

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

TOWN & COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

# Statement of Case of Buckinghamshire Council ('LPA')

## Public Inquiry

**APPELLANT:** Biddulph (Buckinghamshire)

**APPEAL SITE:** Land between Lodge Lane and Burtons Lane, Little Chalfont, Beaconsfield

**DEVELOPMENT:**

*Outline application for the demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle access at Oakington Avenue including construction of new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b)), land safeguarded for educational use (Use Classes E(f) and F1(a)), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access).*

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**LPA REFERENCE:** PL/21/4632/OA

**PINS REFERENCE:** APP/X0415/W/22/3303868

**12 September 2022**



Directorate for Planning, Growth & Sustainability

Planning & Environment

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**Appendix 1:** Case Officer Report to Strategic Sites Planning Committee 21.4.2022 including accompanying Appendices A-D and Update Report

**Appendix 2:** Minutes of Strategic Sites Planning Committee 21.4.2022

**Appendix 3:** Newt Officer comments 24.8.2022

## 1.0 INTRODUCTION

1.1 This Statement of Case is submitted in relation to the appeal regarding the Local Planning Authority's (LPA) refusal of planning permission, ref. PL/21/4632/OA, for the proposed development: *Outline application for the demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle access at Oakington Avenue including construction of new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b)), land safeguarded for educational use (Use Classes E(f) and F1(a)), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access).*

1.2 The refusal of planning permission Decision Notice is dated 25.4.2022 and there are 11 reasons for refusal:

- 1 *The proposed development would constitute inappropriate development and will result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals will lead to a conflict with the Green Belt purposes. The benefits of the scheme taken together do not clearly outweigh the harm and other harm (identified in the subsequent reasons for refusal). 'Very special circumstances' have not been demonstrated to justify this inappropriate development in the Green Belt. The proposal is therefore contrary to Policy GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 ('the Local Plan'), Policy CS1 of the Core Strategy for Chiltern District (Adopted November 2011) ('the Core Strategy'), and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework (2021).*
- 2 *The proposed development would give rise to significant detrimental impacts on the landscape character of the area and the views from outside the site are underestimated. Harm would result to the landscape setting with the proposed spread and density of development being too great and failing to adequately take account of the existing landscape character and site features including the characteristic dry valley topology. The character of Lodge Lane and Burtons Lane and their relationship to the adjoining landscape including the Chilterns Area of Outstanding Natural Beauty would be fundamentally changed with the setting of this feature harmed. The proposed tree removal on Lodge Lane with associated replacement retaining structure would result in harm to the character of Lodge Lane and the woodland itself. Insufficient information has been provided regarding to retention of category of A and B trees within the site. Harm to the Burtons Lane to Doggetts Wood Lane Area of Special Character is noted with the landscape design failing to appropriately respond to this character. Insufficient detail relating to the effect of lighting across the site including in relation to sensitive landscape features has been provided and the implied benefits of new planting and management are not detailed or controllable enough to be considered a reliable balance to weigh against the identified harms. The proposal is therefore considered to be in conflict with Policies CS22 and CS32 of the Adopted Core Strategy for Chiltern District*

*(November 2011) and Policies GC4, GB30, H4, LSQ1 and TW6 of the Adopted Chiltern Local Plan 1997 (including alterations adopted May 2001), Consolidated September 2007 & November 2011, the Chiltern and South Bucks Townscape Character Study (November 2017) and paragraphs 130, 131 and 174 of the National Planning Policy Framework (2021).*

- 3 *The development parameters and layout represent poor design which would fail to relate positively to the site and local context. The parameters plans would result in a layout which would give rise to harm to landscape and ecological features on the site and in design terms would not give the Council sufficient control to secure high quality design outcomes at reserved matters stage. Priority habitat is to be removed, retained ancient woodland would be subject to adverse recreational pressure, the street network is disconnected and there is the potential for harmful high density development within sensitive locations on the site. The application submission does not consider the characteristics and context of this site in relation to the settlement Little Chalfont and fails to address the Burtons Lane to Doggetts Wood Lane Area of Special Character. The development is therefore considered to represent poor design contrary to policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011), policies GC1 and GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, the Chiltern and South Bucks Townscape Character Study (November 2017), as well as paragraphs 124 and 130 of the National Planning Policy Framework (2021), and the National Design Guide (2019).*
- 4 *It is considered that insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. It has not been satisfactorily demonstrated that there would not be an unacceptable impact on the capacity of the road network, that there would be safe and suitable access, that the impact on the highways network would be less than severe, and that appropriate sustainable travel provision can be achieved. The proposed development is contrary to the Core Policies 25 and 26 of the Core Strategy for Chiltern District, Buckinghamshire Council's Highways Development Management Guidance (2018) and the aims of Buckinghamshire's Local Transport Plan 4 and paragraphs 110, 111 and 112 of the National Planning Policy Framework (2021).*
- 5 *The assessment of the development on ecology is deficient and lacks the necessary information relating to protected species and priority habitats. It has not been demonstrated that the proposed development would not have an unacceptable impact on the natural environment. Lastly, it has not demonstrated that there would be satisfactory biodiversity enhancements. The proposals are therefore contrary to Policy CS24 of the Core Strategy for Chiltern District, Paragraphs 8, 174, 180 and 181 of the National Planning Policy Framework (2021), ODPM Circular 06/2005 and the Conservation of Habitats and Species Regulations 2017.*
- 6 *The Council considers that the proposed development would by reason of its proximity lying within a 12.6k metre linear distance of the Ashridge Commons and Woods Site of Special Scientific Interest within the Chiltern Beechwoods Special Area of Conservation would add to the recreational disturbance in this area likely to harm the integrity of the conservation purposes of the Chiltern Beechwoods Special Area of Conservation. In the absence of a legal obligation to secure an appropriate mitigation strategy to the satisfaction of the Local Planning Authority, the proposal would be contrary to the Habitat Regulations and paragraphs 180 and 181 of the*

*National Planning Policy Framework and Policy CS4 of the Core Strategy for Chiltern District.*

- 7 For developments of this scale, Core Strategy Policy CS8 seeks to secure at least 40% of dwellings to be provided in the form of units of affordable accommodation on site, unless it is clearly demonstrated that this is not economically viable. The application proposes that 40% of the units subject to viability shall be for affordable accommodation. In the absence of a suitable and completed legal agreement and a mechanism to secure the provision of this affordable housing, the proposed development would be contrary to policy CS8 of the Core Strategy for Chiltern District (2011) as well as the aims of section 5 of the National Planning Policy Framework (2021).*
- 8 There is insufficient information submitted to assess the impact of the development proposals on agricultural land including 'best and most versatile' use of agricultural land, contrary to Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 and paragraph 174 of the National Planning Policy Framework (2021).*
- 9 In the absence of a suitable and completed legal agreement and a mechanism to secure the provision of a school and financial contributions, the proposed development would be contrary to policy CS31 of the Core Strategy for Chiltern District (2011) as well as the aims of section 8 of the National Planning Policy Framework (2021).*
- 10 The integrity of the Air Quality modelling undertaken to support the proposals is reliant on traffic modelling which is not up to date. It has not been satisfactorily demonstrated that the air quality impacts of the proposal would be acceptable in terms of human health or biodiversity including on the Chiltern Beechwood SAC, contrary to Policy GC9 of the Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) and paragraph 174, 180 and 181 of the National Planning Policy Framework (2021).*
- 11 It has not been demonstrated to the satisfaction of the LPA that there would not be an unacceptable impact upon surface water flood risk. As such, the proposal is contrary to Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 and guidance contained within the Sustainable Construction and Renewable Energy Supplementary Planning Document, Adopted 25 February 2015, and the provisions of the paragraphs 167 and 169 of the National Planning Policy Framework (2021).*

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is located to the south and southeast of the settlement of Little Chalfont, bounded by the London Underground metropolitan line to the north, Lodge Lane to the east, and Burtons Lane to the west. Part of the southern boundary of the site is Honors Yard, which is an industrial employment site occupied by a variety of different businesses.
- 2.2 The site is approximately 29 ha in area with the eastern, larger portion of the site previously used as a golf course and the western parcel associated with use of Homestead Farm, a residential property with outbuildings.
- 2.3 The Chilterns Area of Outstanding Natural Beauty (AONB) lies to the east of the site, with Lodge Lane marking the boundary. Two areas of Ancient Woodland are located within the site, with one area relatively central and the other to the south-eastern boundary. In addition, various other areas of woodland are identified and the site contains scattered trees and a number of hedgerows including Important Hedgerows. The site is bounded by mature trees.
- 2.4 The site sits to the south of the A404 Amersham Road, linking Amersham and Little Chalfont to the M25 motorway and Chorleywood. The A404 is reached from the site by Burtons Lane to the west and Lodge Lane to the east. These roads are semi-rural/rural residential in character and provide links through the road network to the A413 in Chalfont St Peter and on to the M40 motorway. Within the centre of Little Chalfont there is the confluence of Burtons Lane, the A404 and the B4443, Cokes Lane. Lodge Lane joins the A404 through a staggered crossroad junction on the eastern boundary of Little Chalfont, passing under a railway bridge to the north of the Lodge Lane site access. There are no public rights of way through the site.

## **3.0 PLANNING HISTORY & HANDLING OF THE APPLICATION BY THE LPA**

- 3.1 Planning applications relating to the change of use of the golf club to a residential dwelling are as follows:

CH/2008/1209/FA Change of use of existing clubhouse to form detached residential dwelling with first floor side, single storey side and roof extensions, front porch and excavation of land to the rear, served by existing vehicular access (Refused Permission)

CH/2009/0194/FA Change of use of existing clubhouse to form detached residential dwelling with excavation of land to the rear to create light wells to north elevation, served by existing vehicular access and change of use of remaining land for equestrian use (Refused Permission, Allowed at Appeal)

Other external alterations relating to the club house and a non-material amendment to CH/2009/0194/FA have been considered and approved.

- 3.2 A scoping opinion was requested in relation to the appeal development :  
PL/21/3073/EIASO EIA scoping opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for proposed development comprising demolition of existing buildings on site and construction of up to 380 homes (including 40% Affordable Units), 100 unit Retirement Village (Use Class C2/C3), 60 bed Care Home (Use Class C2), safeguarded land for a 1FE Primary School/ Primary School Expansion with nursery, Community Centre (possibly including retail use, flexible office space, satellite GP surgery) and new public parkland.
- 3.3 The residential properties at 13 and 15 Oakington Avenue and Homestead Farm (proposed to be demolished) have been subject to applications for householder extensions and alterations. The agricultural outbuildings associated with Homestead Farm are also subject to various agricultural permitted development applications, in relation to some prior approval has been granted for and for others prior approval has been refused. The detail of these applications is not considered to be material to the current application.

*Handling of the application by the LPA*

- 3.4 The Council notes paragraph 38 of the NPPF (2021). Pre application advice was sought and provided on the principle of the proposed development prior to the submission of the application.
- 3.5 A number of meetings and discussions were held with the applicant during the determination of the application. The applicant was advised that the proposal did not accord with the development plan, that no material considerations were apparent to outweigh this conflict and provided the opportunity to withdraw the application.
- 3.6 An extension of time was agreed to allow consultation on the submitted Environmental Statement addendum. The application was determined in line with the agreed time extension.

#### **4.0 PROPOSED DEVELOPMENT**

- 4.1 The description of development is:

*“Outline application for the demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle access at Oakington Avenue including construction of new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b)), land safeguarded for educational use (Use Classes E(f) and F1(a)), public open space*

*and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access)."*

- 4.2 The proposed development includes the following:
- Up to 380 residential dwellings (Class C3):
    - Market housing 213;
    - Affordable or Intermediate Rent 152;
    - Self-build and Custom-build 15;
  - Retirement Village and Care Home
    - Up to 100 units - retirement village (Class C2);
    - Up to 60 bed care home (Class C2);
  - Up to 1,000m<sup>2</sup> Community Hub (Flexible uses):
    - E(a) Display or retail sale of goods, other than hot food;
    - E(b) Food and drink which is mostly consumed on the premises;
    - E(e) Medical services not attached to the residence of the practitioner;
    - F2(b) Halls or meeting places for the principal use of the local community;
  - 1.4 ha safeguarded for a new primary school or primary school expansion
  - with nursery;
  - Retention of Lodge Lane vehicular access;
  - Creation of main vehicular access from Burtons Lane;
  - Creation of two secondary access points for footways/cycleways at the north-eastern corner of the site via Burtons Lane, and to the north via Oakington Avenue;
  - Open space, formal areas of play and associated facilities and amenity space including, landscaping, green infrastructure and provision of a Multi-Use Games Area (MUGA);
  - Car and cycle parking; and
  - Landscaping works.
- 4.3 To facilitate the proposed development eight buildings are to be demolished across the site. Four of these buildings are residential dwellings (including the building previously used as a golf course club house). Two of the dwellings to be demolished are on Oakington Avenue and will be removed to allow provision of a bridge to the site over the railway line.
- 4.4 Open space of 11.74 ha is proposed. This would be comprised of a 1.24ha public park and garden, 8.30ha of natural and semi-natural green space, 1.35ha of amenity space, 0.28ha of play space (1x Locally Equipped Area of Play, 1x Neighbourhood Equipped Area of Play, 3x incidental play or Locally Areas of Play), 0.29ha allotments (2 allotments, 3 community orchards) and a 0.28 Multi Use Games Area/bike and skate park.
- 4.5 The proposals include Parameter Plans for approval which set out the key components of the development:



- Land Use and Green Infrastructure – illustrates maximum extent for land use and green infrastructure. The land uses are residential use, retirement living and care home, safeguarded land for educational use, mixed use community building, public open spaces.
- Building Heights – building heights vary in four categories for residential dwellings: up to 2, up to 2.5, up to 3 and up to 3.5 storeys, mixed use development up to 3.5 storeys and land safeguarded for educational use up to 2 storeys.
- Access and Movement – identifies the principles of vehicular and pedestrian access to the site and through it.
- Demolition Plan – identifies buildings and structures proposed for demolition within the application site.

4.6 An indicative density plan shows three density ranges across the masterplan area: 35 – 45 dph; 45 – 55 dph; and 55 – 65 dph.

## **5.0 PLANNING POLICY**

5.1 The adopted development plan for the area comprises the Chiltern Core Strategy (2011) and the Saved Policies of the Chiltern District Local Plan (1997, incorporating alterations adopted in 2001). Commentary is provided against those Core Strategy and Local Plan policies of particular relevance to the proposals.

5.2 Local Plan policies relevant to the proposals include:

Policy GC1 – Design of Development Throughout the District

Policy GC2 – Sunlighting and Daylighting Throughout the District

Policy GC3 – Protection of Amenities Throughout the District

Policy GC4 – Landscaping Throughout the District

Policy GC9 – Prevention of Pollution Throughout the District

Policy GB1 – Extent of Green Belt in the Chiltern District

Policy GB2– Development in General in the Green Belt

Policy GB30 – Conservation and Enhancement of Rural Landscape in parts of the Green Belt

Policy LSQ1 – Chilterns Area of Outstanding Natural Beauty as Defined on the Proposals Map

Policy TR2 – Highway Aspects of Planning Applications Throughout the District

Policy TR16 – Parking and Manoeuvring Standards Throughout the District

Policy AS2 – Other Unscheduled Archaeological Remains Throughout the District

Policy TW6 – Resistance to Loss of Woodland Throughout the District

Policy NC1 – Safeguarding of Nature Conservation Interests throughout the District

5.3 The Core Strategy sets out the Spatial strategy which aims to protect the Green Belt by focussing new development on previously developed land within existing settlements. The policies relevant to the proposals include:

Policy CS1 – The Spatial Strategy

Policy CS2 – Amount and Distribution of Residential Development 2006-2026  
 Policy CS4 – Ensuring That Development is Sustainable  
 Policy CS8 – Affordable Housing Policy  
 Policy CS10 – Affordable Housing Type  
 Policy CS11 – Affordable Housing Size  
 Policy CS12 – Specialist Housing  
 Policy CS20 – Design and Environmental Quality  
 Policy CS22 – Chiltern AONB  
 Policy CS24 – Biodiversity  
 Policy CS25 – Dealing with the Impact of New Development on the Transport Network  
 Policy CS26 – Requirements of New Development Site: Area S E of Little Chalfont  
 Policy CS29 – Community  
 Policy CS30 – Reducing Crime And The Fear of Crime  
 Policy CS31 - Infrastructure  
 Policy CS32 – Green Infrastructure

5.4 Minerals and Waste plan policies relevant to the proposals include:

Policy 10 Waste prevention and minimisation

5.5 Key supplementary planning documents guidance and other documents include:

- Affordable Housing SPD 2012
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern District Council Sustainable Construction and Renewable Energy SPD (2015)
- Local Transport Plan: Buckinghamshire Local Transport Plan 4, (April 2016)
- Chiltern and South Bucks Economic Development Strategy: Chiltern District Council & South Bucks District Council (August 2017)
- The Buckinghamshire Authorities Buckinghamshire Green Belt Assessment Report: Methodology and Assessment of General Areas, (7 March 2016)
- Green Belt Options Appraisal (2016)
- Green Belt Assessment Part Two Draft Report Appendix 5: Completed Assessment Pro Forma Volume 2 – Section 2 Areas: Regulation 18 Built Area Extension Options (October 2016)
- Landscape Capacity Assessment for Green Belt Development Options in the emerging Chiltern and South Bucks Local Plan (Terra Firma) (November 2017)
- Green Belt Development Options Appraisal - Post Preferred Green Belt Options Consultation (2017)
- Chiltern & South Bucks Stage 2 Green Belt Assessment Strategic Role of the Metropolitan Green Belt in Chiltern & South Bucks (2018)
- Green Belt Assessment Part Two Update April 2019
- Green Belt Exceptional Circumstances Report (2019)

- 5.6 Other key material considerations:
- National Planning Policy Framework (2021) (NPPF)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
  - Building for a Healthy Life (BHL) (2020).
  - Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule (2020)

### ***Withdrawn Chiltern and South Bucks Local Plan (2020)***

- 5.7 On 21 October 2020 Buckinghamshire Council resolved to withdraw the Chiltern and South Bucks Local Plan 2036 following a letter from the Inspectors appointed to examine it that they were minded to conclude that in its preparation the Council had failed to comply with the duty to cooperate in relation to Slough Borough Council's ambitions for a northern extension of Slough into the Green Belt. The Council has stated its intention to have a Buckinghamshire-wide Local Plan in place by April 2025.
- 5.8 The site of the proposed development formed part of a wider draft allocation (Policy SP BP6) in the withdrawn Local Plan for a residential-led mixed use development of 700 dwellings, with primary school as part of multi-functioning community hub and 15 pitches for Gypsies and Travellers. Associated highways improvements, sustainable transport options and the retention of employment uses on the part of the site used for employment land were also specified. There were significant outstanding objections to the proposed allocation at the date of the withdrawal of the draft Local Plan.

## **6.0 AMPLIFICATION OF THE LPA'S CASE**

- 6.1 The Officer's Report sets out why the scheme is unacceptable and this should be read in conjunction with the reasons for refusal. These form part of the Council's Statement of Case in addition to consultation responses and third party correspondence for planning application PL/21/4632/OA.
- 6.2 In light of the details submitted with the appeal, including the Statement of Common Ground, a number of matters are capable of resolution which are subject to ongoing discussion. The reasons which currently appear likely to be the focus of the appeal are Reason for Refusal 1 relating to Green Belt policy, Reason for Refusal 2 relating to impact on landscape character, Reason for Refusal 3 relating to the design and Reason for Refusal 5 relating to ecology.
- 6.3 Obligations to secure affordable housing and education provision through a S106 Agreement would address Reasons for Refusal 7 and 9. Regarding the harm arising from the loss of agricultural land (Reason for Refusal 8), it is anticipated that the

harm arising from the loss of agricultural land will not be in dispute and this is a matter to be weighed in the planning balance. Depending on the timing and outcome of strategic traffic modelling being undertaken to assess the impact of the proposals on the highway network, transport matters and Reasons for Refusal 4 may also need to be considered at Inquiry. In terms of Reason for Refusal 10, the integrity of the Air Quality modelling undertaken to support the proposals is reliant on traffic modelling which is not up to date. It is understood that the appellant's Air Quality Assessment will be updated upon the completion of traffic modelling. All reasons for refusal apart from 7, 8 and 9 are addressed below.

- 6.4 As far as can be foreseen, the documents that the LPA intends to rely on during the course of the Inquiry have been referred to in this statement. However, the LPA reserves the right to refer to any updated documents if and when documents referenced have been superseded or any other appeals or case law considered relevant.

***Reason 1: Green Belt***

- 6.5 The proposed development would constitute inappropriate development within the Green Belt, result in substantial spatial and visual harm to the openness of the Green Belt, and will lead to conflict with three out of the five purposes of including land in the Green Belt.

- 6.6 Background documents to the withdrawn Local Plan include analysis which helps inform the assessment of the impact on openness. While the Local Plan has been withdrawn and carries no weight, the evidence base, whilst not formally tested, can be considered material where relevant and some weight attached to it.

- 6.7 The Part 1 County-wide study *Part 1: The Buckinghamshire Authorities Buckinghamshire Green Belt Assessment Report: Methodology and Assessment of General Areas, 7 March 2016* assessed strategic land parcels, 'General Areas', against the purposes of the Green Belt as defined in the National Planning Policy Framework (NPPF). The appeal site falls in Green Belt General Area 35 and the assessment proforma includes:

(1) To check the unrestricted sprawl of large built-up areas: *The land parcel is not at the edge of a distinct large built-up area. Score 0/5*

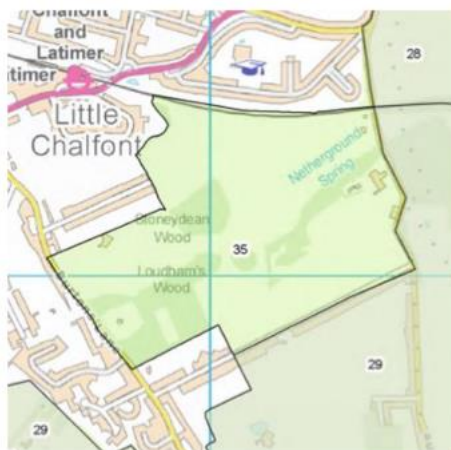
(2) To prevent neighbouring towns from merging: *The land parcel forms a small part of the wider gap between 1 the non-Green Belt settlements of Little Chalfont and Chorleywood. Although the scale of the land parcel contributes to this gap, development in the land parcel is unlikely to cause merging between settlements. Score 1/5.*

(3) Assist in safeguarding the countryside from encroachment: *Less than 5% of the land parcel is covered by built form.*

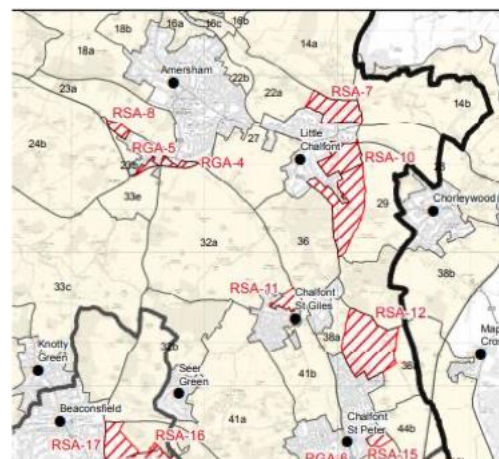
The land parcel is characterised by enclosed paddocks and fields in the south of the land parcel and the former Little Chalfont Golf Club in the north of the land parcel, interspersed with concentrated woodland areas. There are limited views out to the surrounding countryside from public areas in the land parcel and the parcel has a weak relationship with the wider countryside owing to the presence of built-form on the southern boundary. Built-form includes a large vehicle maintenance depot in the east of the land parcel, buildings associated with the golf club and a large detached property in the west of the land parcel. The presence of built-form and enclosed character of the land parcel means that it has only a largely rural character. Score 3/5.

(4) To preserve the setting and special character of historic towns: *The land parcel does not abut an identified historic settlement core and does not meet this Purpose. Score 0/5.*

- 6.8 The Green Belt Options Appraisal (2016) considered land for Green Belt release. The appeal site was part of area Ref: 1.08 which straddled a number of parcels. While it was recommended as a parcel to be considered further under the Part 1 Green Belt Assessment, the draft Part 2 Green Belt Assessment concluded removal of this area from the Green Belt would lead to significant harm to the AONB by reason of major development in the AONB outweighing any benefits of permitting development on this site. Not all of the parcel was included in the Issues and Options consultation as parts of the site were within the Chilterns AONB, would be further from the Village Centre 'and would result in disproportionate extension to the existing settlement'.



General Area 35



RSA-10

- 6.9 The smaller area, Ref: 2.10 corresponding to General Area 35 was considered (*Green Belt Assessment Part Two Draft Report Appendix 5: Completed Assessment Pro Forma Volume 2 – Section 2 Areas: Regulation 18 Built Area Extension Options October 2016*). The assessment summary included: *The area of land scores weakly against one or more Green Belt purpose(s) and a defensible boundary can be identified. Exceptional circumstances may exist. The recommendation was: Include*

as a Preferred Option for consultation with a refined area to be removed from the Green Belt.



- 6.10 The *Green Belt Assessment Part 2 2019 (Chiltern & South Bucks Stage 2 Green Belt Assessment Strategic Role of the Metropolitan Green Belt in Chiltern & South Bucks 2019)* looked at the areas recommended at Part 1 and an assessment was undertaken to see if a realistic defensible Green Belt boundary could be applied. The assessment overall summary for the area in question (Ref No. 1.08, Parcel RSA 10) was 'Moderate' in terms of scoring against the 5 Green Belt purposes. *Overall, Green Belt Area 1.08 performs moderately against Green Belt Purposes, preventing neighbouring settlements from merging (Purpose 2). Area 1.08 performs relatively weakly in contributing to the openness of the countryside (Purpose 3). The northern part of Area 1.08 performs less strongly against Purposes 2 and 3 than the southern part. Area 1.08 is neither at the edge of a distinct large built up area (Purpose 1) or abutting an identified historic settlement core (Purpose 4), and does not contribute to these Green Belt Purposes.*

*Green Belt Area 1.08 contributes to wider Green Belt objectives.*

*The release of Area 1.08 would not inherently undermine the performance of the wider Green Belt (the remaining part of Part One Parcel 29 and Parcel 36 to the west), but these areas would perform more strongly against Purpose 2.*

- 6.11 The *Chiltern and South Bucks District Council Green Belt Exceptional Circumstances Report (May 2019)* concluded that Area 2.10 performs moderately against NPPF purposes. It set out specific exceptional circumstances for the release of draft allocation site SP BP6 (Little Chalfont – Area West of Lodge Lane, 2.10) from the Green Belt, including '*The impacts on the Green Belt can be mitigated and a firm and defensible boundary either exists or can be provided*'. The proposed site allocation was the subject of objection and was not examined prior to the withdrawal of the Chiltern and South Bucks Local Plan.

- 6.12 The exceptional circumstances report was prepared within a plan making context and NPPF paragraph 140 states that "Once established, Green Belt boundaries

should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.” Individual planning applications for development within the Green Belt cannot rely on the policy provisions for altering Green Belt boundaries. Within a development management context, the stricter and more demanding requirement to demonstrate the existence of very special circumstances falls to be applied.

- 6.13 Draft Policy SP BP6 stated that the site should be for residential led for approximately 700 homes, with a primary school as part of a multi-functioning community hub. The appeal site is a smaller site.



Figure 2 and 3 – Proposed Local Plan Allocation Boundary and Application Boundary

### Green Belt Purposes

- 6.13 The Green Belt purposes are listed in paragraph 138 of the NPPF and are considered in turn below.

*Purpose a) To check the unrestricted sprawl of large built up areas*

- 6.14 Little Chalfont is identified as a main settlement within the Core Strategy, however, as detailed within the Arup Green Belt Assessment Part, 1 the site is not considered to be at the edge of a large built up area. Development of the site would not conflict with Purpose a.

*Purpose b) To prevent neighbouring towns merging into one another*

- 6.15 The site forms a small part of the wider gap between the non-Green Belt settlements of Little Chalfont and Chorleywood as noted within the 2016 Arup study and although the scale of the land parcel contributes to this gap, it is noted in the study that development in this land parcel is unlikely to cause merging between settlements.

- 6.16 Further assessment is provided within the Green Belt Part 2 Assessment with the gap between Little Chalfont and Chalfont St Giles also considered. Whilst the northern part of the site is judged as performing less strongly the contribution made to the overall openness and scale of the gap is acknowledged.

- 6.17 It is considered that the site meets this purpose and development of the site would therefore be in conflict with Purpose b.

*Purpose c) To assist in safeguarding the countryside from encroachment*

- 6.18 The Stage 2 Green Belt Assessment 2019 finds that this site meets the purpose relatively weakly in terms of wider Green Belt objectives (Score 2/5).

- 6.19 The proposed development will result in the loss of 24 ha of open land. There would be a significant scale of urbanising development that will encroach into the open countryside. Given the open character of the site, the topography and the existing mature tree belts and woodland, it is considered that the development would result in significant spatial and visual impact and detriment to the site's contribution to this purpose.

*Purpose d) To preserve the setting and special character of historic towns*

- 6.20 The proposed development does not abut an identified historic settlement and does not meet this Green Belt purpose.

*Purpose e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

- 6.21 As this purpose is to encourage the development of brownfield land, any proposal would be in conflict with this purpose.

- 6.22 As part of the Proof(s) of Evidence the Council will demonstrate that the proposed development would result in substantial spatial and visual harm to the openness of the Green Belt. In addition, the proposals will lead to conflict with three out of the five purposes of including land in the Green Belt. The proposal would be contrary to policy GB2 of the Local Plan. In accordance with NPPF paragraph 148, substantial weight is given to any harm to the Green Belt and '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.

- 6.23 As part of the Proof(s) of Evidence the Council will demonstrate that 'Very special circumstances' have not been demonstrated to justify this inappropriate development in the Green Belt. The proposals are therefore contrary to the Chiltern District Local Plan (consolidated September 2007 and November 2011) Policy GB2, and the Core Strategy for Chiltern District (Adopted November 2011) Policy CS1, and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework (2021).



## **Reason 2: Impact on Landscape Character**

- 6.24 The proposed development would give rise to significant detrimental impacts on the landscape character of the area.
- 6.25 Omissions and inconsistencies in the submitted LVIA have led to an underestimation of the effects the proposal will have on the site's landscape character. The LVIA fails to provide an assessment of the site's landscape Value or include in its assessment methodology, consideration of Natural Heritage or Cultural Heritage (formerly known as Conservation Interests in GLVIA3); or Function (a new factor since GLVIA3), as advocated in the recent Landscape Institute's Technical Guidance Note 02-21. This has resulted in an underestimation of the Sensitivity of the site to the proposed development. By following the accepted assessment guidance, the Council considers the site to be a 'valued' landscape in terms of para. 174(a) of the NPPF. As such, it should be protected and enhanced.
- 6.26 The LVIA is inconsistent in its assessment of the site's Sensitivity to the development proposal. In Appendix 13.7 Table of Landscape Effects (under Character of the Site) it refers to the sensitivity being Medium. However, in the actual assessment (see Commentary on Development sections under 'Construction Phase', Year 1 and Year 15), it continually refers to the site's sensitivity as Low. The Council considers the adverse effects of the development on the site's landscape character will be greater than the LVIA suggests.
- 6.27 The proposal would cause significant harm to the site's dry valley landform. The dry valley landform is a key landscape characteristic of the site. It features the western extension of a wider dry valley, which starts in the Chilterns Area of Outstanding Natural Beauty (AONB) in the west and crosses the AONB boundary into the site. Dry valleys are a characteristic of the AONB.
- 6.28 The Design and Access Statement (at 2.3) establishes the dry valley is between 105 and 120m AOD. Development is then proposed from the 120m contour down to below the 110m contour AOD, almost entirely developing the northern side of the valley. The LVIA does not identify any lasting adverse effect on the landform of the site (Table 13.10). The Council considers the legibility of the rural dry valley would be lost, rather than retained as the appellant suggests, resulting in a permanent, significant moderate/major adverse effect on landform.
- 6.29 The LVIA does not consider, in its assessment of Landscape effects, the permanent harm to Ancient Woodland caused by the removal of an 'Important' hedgerow H8. Hedgerow H8 provides important ecological connectivity between Stoneydean Wood (Ancient Woodland) and Netherground Spring Wood (Priority Habitat and partly Ancient Woodland). It would be removed to accommodate a substantial new

road and shared cycleway east/west through the site. Whilst ecological benefits such as the proposed Ancient Woodland buffer planting are included in the assessment of Landscape Effects, the permanent harm caused by the hedgerow removal is not. This results in an unbalanced assessment. The Council considers the adverse Landscape Effects of the proposal to be greater than the LVIA suggests.

- 6.30 The LVIA has not included in its assessment the effect of the loss of other valued hedgerows throughout the site. The AIA2 (Tree Retention and Protection dwgs. 005 P03, 006 P02 and 007 P02) shows six hedgerows will be removed from within and on the site boundary as a result of this development, including one 'Important' hedgerow (H8, Fig.2. HS2021), one 'Favourable' hedgerow (H3, Fig.2. HS2021) and two containing potentially veteran trees (H1 and 4, Fig.2. HS2021). This represents approximately 50% of all hedgerows identified in the HS2021 being removed, despite the applicant's own Hedgerow Assessment recommending 'the long term protection and enhancement of hedgerows throughout the site' (para. 5.3).
- 6.31 This permanent harm has not been identified or considered in the LVIA, whereas the unquantified benefits of the hedgerow planting and management have. This has led to an underestimation of the adverse Landscape Effects of the proposal.
- 6.32 The LVIA has not included an assessment of the adverse landscape effect of the removal of woodland along a 130m section of Lodge Lane. The group consists of 20 category A (High value) trees, 14 (70%) of which are shown as removed as a consequence of the road widening scheme (AIA2, Dwg. 005 P03). These trees, along with their understorey (which would also be removed) currently make a significant contribution to the rural character of this section of Lodge Lane.
- 6.33 The wooded bank would be much reduced in size with the remaining bank being replaced with an engineered 'green retaining structure' (DAS, Section 6.5). The Environmental Statement Addendum January 2022, Chapter 13, para 13.5 Mitigation and Enhancement Measures confirms the adverse landscape effects of the highway works 'cannot be mitigated'. The character would change from an informal rural, wooded bank to a formal engineered, grassed structure. The Council considers this will result in a localised but permanent, significant major adverse effect on the character of this section of Lodge Lane, which has not been considered in the LVIA.
- 6.34 Effects of lighting on the character of the site and the views from outside the site (except 4 views in the AONB) have not been adequately considered in the LVIA. The site is currently unlit and reflects the dark landscape of the adjacent AONB. Introducing lighting across two thirds of the site, including high level lighting associated with proposed sports pitches in the north and other commercial development, will have a significant effect on the landscape character and views of the site. The LVIA provides no assessment of the landscape and visual effects lighting would have on the site or immediate landscape. The submitted lighting

assessment is restricted to an assessment of only the visual effects of the proposal on just four, clustered viewpoints (N20, N21, N22 and N23) to the north-east of the site in the AONB (LVIA para. 13.68). The Council considers the lighting from the proposal to have the potential for a significant adverse effect on the site's landscape character and some views from outside the site.

- 6.35 The LVIA has not included in its assessment the effect of the loss of other trees and hedgerows across the site. The AIA2 (Tree Retention and Protection dwgs. 005 P03, 006 P02 and 007 P02) indicates that 59 individual trees, sixteen tree groups and six hedgerows referred to above would be removed (totalling 73 arboricultural features). Whilst there are potential opportunities within the wider site to provide new tree and woodland planting, no details of quality, size or location have been provided at this outline application stage, so it is not possible to accurately assess the level of benefits planting might bring. It could also take decades for new tree and hedgerow planting to bring the level of ecological and landscape benefits that mature, established vegetation brings. With the adverse effects being measurable and the benefits being unquantifiable, the Council considers the adverse effect of the tree and hedgerow removal would be much greater than the LVIA suggests.
- 6.36 Further, the LVIA does not provide an assessment of the proposal on the Burtons Lane to Doggetts Wood Lane Area of Special Character Area of Special Character. The 45-55 dph proposed in the western part of the site would not allow for the level of green space, planting and size of trees required to provide an appropriate landscape design response to the adjacent (to the west) Burtons Lane to Doggetts Wood Lane Area of Special Character. In its assessment of Landscape Effects (Appendix 13.7: Table of Landscape Affects) under Character of Site, the LVIA claims 'the development would represent an extension of Little Chalfont that would offer a large range of landscape improvements that create a transition between the existing built form and the wider undeveloped landscape to the east' (AONB). This is not accepted, as the existing ASC already provides a 'transition zone' on the edge of Little Chalfont. Rather than 'creating a transition', this development will undermine the existing transition zone and introduce higher density housing beyond it, to the east. The Council considers it would cause significant moderate harm to the ASC and its setting.
- 6.37 Insufficient information about primary and secondary mitigation is provided and relied upon in the LVIA to balance measurable harms. Paras 13.24 – 13.26 (Design and Mitigation) confirm that 'Primary' mitigation measures are those shown on the Land Use and Green Infrastructure Parameter Plan 00973E\_PP01 Rev.P1 and would therefore be secured by any permission at this outline stage. Details of 'Secondary' mitigation measures would be provided later at condition stage. Statements in the Year 1 and Year 15 assessments of effect on the Landscape Character of the site (Table 7) are misleading and/or wrong and overstate the benefits of mitigation and enhancements provided within the development. For instance, it is not correct that

the development would 'conserve the network of hedgerows and hedgerow trees' or 'take account of the Root Protection Areas for existing trees', as many hedgerows and trees are shown to be removed.

- 6.38 The Council does not consider it appropriate that secondary mitigation and enhancement details, for which there are no details or security of provision, be relied on so heavily in the balanced assessment of landscape and visual effects of the development. This reliance has led to an imbalanced assessment of the harms and benefits of the proposal.
- 6.39 The Council does not accept the statement at section 4.13 in the Appellant's Statement of Case (CD3.1, July 2022, CBRE) that the Council has overstated the Landscape value of site (a former golf course), not fully considering the 'strong urbanising features' of the nearby railway and employment site to south. No assessment of the landscape value of the site has been provided by the Appellant. Conversely, the Council has used the current guidance on the assessment of landscape value (Landscape Institute's Technical Guidance Note 02-21) and concluded the site would meet the criteria for a 'valued landscape' as described in the NPPF 2021.
- 6.40 Further, the Council does not accept the statement at section 4.14 in the Appellant's Statement of Case (CD3.1, July 2022, CBRE) that the development does not significantly extend beyond the landscape capacity identified in the Terra Firma study and ensures the dry valley feature is properly considered. Within the appellant's site boundary, the development extends beyond the areas identified as having potential for development in the Terra Firma Landscape Capacity Assessment (LCA) 2017. In addition, the LCA 2017 assessed the capacity of the site having regard to a density range of 30-35 dwellings per hectare with heights between 2-3 storeys. In contrast to the current application, which proposes a significantly higher density range of 35-65 dph (density parameter plan 00973E-S02 Rev.P1) along with building heights between 2-3.5 storeys (building heights parameter plan 00973E-PP02 Rev. P1). The Council considers this to be a significant increase.
- 6.41 Contrary to section 4.15 in the Appellant's Statement of Case (CD3.1, July 2022, CBRE), the Council does not give an exaggerated assessment of the impacts of the woodland removal on the character of Lodge Lane. The Appellant's claim that "... there would be a 'partial change' but that the overcanopy and sunken lane would be retained." The Lodge Lane woodland group consists of 20 category A (High value) trees (Waterman's Baseline Tree Survey dwg. 001 PO6, AIA Addendum), 14 of which are shown as removed as a consequence of the road widening scheme (Waterman's Tree Retention and Protection Plan, Dwg. 005 P03, AIA Addendum). This equates to 70% removal. 6 trees along the very top of the bank may be retainable, but the Council considers the character of the lane will be more than 'partially changed'.



*Application Land Use Parameter*

*Land use and green infrastructure*  
*Buff: Residential*  
*Pink: Care Home*  
*Red: Mixed Use*  
*Purple: Safeguarded Education*  
*Orange: Retirement Living*  
*Green: Public open space/green infrastructure*

*Landscape Capacity Assessment 2017*

*Landscape capacity study recommended development areas*  
*Green: Landscape buffer*  
*Purple: Development Area*

6.42 The proposed development would give rise to significant detrimental impacts on the landscape character of the site. The proposed development and landscape strategy would be harmful to the landscape setting and contrary to the objectives set out in the Landscape Capacity Assessment with the proposed spread and density of development being too great and failing to take adequate account of the existing landscape character and site features including the characteristic dry valley topology. The proposed tree removal on Lodge Lane with associated replacement retaining structure is harmful and would result in harm to the character of Lodge Lane and the woodland itself. Harm to the Burtons Lane to Doggetts Wood Lane Area of Special Character is noted with the landscape design failing to appropriately respond to this character. Insufficient detail relating to mitigation and the effect of lighting across the site including in relation to sensitive landscape features has been provided and it is considered that harm to a number of views from outside the site are underestimated. The proposed development is therefore considered to be in conflict with NPPF paragraphs 130, 131 and 174, with Core Strategy policies CS22 and CS32, and Saved Local Plan policies GC4, GB30, H4, LSQ1 and TW6.

### ***Reason 3: Design***

- 6.43 The application is in outline form, with all matters reserved except for 'Means of Access'. The scheme design is for consideration at the Reserved Matters Stage. However, the proposals include development parameters for approval. It is considered that the design principles, in the form of parameter plans are unsatisfactory as they do not provide a robust basis for any future reserved matters submission as they would permit a disconnected street network, poor resolution of the interface with existing homes and would allow development to come forward wholly or largely at two stories or less. Concerns relating to the density parameters are also shared by the Landscape Officer who objects to the height and density of development within sensitive parts of the site. The proposals as submitted would limit the ability to secure a well-designed scheme at a future Reserved Matters stage as the applicant is seeking to fix key parameters that do not reflect good principles of urban design, for instance connected street and movement networks and perimeter block structure.
- 6.44 There is a lack of appreciation of local character and a failure to utilise the Council's Townscape Character Study that must inform development proposals. The National Design Guide emphasises the importance of context, as such the failure to respond to the Townscape Character Study is a critical oversight.
- 6.45 The National Design Guide details that patterns of movement for people are integral to well-designed places and seeks connected routes for all modes of transport. The proposed vehicular route located centrally across the site (to the south of Stonydean Wood) and connecting the two halves of the development is annotated as being a vehicular route for bus and emergency vehicles only. This would result in disconnected street networks, with the proposed development effectively operating as two large cul-de-sacs with a poor movement network. In addition, concern is raised with regard to the operation of the bus and emergency vehicle link, and information has not been provided to demonstrate that a bus service is viable. Further, if this is not open to delivery vehicles, it is likely that a delivery driver will need to drive through the middle of the village to reach different parts of the development. There is also concern that the link may not be delivered in any form and this would further exacerbate the design concerns that the development would have a poorly designed and connected movement network. There are also concerns about street design and encouraging active travel both within and beyond the site.
- 6.46 Though noted that 'Stonydean Wood' is to be fenced off to prevent harm from recreational pressure, it is considered likely that this would be subject to such pressures given its location surrounded by residential development and that this would give rise to conflict between amenity/recreation and biodiversity. Closer adherence to the Landscape Capacity Assessment whose development areas are pulled back from the ancient woodland, would minimise this conflict.

6.47 At section 4.17 of the Appellants Statement of Case (CD3.1, July 2022, CBRE) it is stated that a series of design principles were agreed as part of pre-planning engagement. The design principles discussed and agreed are not included in the Design and Access Statement and the Urban Design Officer advised that since the last pre-application meeting various major changes have been made to the development proposals which have diluted some positive design elements, and *“In addition, a number of structural design elements remain unresolved which I consider should be resolved an outline stage as they are structural (macro) rather than detailed (micro) design considerations”*. These include:

- *Connected street and movement networks.*
- *Block structure, specifically a fundamental change in the block structure proposed with Loudhams Wood Lane where originally homes backed onto existing back gardens, creating a strong perimeter block. The application submitted includes a design change from that discussed where homes are pulled back away from this edge, thereby resulting in an unresolved front/back relationship which is not consistent with strong perimeter block structure. This relationship forms part of the proposed parameter plans which the applicant is seeking to fix. Also there is an issue with homes backing onto Stoneydean Wood.*
- *Active travel – pedestrian and cycle infrastructure beyond the site to key local destinations, inviting walking and cycling for local trips.*
- *Relationship with Burtons Lane – development is divorced from the lane rather than continuing the plot character and street to plot/building relationship characteristic in this location.*
- *Structural landscaping/tree lined streets.*

6.48 The development is therefore considered to represent poor design contrary to policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011), policies GC1 and GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, guidance set out within the Chiltern and South Bucks Townscape Character Study (November 2017) as well as paragraphs 104c, 130, 131 and 134 of the National Planning Policy Framework (2021), and the National Design Guide (2019): Context, Identity, Built form, Movement and Public spaces.

#### **Reason 4: Traffic flow + access**

- 6.49 Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Paragraph 113 states that *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*
- 6.50 The Highways Network Impact Assessment has not been carried out using strategic modelling of the site and surrounding areas or agreed with the Highway Authority and is considered insufficient. Given the scale and location of the development it should be subject to strategic modelling to assess the anticipated impacts of the development. Comprehensive assessment is required to demonstrate if the impacts can be adequately mitigated. Additionally, the appellant has not taken into consideration any committed or potential significant developments in the area, therefore cumulative impacts have not been assessed. Further, the Highway Authority is not satisfied that local junction modelling is accurate and concludes that it is not possible to draw definitive conclusions from the outputs until the models have been corrected and input data is agreeable. The assessment year of 2026 being used in future assessments is not considered appropriate. Therefore, it has not been demonstrated that the development would result in an acceptable impact on the free flow and safety of the road network.
- 6.51 The proposed access arrangements to the site comprise of two priority junctions, one on Burtons Lane and one on Lodge Lane. Both of these junctions are at the bottom of dips, however, they are able to achieve the visibility requirements in both directions (120m on Lodge Lane and 90m on Burtons Lane). Notwithstanding this, the Highway Authority notes that additional information is required in the form of Stage One Safety Audits due to the gradients involved. Concern is also raised relating to the safe access of large vehicles including buses from Lodge Lane and Burtons Lane. Road widening on Lodge Lane is noted with the proposed width considered to be acceptable, however, additional information is required relating to forward visibility and the width of the carriageway to demonstrate that two vehicles can pass safely.
- 6.52 A new footbridge is proposed for pedestrian and cycle access over the railway line to the north of the site. Connection to Oakington Avenue and onward to the A404 is considered acceptable in principle, however, in order to assess fully details of the pedestrian trips the Highway Authority requires information regarding pedestrian and cycle trips, and certainty that this link is deliverable. Additional information is required relating to the passing of traffic through the site, as the proposal details that this would only be possible for emergency and service vehicles, such as buses, to gain access. There is a lack of information as to if this proposal is deliverable and can with certainty be secured through reserved matters.



- 6.53 The deficiencies identified within the Transport Assessment prevent the Highway Authority from assessing the mitigation package proposed against the NPPF standard of severe impact.
- 6.54 The internal layout of the site as indicated on the 'Access and Movement Parameter Plan' contains a number of no-through routes that would require refuse and delivery service vehicles to turn and reverse within the site.
- 6.55 It is considered that insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. The site has not been fully demonstrated to have safe and suitable access, an impact on the highway network that is less than severe, and that appropriate sustainable travel provision can be achieved. The proposed development is contrary to paragraphs 110, 111 and 112 of the National Planning Policy Framework, Core Policies 25 and 26 of the Core Strategy for Chiltern District, Buckinghamshire Council's Highways Development Management Guidance (2018) and the aims of Buckinghamshire's Local Transport Plan 4.

***Reason 5: Ecology (Protected Species, Priority Habitats and Biodiversity Net Gain)***

- 6.56 Two areas of ancient and semi-natural woodland, 'Stonydean Wood' referred in the ES and Preliminary Ecological Appraisal (PEA) as 'W5' and 'Netherground Spring' referred in the ES and PEA as 'W1' exist within the site boundary. Another seven areas of ancient woodland are located within 1km of the site. Most of the rest of the woodland areas located within the site boundary are designated Natural Environment and Rural Communities (NERC) Act Section 41 Priority Habitat Deciduous Woodland, including the hawthorn scrub area to the north-west of the site. Within a 10km zone of influence from the site, ten Local Nature Reserves are located, twelve Sites of Special Scientific Interest (SSSIs) and one SSSI that is also a designated National Nature Reserve (NNR) 'Ruislip Wood'. Three Local Wildlife Sites are also present within 3km of the site: 'Lane Wood, Ladies' Arbour', 'West Wood LWS, Place house Copse' and 'Meadow adjacent to Lower Water, Latimer'. Protected and notable species which have been identified as being affected by the development including bats, badger, reptiles, great crested newt and other amphibians, nesting birds, dormouse and invertebrates.
- 6.57 The information submitted relating to protected species is insufficient to inform an assessment of the impacts of the proposed development. Protected species are a material consideration of the planning process and it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted (ODPM, 2005/06).

### *Bats*

- 6.58 Bat activity survey work of buildings 13 and 15 Oakington Avenue was requested prior to determination of the application. Bat roosts were confirmed in the buildings therefore full activity surveys should have been carried out within the optimal survey season prior to determination of the application.
- 6.59 Regarding the trees at Lodge Lane it was unclear how many would be removed and how the road would be widened. The results of the activity surveys which had been carried out identified a large concentration of bat passes immediately to the south of the railway bridge by Lodge Lane, thus the Council recommended that the whole section of Lodge Lane within the application site should also be covered by sufficient activity survey work (transect/static detector surveys). It should be noted that Lodge Lane is not lit and with Stony Lane, this lane connects two parcels of ancient woodland 'Netherground Spring' in the south and 'Walk Wood' to the north. Given the recorded presence of barbastelle bats at the site, it was also recommended that these surveys should be carried out so that the impact on a key commuting corridor was assessed. The Council's Ecologist advised that these surveys should be carried out prior to determination of the application but no such survey results were submitted in support of the appeal.
- 6.60 Whilst the January 2022 ES Addendum included a preliminary ground level roost assessment of the trees at Lodge Lane, many trees had dense ivy coverage and it is not clear how negligible potential for roosting bats was concluded.
- 6.61 Owing to the proposed development layout and the likely impacts on the ancient and priority woodlands and the presence of bats, including County important barbastelle, a lighting strategy was also requested to enable the Council to assess the impacts of this development on the woodlands and bats and other nocturnal wildlife prior to determination of the application. This has not been submitted.
- 6.62 It remains the case that bat activity survey work has not been submitted in accordance with best practice guidance. These surveys are required to determine the impacts of the proposals on bats which is used by 11 bat species, including the Barbastelle Bat (a county value species). An insufficient level of information has been submitted to understand the impact of the proposals on bats. Notwithstanding the lack of information provided, it is considered that the proposed mitigation is unlikely to be sufficient to mitigate harm to bats given that the poor layout of the development would destroy the majority of bat foraging habitat and community routes with increased disturbance. It is important to maintain connectivity through dark corridors and in areas of high bat activity.

### *Badgers*

- 6.63 The historical use of the site by badgers has been confirmed via initial surveys. Several setts have been recorded and signs of badger throughout the site but without the results of the bait marking survey, it is not possible to make a proper assessment of the impacts of the proposed development on the local badger population. It was recommended that the results of a further badger bait marking

survey be submitted prior to determination of the application. These have not been submitted.

#### *Great Crested Newts*

- 6.64 Please refer to the comments by the Newt Officer. The development falls within the amber risk zone for Great Crested Newt (GCN) where there is suitable habitat and a high likelihood of GCN presence. The Newt Officer has reviewed the ES Addendum (Feb 2022) and is not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat - comments provided as an appendix. Therefore, the likely absence of GCN from this site cannot be determined with the current level of information presented.
- 6.65 In line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), further information is required to either rule out impacts to GCN (i.e. to show that the rest of the ponds within 500m are not suitable for great crested newts, or carry out a survey to determine presence/likely absence and then present appropriate mitigation and compensatory measures to satisfy the licensing tests) or demonstrate how GCN will be dealt with. The applicant needs to either:
- Submit a NatureSpace Report or Certificate to demonstrate that any potential impacts of the proposed development can be addressed through Buckinghamshire Council's District Licence. GCN survey information is not required for this option; or
  - Provide further information to describe the status of the ponds within 500m and the suitability of habitat on and adjacent to site, in line with Natural England's Standing Advice, to rule out impacts to great crested newts, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals.

#### *Reptiles*

- 6.66 Although it was stated in the Statement of Clarification-Ecology and Climate Change clarifications that a reptile receptor site plan was provided in Appendix B, there was no plan of receptor site apart from the plan of refugia. The reptile receptor site plan and future management should have been provided and is required prior to determination of the application.

#### *Biodiversity Net Gain (BNG)*

- 6.67 The Council does not accept the statement at section 4.27 in the Appellant's Statement of Case (CD3.1, July 2022, CBRE) that the "*Council has failed to appropriately consider the Biodiversity Net Gain that is achieved through the development*". The necessary information to make an assessment was not provided. According to all information available to the Council at the time of the refusal, the development would result in a biodiversity loss which was contrary to NPPF.
- 6.68 Full species lists and species abundances per existing habitat compartment that are required to enable the condition of each habitat to be reviewed to ensure that the

metric is as accurate as possible were not provided. Similarly, a proposed habitat plan which must be as detailed as possible was not provided. Future management/land use should also be considered prior to determination of the application so correct habitat entries and conditions are included in the metric.

6.69 The Council does not accept that the habitat details can be decided at the reserved matters stage as at that point, it may be too late to ensure that a biodiversity gain is achieved. If the public open space is the same area that is allocated for habitat creation (priority habitat lowland meadow) then this should be confirmed prior to determination and not at reserved matters stage.

6.70 It should be noted that in line with the Biodiversity Metric 3.0 User Guide - Natural England:

*“The metric does not override or undermine any existing planning policy or legislation, including the mitigation hierarchy which should always be considered as the metric is applied.”*

*“Biodiversity metric calculations can inform decision-making where application of the mitigation hierarchy and good practice principles conclude that compensation for habitat losses is justified.”*

6.71 Following the Mitigation Hierarchy, any predicted biodiversity loss should be compensated for onsite subject to appropriate habitat creation and management proposals, for example, allowing larger areas for habitat creation around the ancient woodland and better habitat connectivity, and any residual loss should be offset. It has not been demonstrated that the Mitigation Hierarchy has been appropriately applied.

#### *Woodland Management Strategy*

6.72 A Woodland Management Strategy was requested but has not been provided. According to the proposed layout, the ancient woodland ‘Stoneydean Wood’ will become isolated as an ‘Important’ hedgerow that connects this woodland to the south Priority Habitat Deciduous Woodland will be removed and housing is proposed almost all around the periphery of the woodland. Given the proposed layout, a woodland management strategy was requested prior to determination of the application. It was stated in the Statement of Clarification-Ecology and Climate Change clarifications that *“As all ancient woodland areas are to be retained, the Development as assessed in the ES would not result in significant adverse effects (further impacting the functional integrity of ancient woodland), and the recommended mitigation, such as buffer zones implemented, CEMP, LHMP and Woodland Management Strategy (subject to a planning condition and addressed at RMA) would contribute to the preservation of the ancient woodland. Therefore, it is considered that at this stage, sufficient information has been provided in the ES to demonstrate how the Development would avoid deterioration of the ancient woodlands within the Site.”* The Council is not satisfied that sufficient information

has been provided to demonstrate how the development would avoid deterioration of 'Stoneydean Wood' when housing is proposed almost all around the woodland and the key connective corridor ('Important' hedgerow) to this woodland is to be removed.

- 6.73 Given the proposed layout, a woodland management strategy is required prior to determination of the application so the impacts of this development on the woodland can be fully assessed.
- 6.74 The habitats within the buffer area should be confirmed in principle prior to determination and not at reserved matters stage to ensure that semi-natural habitats (such as woodland, scrub, wildflower grassland) will be created in line with Natural England and Forestry Commission Standing Advice. Standing Advice in line with 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, and a suitable compensation strategy exists. The proposed development will directly and indirectly affect irreplaceable habitats resulting in their deterioration, but no compensation strategy has been provided.
- 6.75 The Council is not satisfied that the effects of the proposed development on irreplaceable habitats have been addressed. The direct effects of the development to 'Stoneydean Wood' and 'Netherground Spring' ancient woodlands include:
- damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland – most of the open grassland surrounding 'Stoneydean Wood' will be developed to residential area and other connective habitat to this woodland; an 'Important' hedgerow, is to be removed;
  - increasing levels of air and light pollution, noise and vibration - by an increase of nitrogen levels due to cars/access roads, gas emissions from residential properties, increased level of lighting from residential properties, street lighting, car headlights, machinery works/SUDS works next to woodland;
  - changing the water table or drainage – an access road surrounding 'Stoneydean Wood' and residential buildings, surface run off owing to site topography;
  - changing the woodland ecosystem by removing the woodland edge or thinning trees – causing greater wind damage and soil loss – possible issue post development as residential properties are to be located very near to ancient woodlands and trees have to be felled down due to health and safety.
- 6.76 Indirect effects of the proposed development that can also cause the loss or deterioration of the ancient woodland within the site include:
- breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - an 'Important' hedgerow is to be removed, along with grassland habitat;

- reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species – almost all areas surrounding ‘Stoneydean Wood’ are to be built up and an ‘Important’ hedgerow to be removed, both areas affected causing isolation of this woodland;
- reducing the resilience of the woodland or trees and making them more vulnerable to change - by increased access of residents, their pets, pollution;
- increasing the amount of dust, light, water, air and soil pollution - reasons as stated above;
- increasing disturbance to wildlife, such as noise from additional people and traffic;
- increasing damage to habitat, for example, trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas;
- increasing damaging activities like fly-tipping and the impact of domestic pets;
- increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration;
- risk of garden encroachment, including potential invasive species;
- changing the landscape character of the area.

6.77 Within section 4.25 of the Appellants Statement of Case (CD3.1, July 2022, CBRE) it is stated that where relevant updated planning surveys will be provided as part of the appeal process to ensure that they remain relevant. At present the Council has not been approached by the appellant and additional information has not been provided, therefore the position remains unchanged. It has not been demonstrated that the proposed development would not have an unacceptable impact on the natural environment and it has not demonstrated that there would be satisfactory biodiversity enhancements, contrary to Core Strategy Policy CS24 and NPPF paragraphs 8, 174, 180 and 181.

### ***Reason 6: Ecology (SAC)***

6.78 Part of the application site lies within the 12.6 kilometre Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (SAC) which is made up of nine constituent Sites of Special Scientific Interest (SSSIs): Ashridge Commons and Woods SSSI, Aston Rowant Woods SSSI, Bisham Woods SSSI, Bradenham Woods, Park Wood and The Coppice SSSI, Ellesborough and Kimble Warrens SSSI, Hollowhill and Pullingshill Woods SSSI, Naphill Common SSSI, Tring Woodlands SSSI and Windsor Hill SSSI.

6.79 Evidence has been published by Dacorum Borough Council (March 2022) on the impacts of recreational and urban growth at Chiltern Beechwoods Special Area of Conservation. Natural England has endorsed this evidence which concluded that likely significant effects on the integrity of the Chilterns Beechwoods SAC from recreational disturbance would derive from a net increase in new homes within a linear distance (a Zone of Influence) of 12.6 kilometres from the boundary of the

Ashridge Commons and Woods SSSI and 1.7 kilometres for Tring Woodlands SSSI in the Chilterns Beechwoods SAC.

- 6.80 The disturbance is from additional human and dog presence in the Chilterns Beechwoods SAC. The impacts of recreational pressure, such as visitor trampling, disturbance and soil compaction, may directly harm potential stag beetle habitat, as well as other qualifying features of the SAC such as beech forest, semi-natural grassland and scrubland. Impacts can also include visitor parking and damage caused by vehicles, dog fouling and nutrient enrichment, mountain biking, removal and disturbance of dead wood habitats, footpath widening (by people, horses and bikes) and associated loss of marginal / ride vegetation. Recreational pressure within the SAC, particularly at Ashridge Commons and Woods SSSI, is likely to have an adverse impact on the health of the SAC.
- 6.81 Natural England confirm that, in light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 12.6km of the Special Area of Conservation boundary. The Authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the Special Area of Conservation.
- 6.82 Given the above, the Council carried out an Appropriate Assessment for the proposed development, which was included as an appendix to the Planning Committee report. This concluded that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse the planning application.
- 6.83 Within section 4.30 of the Appellants Statement of Case (CD3.1, July 2022, CBRE), it is stated that only part of the site is located within the Zone of Influence (ZoL) and this area includes uses (Care Home, School) where recreational impacts may be anticipated to be reduced. It is stated at 4.31 that Strategic mitigation likely to be in place and that the site is capable of accommodating the necessary requirement for SANG. NE in their response dated 6<sup>th</sup> September 2022 maintain their objection but have stated that in principle they are satisfied that the on-site greenspace can function as a SANG. *Once the SAMM is agreed and a SANG management plan is completed and supplied for our agreement, and is found to be meeting the requirements of the Habitats Regulations, then we will be happy to remove this objection.*
- 6.84 At this time it is not considered that the Appellant has demonstrated that there is currently a basis for an appropriate mitigation strategy to prevent a likely significant effect upon the integrity of the Chiltern Beechwoods Special Area of Conservation.
- 6.85 The proposals are therefore contrary to the Habitats Regulations and paragraphs 180 and 181 of the National Planning Policy Framework, Policy NC1 of the Chiltern

District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) and Policy CS24 of the Core Strategy for Chiltern District (adopted November 2011).

***Reason 10: Air Quality***

- 6.86 The traffic data used in the Air Quality Assessment is based on the transport data submitted in support of the application. The Highway Authority has expressed concerns over the transport data including the use of outdated baseline data. An underestimation of trip rates from the developments would result in an inaccurate assessment of the development on Air Quality. Whilst it appears likely that any air quality issues will be capable of being addressed by condition, the results of the additional traffic modelling are required to confirm this and to assist with the identification of any mitigation measures.
- 6.87 Within section 4.40 of the Appellants Statement of Case (CD3.1, July 2022, CBRE), it is stated that Air Quality modelling can be updated. At present, the Council has not been approached by the appellant and additional information has not been provided, therefore the position remains unchanged. It has not been satisfactorily demonstrated that the air quality impacts of the proposal would be acceptable in terms of human health or biodiversity including on the Chiltern Beechwood SAC, contrary to Policy GC9 of the Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) and paragraph 174, 180 and 181 of the National Planning Policy Framework (2021).

***Reason 11: Flood Risk***

- 6.88 The site is located in Flood Zone 1 and at the lowest risk of fluvial flooding. The Flood Map for Surface Water flooding shows that the majority of the site lies in an area of very low risk of surface water flooding. However, due to the natural topography of the site, there are two flow routes which divide the site. One is a high-risk flow route, west to east, with ponding occurring along the eastern boundary of the site with Lodge Lane. The second flows north to south and is at low risk of flooding, conversing with the first flow route in the centre of the site.
- 6.89 The proposed surface water drainage scheme will rely on infiltration, runoff will be attenuated within basins before being discharged to soakaways beneath the basins. Infiltration rate testing has been provided to support the proposal, however, the Lead Local Flood Authority (LLFA) have concerns with the testing completed.
- 6.90 Eight locations across the application site were tested for infiltration potential, however, only one trial pit (SA04) achieved sufficient drop in water to derive an infiltration rate. Within the Infiltration Assessment (08877-HYD-XX-XX-RP-GE-0001, 5th December 2019, Hydrock) it is stated that the site is underlain by chalk geology,



with areas either side of the dry valley being overlain by superficial deposits. The superficial deposits will naturally have a lower infiltration potential than the chalk.

- 6.91 The only trial pit to achieve infiltration was SA04, and this appears to be because this trial pit intercepted the chalk. The LLFA have questioned why several trial pits were not dug deeper until the chalk was encountered. At present, it has only been demonstrated that Infiltration Basin 1 will be located in the chalk and therefore will allow for infiltration as proposed. As the depth of the chalk across the site is unknown, it currently cannot be shown that all of the proposed soakaways will be located within the chalk. It has therefore not been demonstrated that the proposed surface water drainage scheme will function as intended.
- 6.92 In order to demonstrate that all of the proposed soakaways will be located within the chalk the LLFA require additional trial pits to be constructed, ideally in the locations of the proposed basins and soakaways or as close as reasonably practical. These trial pits must be dug deep enough to intercept the chalk.
- 6.93 Previously, concerns were raised about the locations of the basins in relation to the surface water flooding. The Technical Note explains that the hydraulic modelling has been updated which shows that the basins have now been removed out of areas of flood risk. However, the LLFA do not agree with this assessment, when the Drainage Strategy (LCF-HYD-XX-XX-DR-D-2200 Revision P07, 18/03/2022, Hydrock) is overlain onto the Post Development Surface Water Flood Depths (08877- HYD-XX-XX-DR-FR-0007 Revision P04, 08/03/2022, Hydrock), Basins 3 and 4 appear to still be at risk of surface water flooding. It is understood that layout is not being determined at this stage of planning, therefore at the reserved matters stage it will have to be shown that the proposed basins are not in an area of existing flood risk.
- 6.94 Within section 4.41 of the Appellants Statement of Case (CD3.1, July 2022, CBRE), it has been stated that further evidence will be submitted. At present, the LLFA has not been approached by the appellant and additional information has not been provided, therefore the position of the LLFA remains unchanged. It has not been demonstrated that the site can be suitably drained using an appropriate method of surface water disposal. A suitable method of surface water disposal must be demonstrated at this stage of planning to ensure that surface water flood risk generated by the increase in impermeable area can be adequately managed and that flood risk is not increased elsewhere or to future occupants of the development, as set out in paragraphs 159 and 167 of the National Planning Policy Framework (2021).
- 6.95 As such, the proposal is contrary to Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 and guidance contained within the Sustainable Construction and Renewable Energy Supplementary Planning Document, Adopted 25 February 2015, and the provisions of the paragraphs 167 and 169 of the National Planning Policy Framework (2021).

## Planning and Very Special Circumstances Balance

- 6.96 The NPPF sets out in paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.97 It is the Council's case that the adverse impacts of granting permission, namely the harm to the Green Belt, the impact on landscape character and views, the poor standard of design, failure to demonstrate that there would be no adverse impact on the strategic highway network, the adverse impacts on protected species, on priority habitat and the Chilterns Beechwoods Special Area of Conservation (SAC) and inadequacy of the BNG proposals, and the other reasons for refusal that may not be able to be resolved i.e. impact on air quality and surface water flood risk, are not clearly outweighed by the benefits upon which the Appellant relies.
- 6.98 As part of the Proof(s) of Evidence, the Council will demonstrate that the Appellants have not shown that very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal as required by paragraph 143 of the NPPF (2021). In line with the NPPF (paragraph 148), this harm is afforded substantial weight.
- 6.99 The benefits put forward by the appellant to support the very special circumstances case include:
- Market housing and family housing;
  - Affordable housing;
  - Custom housing;
  - Meeting the needs of an ageing population;
  - Improvements to access to open space;
  - Economic; and,
  - Community.
- 6.100 The Council is currently unable to demonstrate the five-year supply of deliverable housing sites. The East Area of Buckinghamshire has a 2.7 year supply of housing sites for the five-year period 2021-2026 and a 2.1 years for the five-year period 2022-2027 (from 1 April 2022) as set out in the Chiltern And South Bucks Five Year Housing Land Supply Position Statement, published April 2022.
- 6.101 In the Statement of Case (para 5.9) the appellant states they will argue that the 5YRS (HLS) is below 2.1 years in reference to Newlands Park where lack of progress is inferred. Full planning permission at Newland Park was secured in July 2016. Ground works started during 2019/20 and from recent contact with the Site Manager, it is understood that infrastructure such as roads, curbs and landscaping is progressing and that construction of the homes will commence in November 2022. There is already a housebuilder, Comer Homes, delivering new homes. The Council's housing

trajectory is projecting the first 50 homes to be delivered during 2023/24 but some homes could be delivered earlier in 2022/23 if construction commences at the end of this year. Therefore, the site is deliverable and it is considered that the expected delivery rates are realistic.

- 6.102 When the planning application was determined a 4.18 years supply was reported to Committee (based on the Chiltern and South Bucks Interim Five-Year Housing Land Supply Calculation at 1st April 2020, published 11th September 2020), and moderate weight was attributed to the delivery of housing as a benefit of the scheme. Given the change in the position following the publication of the Chiltern And South Bucks Five Year Housing Land Supply Position Statement in April 2022, it is considered that the provision of housing is a benefit that should be attributed very substantial weight subject to the site being shown to be deliverable.
- 6.103 Similarly with affordable housing provision, very substantial weight should be attributed as a benefit of the scheme.
- 6.104 Regarding provision for self-build / custom build homes, the Council has a duty to grant permission for enough suitable serviced plots of land to meet the demand of entries on Part 1 of the Register which contains 36 applications for the period 2019-2021. This scheme for outline planning consent does not detail whether these homes will be affordable or market housing. The provision of plots for self-build / custom homes is a benefit of the scheme to moderate weight should be attributed.
- 6.105 The Council's Adult Social Care (ASC) service have considered the proposals for a care home and retirement housing as part of the proposed scheme. In summary:
- There is no information on what type of care home is being proposed e.g. will they be residential or nursing beds?; will it be specialist care (e.g. dementia)?; what would be the cost to residents (or to the Council if the ASC service wants to place a client there)
  - ASC doubts the value of having care home at this location in view of the lack of any specific details and would not support it.
  - Previous experience of care homes in this type of location has been that they have been high cost and too expensive for the ASC service to procure for clients.
  - If a care home in this location is too expensive for local residents (or ASC placements) then this means that it will not meet the needs in Bucks and will instead result in an influx of residents from out of county. This will subsequently create more pressures on the Bucks ASC service as these residents run down their funds and then seek help from the Council.
  - Similarly, ASC doubts the value of the proposed retirement housing without any details of the model, costs etc. In particular, there is the risk of properties being highly priced and not affordable for local people – generating an influx of older residents from out of Bucks who subsequently place pressure on Bucks services.

- 6.106 In light of the Council's concerns, it is considered that the provision of accommodation to meet the needs of an ageing population could be attributed only moderate weight.
- 6.107 Regarding the Economic Benefits Statement provided, it is noted that the development will support 439 construction workers and add value over the four-year construction period, but these economic benefits would be short term only. This, and benefits including income via the Council Tax revenues, are considered to be relatively minor. The creation of additional jobs on site can be considered a benefit. It is considered that the economic benefits of the scheme should be attributed limited weight in the planning balance.
- 6.108 Notwithstanding that the amount of open space proposed may be more than would be required, it nonetheless primarily serves the development itself. There are also concerns regarding the impact on habitats and ancient woodland, which tempers the weight that can be attributed.
- 6.109 While the proposal will provide new walking and cycling connections to Lodge Lane and Burtons Lane, these will not afford significantly more direct connection to the AONB and PROW network than already exists. A new connection is proposed via a bridge over the railway and while it is understood that discussions with Transport for London have taken place, there is currently no certainty that this bridge can be delivered. There are also concerns regarding the impact on the setting of the AONB and the landscape character of the area which tempers the weight to be attributed to improved access to the AONB as a benefit of the scheme.
- 6.110 It is considered that improvements to access to public space provision is a benefit that could only be attributed limited weight.
- 6.111 The inclusion of community infrastructure provision in the form of a 'Community Hub' is noted, however, justification of the need for this facility and how the proposed uses would serve the existing community of Little Chalfont and future residents of the site has not been provided. In this context, it is considered that the community hub can only be attributed limited weight as a benefit of the scheme.
- 6.112 The Very Special Circumstances case in effect seeks to translate the Exceptional Circumstances case put forward to support the proposal to remove the application site from the Green Belt, through the now withdrawn Local Plan. However, individual planning applications for development within the Green Belt cannot rely on the different policy test for altering Green Belt boundaries. It is concluded that all of the harms are not clearly outweighed by all of the benefits, and therefore very special circumstances' do not exist in this case.
- 6.113 It is considered that the application of policies in the National Planning Policy Framework provides a "clear reason for refusing" the development proposal under NPPF paragraph 11(d)(i) on Green Belt and habitat grounds. It is concluded that the proposals are in conflict with the development plan policies in so far as they relate to

the Green Belt, landscape character, design, and if the other reasons for refusal can't be resolved then also in respect of the natural environment, transport, air quality and loss of BMV. There are no other material considerations that outweigh the conflict with the development plan. The proposals represent unsustainable development and the appeal should be dismissed.

## 7.0 Witnesses & Evidence

- 7.1 Proof of Evidence – John Fannon: Planning policy, Green Belt and the planning balance.
- 7.2 Proof of Evidence – Niki Huijer: Landscape
- 7.3 Proof of Evidence – Stefan Kruczkowski: Layout and design.
- 7.3 Proof of Evidence – James Duncan: Highways.
- 7.4 Proof of Evidence – Agni-Louiza Arampoglou, Ecology.

## 8.0 Outstanding issues

### Legal Agreement

- 8.1 The LPA will work with the Appellants to reach an agreed Head of Terms for the legal agreement if the appeal is allowed. The Heads of Terms the LPA will seek as part of any legal agreement will likely include (but not exhaustive) the following:

Affordable Housing	– to secure a policy compliant provision
Signage and Wayfinding	– contribution towards AONB Management Plan
Employment	– local employment and procurement strategy
Landscape Management and Open Space	– long term management & maintenance
Open Space	– phased delivery and access to the general public
Education	– to safeguard land for a school; contribution towards education
Pedestrian / cycle bridge	– to secure delivery
Off-site highway works	
Travel Plan -	
Car Club	– opportunities for provider
Custom Built housing	– to secure a certain number of plots

### Conditions

- 8.2 In line with paragraph 55 of the NPPF (2021) and without prejudice to the Council's Case, the LPA will engage with the Appellants to provide, a list "recommended conditions" in the event the Planning Inspectorate allows this appeal.
- 8.3 As directed by the Planning Inspectorate, the Council will seek to resolve as many outstanding issues as possible, and if the Inspectorate allows seek to provide an updated Statement of Common Ground during the course of the appeal process as needed.