.6 Buckinghamshire Minerals and Waste Local Plan (July 2019) - Policy 1: Safeguarding Mineral Resources – within a Mineral Safeguarding Area but exempt from consultation as on edge of an urban area and less than 10 houses.
- 6.7 Recycling and Waste: Advice note for developers 2015.
- 6.8 Parking – Appendix B – VALP

7.0 Principle and Location of Development

Principle of development

Vale of Aylesbury Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), D3 (Proposals for non-allocated sites at strategic settlements, larger villages, and medium villages).

Cuddington NP: Policy CDN01 (Settlement Boundary)

- 7.1 Policies S2 and S3 of the VALP identify that strategic settlements are the most sustainable locations for development, with the primary focus for growth being at Aylesbury along with other large settlements, supported by growth at other larger, medium and smaller villages.
- 7.2 Policy D3 of VALP states that proposals in medium villages not on allocated sites will be restricted to small scale areas of land within the built-up areas of settlements, including infilling of small gaps in developed frontages in keeping with the scale and spacing of nearby dwellings and the character of the surroundings, or development that consolidates existing settlement patterns without harming important settlement characteristics.
- 7.3 The site is located within the parish of Cuddington. Cuddington is identified in Table 2 of VALP as a medium village. Medium villages have some provision key services and facilities, making them moderately sustainable locations for development.
- 7.4 The site lies about 30m outside the settlement boundary of Cuddington as shown on the Cuddington Neighbourhood Plan (CNP). Policy CDN01 states that development proposals outside of the boundary “will not be supported unless it is a rural exception housing site, necessary for the purposes of agriculture or forestry, or for enterprise, diversification, recreation, or tourism that benefits the rural economy without harming countryside and heritage interests.” There is no suggestion that the dwelling would be a rural exception housing site.
- 7.5 However, it is not isolated from the village and would be within short walking distance of facilities. Furthermore, it is part of a group of buildings close to the boundary. Although it is not brownfield land (as agricultural buildings are exempt), the proposed dwelling would be on a similar footprint to an existing structure that would be demolished and removed. Therefore, whilst it would not comply fully with D3 of VALP or CDN01 of CNP, it is considered that the site, on the edge of the built up part of Cuddington, is a sustainable location for the scale of development proposed (one dwelling).

Fall-back position

- 7.6 Within the Planning Statement, it is explained that the recent Class Q prior approval permission for a barn conversion (23/00944/COUAR) allows a new home on the land and is a fall-back position for the site and hence a material consideration. Various case law is cited, the argument is put forward that the extant approval for conversion of the barn establishes the principle of the creation of a dwelling on the site. The

agent adds that if the current scheme is not permitted it is inevitable that the approved conversion will be undertaken. The Council does consider this to be a viable and realistic fallback position.

- 7.7 It is noted that the current proposal is on a different part of the site to the barn with extant permission to be converted. Nevertheless, in the context of the extant permission, it is accepted that a dwelling can be provided in a similar location, albeit the fall-back proposal would have a much tighter residential curtilage to that currently proposed. The Council is not aware of any information that would suggest that there is no "real prospect" of the prior approval permission being implemented, it is accepted that its existence is a material consideration that must therefore carry weight in a future assessment.
- 7.8 Because of a difference in siting, there is the potential for the fallback scheme AND the current proposal to be built out. The agent has confirmed that if the current application is permitted, the barn (with the Class Q permission) would be demolished and so in that respect it can be seen as an alternative to the Class Q scheme, with no barn on site, the class Q conversion would effectively fall away, meaning that at no time will this site be the location of multiple dwellings. If the current application is considered to be acceptable, then a condition is suggested to ensure that the barn the subject of the Class Q conversion is demolished prior to works above slab level of the proposed dwelling.
- 7.9 Turning to housing land supply, the latest Five-Year Housing Land Supply Position Statement (September 2023) for the Aylesbury Vale area is 4.7 years' supply of deliverable housing sites for the 2023-28 period.
- 7.10 The proposal would contribute to housing land supply tempered by the scale of the development (gain of one net dwelling). It is considered that there would also be some economic benefits in terms of the erection of the development as well as the resultant increase in population which would contribute to the local economy. This is a benefit of the proposal, albeit limited as it is recognised that the principle has already been secured for a new dwelling on this site, therefore this proposal does not represent a net increase of dwellings over and above that already secured.
- 7.11 Therefore, whilst the proposal would not fully comply with policies S2, S3 and D3 of the VALP or CDN01 of CNP, the principle of a new dwelling within the context of the site on the edge of a medium village is considered acceptable. Notwithstanding this, the proposal still must be assessed against all other material considerations.

Affordable Housing and Housing Mix

SPD – Affordable Housing

VALP policies H1 (Affordable Housing) and H6a (Housing Mix)

- 7.12 With regard to affordable housing, the provision of 1 dwelling on a site with an area of 0.2 hectare would not meet the thresholds for requiring affordable housing contributions to be made.
- 7.13 With regard to housing mix, there would be one 3-bedroom dwelling. The finding of the Housing and Employment Development Needs Assessment (HEDNA) set out in the VALP indicate that, based on current figures and population growth, 3 bedroom homes are of the highest need followed by 4-bed houses.
- 7.14 Given the scale of the proposal, the provision of one 3-bedroom dwelling would be acceptable, given the small number of units proposed.

Transport matters and parking and public rights of way

VALP policies T5 (Delivering transport in new development) and T6 (Vehicle parking), T8 (Electric vehicle parking), Appendix B (Parking Standards), policy C4 (public rights of way)

- 7.15 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved, taking account of the policies in the NPPF.
- 7.16 Some local residents have raised concerns over an increase in traffic onto the narrow private road that runs to the site from Frog Lane. Frog Lane is an unclassified road subject to a speed limit of 30 mph. In the vicinity of the site, parking and waiting restrictions are not present. There are no footways on either side of the road.
- 7.17 The Council's Highways Officer stated that he previously commented on application no. 23/00944/COUAR and raised no objections subject to conditions and informatives. He added that this new application is highly similar in highways terms and as such he repeated some of his previous comments. He stated that there is enough space within the site for the vehicle to turn and leave in a forward gear. The Highways Officer added that visibility splays of 2.4m x 17m to the north and 2.4m x 31m to the south will be conditioned, as will a Construction Traffic Management Plan to ensure terms are agreeable prior to development commencing.
- 7.18 Turning to the on-site parking provision, VALP Policy T6 states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B. The proposed dwelling would have three bedrooms and therefore 2.5 parking spaces would be required. Although the application form states that two car parking spaces would be provided, the submitted plans did not show where these would be located. The agent was asked to submit a drawing showing where these spaces would be positioned. The amended drawing shows that these would be on the site of the existing steel barn which is to be removed.
- 7.19 The spaces would each be 2.8m x 5m in size with a turning area provided. There would also be secure bicycle parking to the rear of the proposed dwelling.

- 7.20 Finally, the adopted VALP standards require a new dwelling to be served by an electric vehicle charging point. This can be secured by a condition.
- 7.21 Mindful of the above, the Highways Officer does not have any objections to this proposal subject to conditions and informatives.

PUBLIC RIGHTS OF WAY

- 7.22 VALP policy C4 states that planning permission will not normally be granted where the proposed development would cause unacceptable harm to the safe and efficient operation of public rights of way.
- 7.23 The Bucks Council Strategic Access officer was consulted and stated that there are several public footpaths near the site, including CUD/2/1 which borders the site to the north and arcs from Frog Lane to a junction of footpaths north of Tibby's Cottage. Footpath CUD/1/3 heads north from Frog Lane and ends at the footbridge over the River Thames.
- 7.24 The Strategic Access Officer stated that any increase in vehicular traffic on Frog Lane would have a negative impact on the walking amenity but added that given the relatively small increase in traffic expected from a development of this size it would not impact to the extent of raising any particular concerns.
- 7.25 The officer raised some concerns over a possible gate on the track towards the site from Frog Lane denoted by a question mark. However, this was removed from the amended site plan. The Strategic Access Officer was reconsulted and confirmed that the revised plans had alleviated any concerns about a possible gate preventing access to the footpath. As such, there are no objections from a rights of way perspective.
- 7.26 It is therefore considered that the proposal would comply with Policies T5, T6, T8 and C4 of VALP, the Council's Parking Standards and the NPPF in this regard.

Raising the quality of place making and design

VALP policy BE2 (Design of new development).

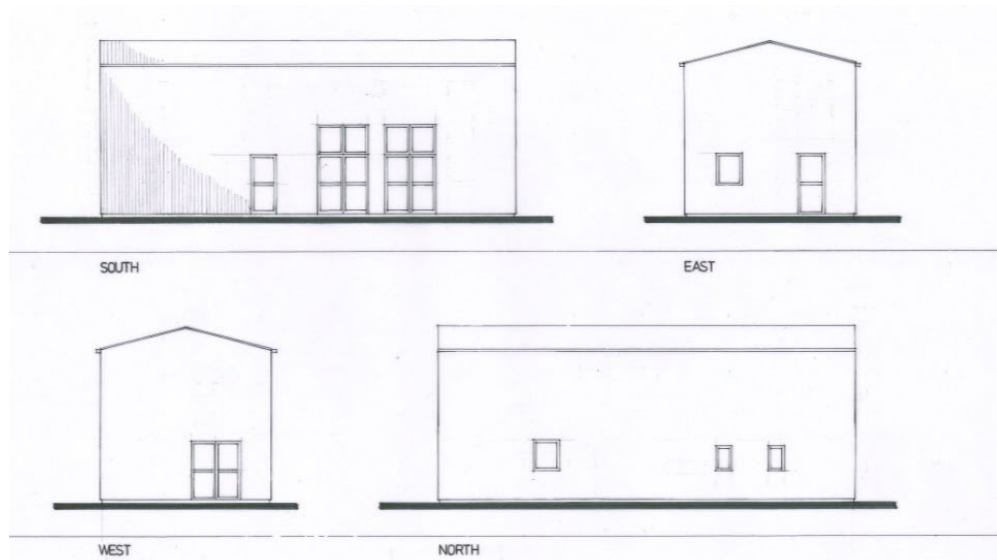
CNP policy CDN05 (Design of New Development outside the Conservation Area).

- 7.27 The NPPF at paragraph 8, states that one of the overarching principles of the planning system is a social objective, including fostering well-designed, beautiful and safe places. Policy BE2 of VALP states that new development should respect and complement the character of the site and its surroundings and the local distinctiveness and vernacular character of the locality, as well as important public views.
- 7.28 CNP policy CDN05 state that designs should be of high quality with sympathetic architecture and urban design, with building heights that follow the existing pattern of single and two-storey houses. It adds that the use of high-quality innovative designs, materials and techniques will be supported where they contribute to the

interest of the streetscape or offer other benefits to the environment. It also supports development forms and layouts that offer greater energy efficiency.

7.29 The Vale of Aylesbury Design SPD, adopted in 2023, states that in general, traditional houses in the area have a distinctly rural character. The majority of traditional buildings in Aylesbury Vale, in both urban and rural areas, adopt a very consistent, simple form, with rectangular floorplans and pitched roofs over narrow spans. Materials should reflect the character of the area and also the style of architecture adopted. It adds that contemporary solutions of high architectural quality that deliver outstanding places are welcomed and encouraged where they respond to and maintain or enhance their context.

7.30 The proposal seeks to demolish a range of low cattle sheds in an L shaped footprint and replace them with a single storey dwelling on broadly the same footprint. The existing barns to be demolished are unremarkable architecturally. It is noted that there is a large steel framed barn within the site that has recently been granted permission for a conversion to a house under prior approval ref. 23/00944/COUAR. Details shown below.



7.31 Some local residents have claimed that the replacement building would be significantly larger than the existing structures, and that it would not be in keeping with the location and is unsympathetic in terms of its design. There are also concerns over the materials, including a slate roof, and the number of windows. The Parish Council has stated that the alternative proposals are significantly larger than the consented scheme, including its footprint, and are out of scale and character with the adjacent farm buildings. The Parish Council also submitted additional information on the heights of existing buildings and the proposed dwelling based on AOD (Above Ordnance Datum) height levels obtained through a topographical survey.

7.32 The proposed dwelling would have a larger footprint (about 290 sqm) than the barn with an extant Class Q approval for conversion to residential (about 83 sqm), although this barn has a height of about 6.2m compared to a maximum of 5.2m for

the current proposed dwelling. Furthermore, the dwelling now proposed would replace a range of low cattle sheds on a similar sized, L shaped footprint, although these have a maximum height of about 3.4m. It cannot therefore be said that the footprint is located on an open area of the site unharmed by built form.

- 7.33 The topographical information shows that the land where the proposed new dwelling would be sited is around 0.75m higher than on the track next to Holymans Farmhouse and that the ridge of the new dwelling would have a total height of 79.3m AOD, compared to 79.43m for the neighbouring dwelling.
- 7.34 With regards to its design, the proposed dwelling would have a barn-like appearance, with a mix of materials including slate and clay tiled roof, lime render and black stained weatherboarding walls. These materials are generally appropriate in a rural context and are reflective of traditional farm buildings. One of the sections would have a hipped roof and other would have a gable end roof, with the two parts connected by a low, flat roofed link section.
- 7.35 The proposed dwelling would have a relatively large amount of glazing, but this would primarily be on the south facing side, visible from within the site, with the other elevations having fewer windows so as to maintain a more traditional appearance. The roof would be unbroken and free from domestic features such as rooflights, dormers and chimneys.
- 7.36 The Design SPD states that sustainability must be considered throughout the design process for all proposed developments. The Planning Statement states that the proposed dwelling would have a substantially lower energy demand than the permitted conversion and would be highly insulated to minimise heat loss and energy wastage and be water efficient. These are all positive aspects of the design.
- 7.37 The development would also involve the retention and restoration of the witchert and rubble northern boundary wall, an important local characteristic. Such works are not included in the fall back scheme, it is considered that this work can be condition.
- 7.38 Concerns were raised by the case officer over the apparent large size of the curtilage of the site, especially compared to that in the Class Q scheme. The agent responded by providing a curtilage plan, showing that the garden area would be restricted to the western half of the 'red edge' site. The agent confirmed that the rest of the site would be maintained as species rich grassland and not part of the residential curtilage. This cant be secured by condition to ensure no diluting of land use.
- 7.39 Whilst the difference in land level would increase the proposed new dwelling's prominence from the access track, it would still be lower than Holymans Farm to the north and would not appear overly prominent to the extent that would justify a refusal, particularly as it would be over 1m lower in height than the existing hay barn.
- 7.40 Overall, whilst the concerns of the parish council and local residents are noted, it is considered that the proposed dwelling would have an acceptable design and scale and although it would be larger in footprint than the barn with a permission to be

converted, it would be lower in height and replace a L shaped range of barns in broadly the same position. Furthermore, a condition can be imposed to ensure that the large barn would be removed. On balance, the proposal would respect the character of the site and wider area and would offer a building of better quality appearance than the fall back position.

- 7.41 As such, the proposal would accord with Policy BE2 of the VALP, the Design SPD, CNP policy CDN05, and the guidance set out in the NPPF.

Amenity of existing and future residents

VALP policy BE3 (Protection of the amenity of residents).

- 7.42 The NPPF at paragraph 135 states that authorities should always seek to create places that have a high standard of amenity for all existing and future users.
- 7.43 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 7.44 The nearest dwellings to the site are Holymans Barn and Holymans Farm to the north. There would be a gap of about 8 to 9 m between each dwelling and the proposed house. The topographical data and cross section diagram submitted by the parish council show that the proposed dwelling would be on land that is about 0.75m higher than on the track next to Holymans Farmhouse. As a result of this, the new dwelling would appear more prominent to the occupants of the neighbouring dwelling than it would otherwise have done, although it would still have an AOD height that is 0.13m lower than Holymans Farm.
- 7.45 The new dwelling would be set back by about 1m from the boundary with these neighbouring dwellings and although it would be taller than the cattle sheds that it would replace, it would remain single storey in height with low eaves. Therefore, whilst the new dwelling would be more visible to the occupants of Holymans Farmhouse than the existing shed from their south facing windows, due to the separation distance and the pitched roof of the proposed dwelling, it would not so overbearing as to justify a refusal on this basis. Furthermore, there would be no windows on the north elevation facing these neighbours and so there would be no overlooking or loss of privacy. In addition, the larger steel framed barn would be demolished which would be a benefit in terms of amenity for these neighbours as it would reduce overshadowing.
- 7.46 No other dwellings are close enough to be affected by the development.
- 7.47 With regards to the amenity of the future occupiers, the dwelling would have a rear garden area with an area of about 150 square metres, and a front garden area of about 350 sqm, which is more than adequate for a three bedroom dwelling. All habitable rooms would have sufficient natural light and the dwelling would comfortably meet the recommended nationally prescribed space standards. .

- 7.48 The Council's Environmental Health officer was consulted but raised no objections.
- 7.49 It is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity and would provide an adequate quality of life for future occupiers. This would accord with policy BE3 of VALP and the NPPF.

Flooding and drainage

VALP policy I4 (Flooding)

- 7.50 Paragraph 170 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.
- 7.51 The site is within Flood Zone 1 and the development would therefore be at low risk of fluvial flooding. None of the site lies within an area susceptible to surface water flooding and so it would not increase or exacerbate flood risk on the site, nor in the wider locality.
- 7.52 The Planning Statement states that the proposal would be provided with SuDS compliant drainage for surface water and sustainable arrangements for foul water.
- 7.53 As such, it is considered the proposed development would be resilient to climate change and flooding and would not increase flood risk elsewhere in accordance with Policy I4 of the VALP and the Framework.

Landscape Issues, including trees and hedgerows.

VALP policies NE4 (Landscape character and locally important landscape) and NE8 (Trees, hedgerows and woodlands)

CNP policy CDN 05: Design of new development outside the conservation area

- 7.54 The site lies within the Brill-Winchendon Hills Area of Attractive Landscape (AAL). Policy NE4 states that AALs have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities and development in such areas should have particular regard to their character. It also lies within the A418 Ridge Landscape Character Area (LCA) 9.9, a low hills and ridges type.
- 7.55 There are concerns from local residents that the development would be in a prominent position and visible from all directions.
- 7.56 The proposed building would be similar in footprint to the range of cattle sheds that it would replace, although it would be slightly greater in height. It would be positioned immediately adjacent to Holyman's Barn and Holyman's Farm and so would not be prominent in views from the open countryside to the north. Furthermore, it would be a condition of any permission that the larger scale barn with a Class Q permission for conversion to a dwelling would be removed, which would be an improvement. Therefore, the development in the view of officers have a

detrimental impact upon wider landscape views nor would it detract from the rural character of the landscape and the AAL.

- 7.57 Turning to trees or hedgerows, an Arboricultural Report was submitted with the application, and this states that one category C tree (T12) would be removed to implement the scheme, although the footprint of the proposal falls marginally within the root protection area of two other trees (T1 and T2). The report adds that a landscape plan would be developed showing new tree planting with suitable species for the site.
- 7.58 The Council's Tree Officer was consulted and stated that the development, if not implemented with suitable measures, has the potential to adversely impact on existing trees (particularly T1 and T12). As such, the Tree Officer expects piled foundations to be utilised where they fall within the Root Protection Areas, as well as appropriate arboricultural monitoring of the site. These could be secured by conditions. A future landscape scheme should be submitted pursuant to condition
- 7.59 Therefore, it is considered that the proposal would comply with policies NE4 and NE8 of the VALP and the NPPF in this regard.

Ecology

VALP NE1 (Biodiversity and geodiversity)

CNP CDN 01 Settlement Boundary and CDN05 Design of New Development outside the Conservation Area

- 7.60 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. Policy NE1 of VALP is also reflective of the NPPF in requiring all development to deliver a biodiversity net gain. Policy CDN 01 of the CNP states that proposals will be assessed in terms of their potential impact upon the biodiversity of the area, amongst other things, and proposals that fail to demonstrate that these impacts can be satisfactorily addressed and mitigated will not be supported. Policy CDN 05 adds that proposals should be enhanced by new planting, with plants selected to enhance biodiversity.
- 7.61 The agent submitted with the application an Ecological Impact Assessment. This concluded that there will be a loss of areas of poor semi-improved grassland, scrubs etc, but that this will only result in the loss of habitats of negligible ecological value. It added that the proposed development is unlikely to have any significant impacts on rare plant species, invertebrates and reptiles, but is likely to result in significant impacts on great crested newts. Furthermore, removal of woody vegetation and buildings during the bird nesting period could have direct impacts on birds through the loss of nests and eggs, and new lighting has the potential to adversely affect bats.

- 7.62 The Council's Ecology Officer was consulted and stated that the Ecological Impact Assessment (EclA) is considered to be an accurate account of the ecological features present on site at the time of the assessment. The measures detailed in the recommendations section of the report will need to be secured through a planning condition if this application is approved. In doing so the mitigation measures for the ecological features identified will be protected during and post construction.
- 7.63 Within the EclA a Biodiversity Net Gain (BNG) calculation has been provided. The Ecology Officer stated that these calculations demonstrate the proposals, post development, generate the gains required under local and national planning policy. The metric and the measures proposed to enhance the sites habitat features are considered acceptable.
- 7.64 To secure these measures a condition requiring the establishment of a Landscape and Ecological Management Plan (LEMP) will need to be secured. This will need to detail the habitat enhancement measures detailed in the BNG report. Key to this document will be management prescriptions for the habitat proposed to be established and how these will be retained in perpetuity and whom will be responsible for the management of the areas.
- 7.65 The site lies in a Great Crested Newt Red impact zone, a highly suitable habitat and the most important areas for great crested newts. The applicant's EclA has identified the need to secure a District Licence for Great Crested Newts. The Council's newt officer was consulted and initially raised a holding objection, stating that further information is required, namely proof of entry into Buckinghamshire Council's District Licence Scheme via provision of a NatureSpace Report or Certificate, adding that this must be done prior to determination of the application.
- 7.66 The agent subsequently submitted the NatureSpace certificate. The Newt Officer confirmed that the applicant has provided evidence of entry into the council's district licensing scheme and raised no objection, subject to conditions.
- 7.67 Overall, it is considered that in terms of impact upon the natural environment, the proposal would have an acceptable impact on protected species and their habitats and would therefore comply with VALP policy NE1, CNP policies CDN01 and CDN05 and relevant NPPF advice.

Historic environment

VALP policies BE1 (Heritage Assets)

- 7.68 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 195 of the NPPF identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 205 confirms that 'great weight' should be given to the assets conservation (the more important the asset, the great the weight should be).

- 7.69 Policy BE1 states that proposals will only be supported which do not cause harm to heritage assets.
- 7.70 The site is not in a conservation area but there are two listed buildings directly to the north of the site (Holyman's Barn and Holyman's Farm). The Parish Council and some residents expressed concern over the impact on heritage assets.
- 7.71 The Council's Heritage Officer was verbally consulted and stated that the proposed design has much less of an impact on the setting of the LB adjacent than the permitted fallback scheme in terms of its subservience and form. The form replicates a previous 20th century structure (of little historic interest) and replicates the form of the listed buildings opposite. The proposed barn utilises vernacular materials as seen elsewhere in the Conservation Area and appears ancillary in design. The Heritage Officer raised concerns that an additional building may be constructed next to the proposed barn in the future. This would clutter the area opposite the Listed Buildings and negatively impact its setting, therefore requested that a condition be added to prevent further development of the plot without permission from the authority as this could prevent harm to the setting of the heritage assets in the future. The Heritage Officer also request a condition to ensure the repair of the witchert wall. Due to the current condition of the wall, the repair is seen to be a heritage benefit which carries great weight.
- 7.72 The Council's Archaeologist was consulted and stated that the application site lies within an Archaeological Notification Area due to it being a possible medieval manorial site. Cartographic sources from the past 200 years show the main focus of the farm to be to the north of the application site, but earlier maps show the proposed new building to be located within the approximate area where a medieval house once stood. It is possible that the building depicted on this mapping is related to the manorial history of the site. If remains associated with the medieval/post-medieval house are present within this area, they are at risk of truncation from the proposed development, and this impact should be appropriately mitigated.
- 7.73 If planning permission is granted for this development, then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 211. With reference to the NPPF the Archaeologist recommends that any consent granted for this development should be subject to a condition requiring that an archaeological investigation is undertaken during all groundworks.
- 7.74 Special attention has been paid to the statutory test of preserving the setting of the listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the setting of the listed buildings would be preserved and so the proposal accords with section 66 & 72 of the Act.

- 7.75 As such no harm would be caused to the significance of the heritage assets and the proposal accords with guidance contained within the NPPF and with the aims of policy BE1 of VALP. This issue is afforded great weight in the planning balance.

8.0 Weighing and balancing of issues / Overall Assessment

- 8.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 8.2 The site, on the edge of the built up part of Cuddington, is a sustainable location for the scale of development proposed. The extant prior approval permission on the same site is a material consideration that carries weight. Therefore, the proposed development is accepted in principle. It is accepted that there would be economic benefits in terms of the construction of the development itself. The scheme would also deliver one additional dwelling thereby adding to the Aylesbury Area's housing supply. It is acknowledged that a tilted balance is engaged as a result of the Council being unable to demonstrate a 5-year land supply. The absence of harm to heritage assets is afforded great weight in the planning balance.
- 8.3 The scheme has also been considered acceptable in terms of its impact to housing mix, design, transport and parking, flooding and drainage, residential amenity, flooding, landscape, trees and ecology. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 8.4 Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP and NPPF, it is considered that proposal would accord with an up to date development plan and is therefore recommended for approval.
- 8.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage persons sharing a protected characteristic disproportionately when compared to those not sharing that characteristic.
- 8.6 Human Rights Act (1998) There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

9.0 Working with the applicant / agent

- 9.1 In accordance with paragraph 38 of the NPPF (December 2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to

development proposals focused on solutions and work proactively with applicants to secure developments.

- 9.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 9.3 In this case, the agent was informed of the issues arising from the proposal and given the opportunity to submit additional information in order to address those issues prior to determination. The agent responded by submitting additional information which were found to be acceptable, so the application has been approved.

10.0 Recommendation

The officer recommendation is that the application be **APPROVED** subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the materials specified in the planning application form hereby approved and approved drawings nos. 1651/07 and 1651/08, both received by the Local Planning Authority on 31.10.2023.

Reason: To ensure a satisfactory appearance to the development and to comply with policies BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no development covered by Classes A, B and E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the specific grant of planning permission from the Local Planning Authority. No fences or boundary treatment shall be erected or grown on site other than in strict accordance with details hereby approved. No windows are to be installed within the roof of the development hereby approved without the express permission of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions of the dwelling or outbuildings and other development having regard for the particular layout and design of the development, to protect the openness and the character of the area in accordance with policies BE2 and BE3 of the VALP and the guidance set out in the National Planning Policy Framework.

4. No other part of the development shall be occupied until the existing means of access has been upgraded in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".

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

5. The scheme for parking and manoeuvring indicated on the submitted plan ref 1651-09 received on 13.12.2023 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 vehicle to draw off, park and turn clear off the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with Policy T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. Prior to the commencement of any works on the site (including any demolition), a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- The routing of construction vehicles.
- Construction access details, temporary or otherwise.
- Details of largest used construction vehicles
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials storage of plant and materials used in constructing the development.
- Operating hours.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

Reason: In order to mitigate any unacceptable transport impacts arising during construction and comply with Policy T5 of the Vale of Aylesbury Local Plan, and National and Local Transport Policy.

7. Prior to the occupation of the development minimum vehicular visibility splays of 17 metres from 2.4 metres back from the edge of the carriageway to the north of the access and 31 metres from 2.4 metres back from the edge of the carriageway to the south of the access onto Frog Lane shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and comply with Policy T5 of the Vale of Aylesbury Local Plan, and National and Local Transport Policy.

8. An electric charging point shall be installed prior to the initial occupation of the development hereby permitted and shall thereafter be retained as approved.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the National Planning Policy Framework and Policies T6 and T8 of the Vale of Aylesbury Local Plan.

9. No works or development (including for the avoidance of doubt any works of demolition, or vehicular movements) shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) is submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority. The AMS and TPP shall include:

- 1) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- 2) An overlay of proposed services and utilities, where these are close to Root Protection Areas (RPAs);
- 3) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance (shall be carried out in accordance with current British Standard 3998);
- 4) All phases and timing of the project, including phasing of demolition and construction operations and access layout requirements, in relation to arboricultural matters;
- 5) Siting of work huts and contractor parking; areas for the storage of material and the siting of skips and working spaces; the erection of cranes are to be shown on the submitted TPP; and
- 6) A scheme of supervision detailing the frequency of site visits, how and when the reports from visits will be submitted to the LPA and what plans will be used to ensure compliance with and agreed tree protection.

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities and accordance with Policy NE8 of the Vale of Aylesbury Local Plan, BS5837, and the National Planning Policy Framework.

10. No works or development (including for the avoidance of doubt any works of demolition, or vehicular movements) shall take place until details of the proposed foundations and methodology for their installation has been submitted to and approved in writing by the Local Planning Authority. This will include:

- 1) The type of foundation to be used, noting incursions will be required into the root protection areas of retained trees;
- 2) Dimension of any piles or other foundations used; and
- 3) Details of how excavations will be undertaken to implement the foundations.

Reason: To ensure that the root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities and accordance with Policy NE8 of the Vale of Aylesbury Local Plan, BS5837, and the National Planning Policy Framework.

11. Notwithstanding any indications illustrated on drawings already submitted, no development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

Landscape details shall include:

- 1) a scaled plan showing all existing trees, shrubs and hedgerows to be retained, including crown spreads
- 2) proposed hardstanding and boundary treatment:
- 3) a schedule detailing species, sizes and numbers of all proposed trees/plants; and
- 4) Sufficient specification to ensure successful establishment and survival of new planting to improve the rooting environment for retained and proposed trees and landscaping (including watering, mulching, staking, weeding, formative pruning, planting pit details).

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority. The development is to then proceed in strict accordance with approved scheme.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development and remain consistent with Policy NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

12. All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the completion of the development, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and in accordance with Policy NE8 of the VALP, and the National Planning Policy Framework.

13. Prior to first occupation, details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy BE2 of Vale of Aylesbury Local Plan, and the National Planning Policy Framework.

14. The development shall be implemented in accordance with the agreed Ecological Impact Assessment from the consultant ecologist Windrush Ecology dated October 2023.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife, in line with policy NE1 of the Vale of Aylesbury Local Plan and in accordance with the National Planning Policy Framework.

15. 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.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body 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 or remedial action will be identified, agreed, and implemented so that the development still delivers the

fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare, in line with policy NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

16. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Holymans: Impact plan for great crested newt District Licensing (Version 1)" dated 9th January 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112, or a 'Further Licence'), Policy NE1 of the Vale of Aylesbury Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

17. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), Policy NE1 of the Vale of Aylesbury Local Plan, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

18. The residential dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.

Reason: To ensure the adequate provision of accessible and adaptable dwellings in accordance with Policy H6c of the Vale of Aylesbury Local Plan.

19. The dwelling(s) hereby approved shall be constructed to meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy C3 of the Vale of Aylesbury Local Plan (adopted September 2021) and guidance contained in the NPPF (December 2023).

20. Prior to construction of the dwelling hereby permitted the building identified to be removed on drawing 1651/Parking and garden plan December 2023 shall be demolished and resulting debris and materials removed from the land.

Reason: to ensure that the barn permitted for conversion under application ref. 23/00944/COUAR is removed prior to the construction of the development hereby permitted and to prevent the possibility that both schemes would be implemented, in accordance with Policies BE1 and BE2 of the Vale of Aylesbury Local Plan (adopted September 2021) and guidance contained in the NPPF (December 2023).

21. Prior to the commencement of any works, details of the methodology and materials for the repair of the witchert wall shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies BE1 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

22. No development shall take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: To record or safeguard any archaeological evidence that may be present at the site and to comply with Policy BE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

23. The development hereby permitted shall only be carried out in accordance with drawing numbers 1651/06, 1651/07, 1651/08, all received by the Local Planning Authority on 31.10.2023 and 1651/Parking and garden plan December 2023, received on 18.12.2023 and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

24. The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any

development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding elsewhere and in accordance with policy I4 of Vale of Aylesbury Local Plan and Paragraph 173 of the National Planning Policy Framework (December 2023) to ensure that there is a satisfactory solution to managing flood risk.

Informatives

1. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information:
Transport for Buckinghamshire (Streetworks)
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416
2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
5. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
6. Your attention is drawn to the "Recycling and Waste: Advice Note for Developers 2015" to assist developers and planning applicants by highlighting Buckinghamshire Council's current management of refuse and recycling collections and what provisions will be

expected when proposals for new dwellings and commercial premises come forward in the future and the adopted policy on waste container charges. Developers should contact the Council's Operations and Waste Management Section for specific advice on current recycling collection arrangements.

7. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
8. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.
9. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).
10. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, , all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.
11. Protection of breeding birds during construction (as per D.3.2.2 of BS42020:2013 Biodiversity – Code of practice for planning and development) The applicant is reminded that, 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, scrub and other vegetation] are likely to contain nesting birds between 1st March and 31st August inclusive. [Buildings, trees, scrub and other vegetation] are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

12. Developers are encouraged to maximise the water efficiency of the development. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at <https://www.thameswater.co.uk/developers/charges>

Appendix A: Consultation Responses and Representations

Ward Councillor(s) Comments - *Verbatim*

- No comments received from Ward Councillor (s) at the time of writing the report.

Parish/Town Council Comments - *Verbatim*

- Cuddington Parish Council objection received on 30.11.2023 as follows:

“Background

The Holymans field was considered as a potential development site during the preparation of the Cuddington Neighbourhood Plan and rejected on the basis of adverse impacts on ecology, access and parking, amenity, and heritage. It was excluded from the settlement boundary to leave a gap between the edge of the main village and the cluster of buildings around the Grade 2 Listed Holymans Farmhouse

The application for a barn conversion under permitted development rights (23/00944/COUAR) was most unwelcome as it introduced residential development into an area that the Parish Council (PC) specifically sought to protect. The PC objected to the barn conversion proposal, including the construction impacts, but it was approved in May 2023.

Alternative proposals

The developers have submitted a proposal for residential use (23/03387/APP), as an alternative to the approved barn conversion. The legitimacy for this approach is set out in the applicants planning statement that references a ‘fallback position’ and the relevant case law. The planning statement states that *‘This application falls to be considered upon its amenity impacts. Planning permission should be granted so long as it does not result in harm when compared to the extant planning permission’*.

A comparison between the consented and alternative proposals is set out below, showing that the alternative proposals would result in considerable harm.

Proposal site boundary

The extent of the alternative proposals should be clarified to understand the definition of the proposed residential curtilage and any temporary additional land take for construction purposes.

Future permitted development rights

Given the sensitive nature of the site and its surroundings, it is important to condition any planning consent by removing permitted development rights that would allow future horizontal or vertical extensions etc.

This restriction would also acknowledge the unusual route to residential development (contrary to the Local Plan and Neighbourhood Plan), via permitted development legislation and a fallback position

Comparison between the proposal and the fallback position

The table below compares the consented barn proposals against the proposed alternative for the main issues affecting the area,

Issue	Barn Conversion (23/00944/COUAR)	Alternative proposal (23/03387/APP)	Comments
The site	Existing barn east of Holymans Farm	Existing cowsheds south of Holymans Farm	The alternative proposals include the demolition of the barn, the barn site and additional land to the west and south.
Building footprint	88sqm	320 sqm	The alternative proposals are significantly larger than the consented scheme. They are out of scale and character with the adjacent farm buildings.
Building height approx	6.5m	5m	The alternative proposals would be lower than the barn but their height would obstruct views from Holymans Farm and its courtyard / setting.
Bedrooms	2	3	The number and size of rooms in the alternative proposal creates a much larger footprint, with harmful effects on the setting and visual impact.
Access and Parking	2 car parking spaces	2 car parking spaces	No comment
Residential amenity	Very limited outside space for the building	Reasonable space for amenity	The alternative provides a better level of residential amenity but at the expense of greater take and greater environmental impact.
Visibility	Visible from properties to the south. Shading effect on the garden to Holymans Farm	Visible from Holymans Farm and its setting. Obstruction of views to the open field to the south	The alternative provides benefits to households to the south but adverse effects on Holymans Farm. Overall, there would be an adverse effect arising from the scale and height of the proposed alternative.
Heritage	Little impact on heritage	Located in area of heritage interest and setting of the listed farmhouse	The scale of the proposals are out of proportion to the historic agricultural buildings and unsympathetic to their surroundings.
Ecology			The alternative proposals would have a greater

			effect on existing trees and involve greater loss of existing habitat. It is noted that the alternative proposals intend to compensate for this loss and achieve net gain . Bucks ecologist is satisfied with the survey and biodiversity proposals subject to conditions.
Lighting	Glazed windows facing south	More extensive glazing facing south and east	The alternative has curtain glazing throughout and would have more harmful effects from light pollution.
Drainage	No known issues	Located in the lower part of the field with a history of moats. Water channels	The alternative proposals are likely to encounter drainage issues during construction with potential implications for buildability and tree roots.
Construction	Existing structure to be retained	New structure and foundations required plus longer drainage and utility connections to local infrastructure. The alternative, larger, development requires more materials, deliveries, and site works.	The alternative proposals would have more extensive construction impacts over a longer period of time
Design	Industrial / agricultural character typical of many barn conversions. Modest proportions	Traditional style but extensive glazing out of character with agricultural / heritage context.	The alternative proposals are separated from the farmhouse and barn to the north by the existing boundary wall. The traditional style for the single storey alternative results in a relatively high roofline over a considerable footprint.

The PC consider that, in principle, an alternative to the barn conversion has the potential to deliver a residential development that would be less harmful than the consented 'fallback

position'. In addition, it offers an opportunity for a design of high quality with exceptional sustainability credentials.

The alternative proposals go some way to meeting these objectives but, overall, they would be significantly more harmful than the approved scheme and, therefore, should be refused consent."

26.01.2024: "Objection to 23/04487/APP by Cuddington Parish Council

Additional information

The objection submitted by Cuddington Parish Council referred to approx. building heights.

This note provides additional and more detailed information.

It supplements the information on the cross section that has been submitted.

The Arboricultural Report (Appendix 4) includes a topographical survey plan showing the following measured levels (AOD) :-

E/W Ridge of Holymans Farmhouse	79.43
N/S Ridge of outbuildings west of Holymans Farmhouse	77.98
Ridge of existing hay barn	80.35
Ridge of E/W cowshed	76.35
Ridge of N/S shed	77.49

For comparison , the ridge of proposed single storey building is 79.30."

Consultation Responses

Highways –

- 23/11/2023 - No objections subject to conditions and informatives.

Ecologist –

- 23/11/2023 - No objection subject to recommended conditions.

Newt Officer –

- 03/01/2024 - Holding Objection; Further Information Required.
- 11/01/2024 - No objection subject to district licence conditions

Environmental Health -

- 30/11/2023 - No objections or comments regarding this proposed development.

Archaeology Officer –

- 06/12/2023 - No objection subject to condition.

Heritage Officer (surgery) -

- 29/11/2023 – No objections subject to conditions.

Tree Officer –

- 30/11/2023 – acceptable, subject to conditions.

Strategic Access Officer -

- 15/11/2023 – No particular concerns but there should be no gate across the vehicular highway at this location.
- 15/12/2023 – Revised plans have alleviated any concerns. No objection.

Representations

- 33 representations received, 29 objecting and 4 supporting, raising the following summarised issues:
 - Greater footprint than approved plans.
 - Significantly higher than buildings it would replace.
 - Harm to heritage, including adjacent listed buildings and Manor house that stood on site of 'grassy knole'.
 - Loss of or damage to trees would be detrimental to wildlife. A haven for flora and fauna. Ecological study is incomplete and inaccurate.
 - Increased number of windows and glazed doors compared with approved plan increases light pollution and affects privacy of neighbours.
 - Increase in traffic onto narrow private road which is also a footpath.
 - Sufficient sites to meet growth of village have already been identified.
 - Site is visible from all directions.
 - Site is much larger than curtilage of permitted development.
 - Materials (slate roof) are inappropriate.
 - Building is not in keeping with location and is unsympathetic.
 - Fall back position should not apply as proposals are so different.
 - If approved, should only be on basis of replacing permitted development scheme with surrounding ecological areas maintained.
 - Site is outside of village boundary contrary to VALP and NP.
 - Village is being overrun by big new builds.
 - Roof ridge would block views south towards the church.
 - Location of proposed dwelling is in a less prominent position compared to approved scheme.

- Demolition of tall barn opens up views of the site and countryside.
- Design of the new dwelling is more in keeping with surrounding vernacular than approved barn.
- Delivers a net gain in biodiversity.

Appendix B: Site Location plan

