

# Full Statement of Case

Little Chalfont

Land Between Lodge Lane and Burtons Lane, Little Chalfont,  
Buckinghamshire (REF: PL/21/4632/OA)

CBRE on behalf of  
Biddulph (Buckinghamshire)

July, 2022

**Core Document Reference CD3.1**

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# 1. Instructions and Introduction

## (i) Instructions

- 1.1. This Statement of Case (“SoC”) is prepared by CBRE on behalf of our client Biddulph (Buckinghamshire) (“the Appellant”) to prepare and submit an Appeal via the Public Inquiry route against the refusal by Buckinghamshire Council (“the Council”) to grant outline planning permission for the following proposals:

*“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. A copy of the Decision Notice dated 25<sup>th</sup> April 2022 is enclosed (**CD2.1**). The planning application reference number is **PL/21/4632/OA**.

## (ii) Introduction

- 1.3. This SoC comprises the Appellant’s Full Statement of Case at the time of lodging the Appeal. As such, the Appellant reserves the right to add or amend its case in the light of receiving the Council’s SoC in due course.
- 1.4. A draft Statement of Common Ground (“dSoCG”) is also submitted and the Appellant will seek to agree on its contents with the Council in advance of the Public Inquiry.
- 1.5. This Appeal has been lodged against the Members’ refusal of outline planning consent, which followed an Officer’s recommendation to refuse planning permission, at a meeting of the Strategic Sites Committee on the 21<sup>st</sup> April 2022. A copy of the Officer’s Committee Report is enclosed in (**CD2.2**).
- 1.6. The webcast of the Planning Committee meeting is available via the following link:  
[https://buckinghamshire.public-i.tv/core/portal/webcast\\_interactive/665193/start\\_time/225000](https://buckinghamshire.public-i.tv/core/portal/webcast_interactive/665193/start_time/225000)
- 1.7. This Appeal submission follows the Council’s recent (one week after the Strategic Sites Committee Meeting) publication of an updated five year housing land supply (5YHLS) assessment which reports a 2.1 year supply for the East Area (this being the area comprised of the former Chiltern District Council), for the five-year period between 2022-2027. A copy of the Council’s 5YHLS is enclosed with this SoC (**CD4.4**).
- 1.8. It is common ground that the council cannot demonstrate a 5YHLS. The Appellant is currently reviewing the Council’s most recent 5YHLS to see if this should be revised down further. Any updated position on this will be reflected through the SoCG.

- 1.9. In such circumstances where there is no 5YHLS, paragraph 11 d) of the NPPF 2021 is engaged and the 'tilted balance' triggered. It is the Appellant's position that in undertaking this exercise the planning benefits associated with the scheme have been significantly downplayed and the harm to the Green Belt and wider landscape overstated. This is considered in further detail within Sections 4 - 6 of this SoC.
- 1.10. The purpose of this SoC is to set out the substantial benefits of the Proposed Development and the Appellant's compelling case against the refusal of planning permission. As well as responding to the reasons for refusal set out in the Decision Notice (**CD2.1**), it will highlight any other issues considered relevant for the Appellant's case and highlight areas where further information will be provided as part of the Proof of Evidence (PoE).
- 1.11. This SoC also considers the appropriate route for appeal and the reasons why the Appellant considers that its appeal should be heard by way of a Planning Inquiry.
- 1.12. Pre-Notification of the Appeal was issued to PINS and Buckinghamshire Council on 6<sup>th</sup> July 2022.

## 2. Site Context, Withdrawn Local Plan and Engagement with the Council

### Site Description and Planning History

- 2.1. The site comprises two parcels of land. A significant part of the site is a former golf course on the eastern part of the site and the western parcel is Homestead Farm which is a residential property with associated outbuildings. The land is bound by Lodge Lane to the east and Burtons Lane to the west. The site covers an area of approximately 29 hectares (**CD1.1**). The site is sustainably located to the South East of Little Chalfont.
- 2.2. The historic use of the site as a golf course ended in 2010; since then, permission has been granted for residential use on part of the site (**CD6.1**) and the open space remains private. The site is predominantly made up of grassland from this former use, with small sections comprising of paddocks, areas of ancient woodland and storage buildings. Built form on the site comprises the former clubhouse building and the hardstanding associated with the former car park and Homestead Farm and its outbuildings. Homestead Farm is not a farm but a private residential property.
- 2.3. The site also includes two bungalows at 13 and 15 Oakington Avenue, to the north of the site.
- 2.4. The site is accessed by numerous forms of sustainable modes of transport. Chalfont & Latimer railway station is situated approximately 500m North-West from the centre of the site, with regular services departing throughout the day to London and other parts of Buckinghamshire. A full description of the accessibility of the site and its local connections is included in the Design and Access Statement (**CD1.11**) and Transport Assessment (**CD1.23**).
- 2.5. The site has good access to the wider primary road network via the A404 and is easily accessible to both the M25 and M40 motorways.



**Figure 1**

- 2.6. As seen in **Figure 1**, the site is surrounded by existing built form. The southern boundary of the site is demarcated by an established tree boundary with an existing employment site (understood to be in B2 use) located beyond the boundary to the south-east of the site and beyond by the properties on Long Walk. The Metropolitan railway line runs along the northern boundary of the site beyond which is Oakington Avenue. To the west is Village Way, Loudhams Wood Lane and Burtons Lane which include residential development.
- 2.7. A significant tree boundary limits the extent of direct views into the site.
- 2.8. The site is located within Little Chalfont which is located in the administrative area of Buckinghamshire.
- 2.9. Beyond the site boundary and Lodge Lane to the east is countryside, with easy pedestrian access to the Chiltern Hills Area of Outstanding Natural Beauty (AONB), which includes the Chess Valley to the north.

### Relevant Planning Application History

- 2.10. A desk-based search of the Council's online planning database has been conducted in the preparation of this SoC. Records present a limited planning history for the site since it became vacant as a golf course in 2010. The site history is proposed to be agreed through the dSoCG.
- 2.11. The most pertinent applications submitted on site relate to an initial change of use application submitted in 2009. The application (ref: CH/2009/0194/FA) (**CD6.1**) was for the following description of development:
- “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.”*
- 2.12. The Applicant was refused planning permission for the above description of development on the 8 June 2009. Following the refusal, the Applicant lodged an Appeal notice under ref: APP/X0415/A/09/2107212. The Planning Inspector allowed the appeal and granted planning permission for the submitted description of development on the 4th November 2009.
- 2.13. It is proposed to be agreed through the dSoCG that the implementation of this Extant Permission addresses considerations in respect of the proposed loss of the former sporting use on the site.
- 2.14. There are considered to be no significant planning applications or permissions associated with the Homestead Land.

## History of the Site in the Withdrawn Chiltern and South Bucks Local Plan

- 2.15. The history of the site in the now withdrawn Chiltern and South Bucks Local Plan provides relevant context to the Appeal. It is acknowledged that the evidence base of the withdrawn Chiltern and South Bucks Local Plan can be considered as a material consideration, as stated in the dSoCG, and weight can be attributed to the evidence base that was prepared in support of it.
- 2.16. Prior to Buckinghamshire Council becoming a unitary planning authority on 1 April 2020, Buckinghamshire was made up of the following authority areas:
- Chiltern;
  - Aylesbury Vale;
  - South Bucks; and
  - Wycombe.
- 2.17. Chiltern and South Bucks Councils undertook an exercise to create their own joint Local Plan, with the Draft Chiltern and South Bucks Local Plan (Draft Local Plan) to cover the period from 2016-2036.
- 2.18. Following the creation of Buckinghamshire Unitary Authority, on 21st October 2020, the Council voted to withdraw the Draft Local Plan. The withdrawal of the Draft Local Plan was in the context of significant concerns raised by the Inspector at Examination in respect of compliance with the statutory Duty to Cooperate in relation to Slough's unmet housing need and whether or not the Draft Plan had done enough to consider the unmet housing needs of this area in the south of Buckinghamshire.
- 2.19. The site has been historically promoted through the former Draft Local Plan since 2015. The site benefited from a draft allocation policy in the Draft Local Plan and formed part of a wider allocation (SP BP6), which comprised the site, and land along the southern boundary of the site bordering Long Walk.
- 2.20. Draft Policy SP BP6 stated that the site should be residential-led for approximately 700 homes, with a primary school as part of a multi-functioning community hub.
- 2.21. Draft Policy SP BP6 was underpinned by a range of technical evidence base documents covering issues from the Green Belt to landscape and highways. Whilst the draft Local Plan has now been withdrawn and carries no weight, the evidence base that underpinned the allocation remains relevant. This is acknowledged by the Council themselves (see Para 5.10 of the Officer Report- **(CD2.2)**).
- 2.22. Following the withdrawal of the Local Plan, the Appellant revised the scheme to have a reduced site area. Comparing Figure 2 and Figure 3 shows the extent to which the site has decreased since Policy SP BP6 was withdrawn. This was informed following pre-application discussions with the Council in respect of landscape considerations and the presence of the dry-valley.





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

**Assessment of the Site Through the Council’s Green Belt Evidence**

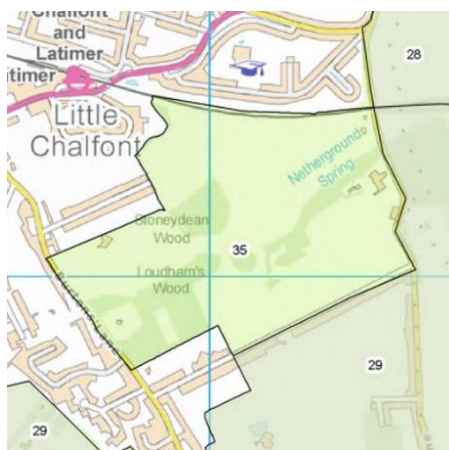
**ARUP Green Belt Assessment Part I (2016) - (CD8.2)**

2.23. The scope for this review was to consider all Green Belt land, as defined in the [then] current adopted Local Plans for the four Buckinghamshire districts as well as non-Green Belt land that might be considered for inclusion in the Green Belt. The starting point for assessing land against the NPPF purposes was to identify strategic land parcels or ‘General Areas’ for appraisal.

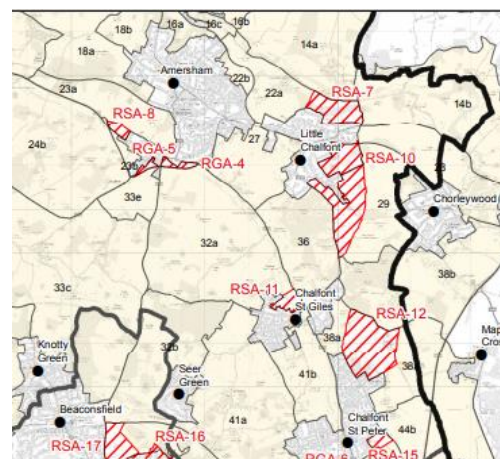
2.24. The site was assessed under General Area 35.

Site	Green Belt Score					TOTAL SCORE	Overall Contribution
	Purpose 1a	Purpose 1b	Purpose 2	Purpose 3	Purpose 4		
General Area 35	Fail	0	1	3	0	4	Medium

Source: Green Belt Assessment Part I



General Area 35



RSA-10



- 2.25. The Green Belt Review (2016) concluded by identifying land that should be considered further as part of a Stage II assessment. As shown in the Map above this included RSA10 which includes the site as well as General Area 29, contiguous and located to the south of General Area 35.
- 2.26. As part of the assessment of RSA10 it was noted that *'General Area 35 is surrounded on three sides by built-form and is characterised by enclosed spaces, paddocks and a former golf course which diminish its rurality and its relationship with the wider countryside.'*

**Green Belt Development Options Appraisal (October 2016) - (CD8.3)**

- 2.27. The Green Belt Development Options Appraisal (October 2016) included an assessment of RSA10 (see site 1.08) and a smaller parcel of land (see site 2.10).



Site 1.08

Site 2.10

- 2.28. The Options Appraisal identified that site 1.08 should not be released from the Green Belt owing to the contribution made to the southern portion of the site. Instead, a smaller area (site 2.10) was recommended for release (this includes the site).

**Green Belt Development Options Appraisal - Post Preferred Green Belt Options Consultation (November 2017) - (CD8.4)**

- 2.29. This report, produced following the consultation in October 2016 on the Green Belt Development Options recommended the following, in respect of the site:

*'Remove from the Green Belt and include as mixed use residential-led development to secure at least 700 dwellings (including an appropriate proportion of affordable units), specialist accommodation for elderly people, Gypsy and Traveller pitches, self-build and custom-build opportunities and associated uses, open spaces and infrastructure through a comprehensive development in accordance with an approved development brief.'*

- 2.30. Consultation as part of 'Option 6' of the local plan considered the site for 850 – 1,000 units.

**Green Belt Assessment Part II (April 2019) - (CD8.5)**

- 2.31. A follow-up to the Green Belt Assessment Part I was produced in April (2019). This included a further assessment for RSA10 (identified in Part I) which included General Area 35 and 29.

Site	Green Belt Score					TOTAL SCORE	Overall Contribution
	Purpose 1a	Purpose 1b	Purpose 2	Purpose 3	Purpose 4		
Site 1.08	Fail	0	3	2	0	5	Moderate

2.32. The overall summary for Site 1.08 was:

*‘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. The boundary would be strong/acceptable in NPPF terms.’*

2.33. The Council’s Green Belt evidence established that General Area 35 was the lowest performing Green Belt site (in terms of contribution to the Green Belt) proposed for allocation.

## Engagement with the Council on the Site

### **Prior to Withdrawal of the Draft Local Plan**

- 2.34. The identification of the site by the Council as a preferred site for allocation in the now withdrawn Draft Local Plan afforded the opportunity for significant engagement with the Council on the Proposed Scheme.
- 2.35. This included workshops with Officers on masterplanning, including a session held at JTP's Studios which culminated in the establishment of a set of agreed design principles for the site. These are reflected in the submitted Design and Access Statement **(CD1.11)**.
- 2.36. Specific pre-application engagement was held with the Highways Authority to test the allocation and the overall access strategy.

### **Post Withdrawal of the Draft Local Plan**

- 2.37. Following the withdrawal of the Chiltern and South Bucks Local Plan, on the 5<sup>th</sup> July 2021 Buckinghamshire Council confirmed verbally that they would not support any pre-application engagement on the site. The refusal to engage was also made despite offers by the Appellant to fund a Planning Performance Agreement (PPA). A copy of the email issued to Officers is provided in **(CD7.1)**.
- 2.38. Ahead of the submission of the application we formally sought to meet with the Ecology Officer and the Highways Officer, however, both requests were refused. Similar requests were refused post the submission of the planning application.
- 2.39. In our view matters that could have easily been resolved through engagement have been cited by the Council as reasons for refusal under the banner of 'insufficient information.' As set out in this response, in the lead up to the Public Inquiry we would like to work with the Council to seek to resolve some of these matters to ensure that the Public Inquiry is focused upon the key matters.

# 3. Planning Policy Background

## Planning Policy Background

- 3.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### Development Plan

- 3.2. The current Local Plan for the Chiltern area of the Council is formed of the following:
- Chiltern Core Strategy (November 2011) - **(CD4.2)**
  - Saved Policies from Chiltern Local Plan (September 1997) - **(CD4.1)**
  - Minerals and Waste Development Plan (Buckinghamshire County Council) (2019) - **(CD4.3)**
- 3.3. The Council is at the early stages of developing a new Local Plan which we understand to be adopted by April 2025 at the earliest. We have sought to agree this date through the dSoCG.
- 3.4. In pre-dating the first version of the NPPF in 2012, the Development Plan for the Chiltern Area of the Council is one of the oldest in England.
- 3.5. The time lag between the existing Development Plan and the timescales assumed for its replacement form part of our SoC.
- 3.6. We have set out below the policies from the Development Plan that we consider are most relevant in the consideration of this Appeal. The policies identified as relevant within this list reflect those sought to be agreed through the dSoCG.
- 3.7. Those highlighted in **bold** are specifically highlighted on the Decision Notice **(CD2.1)**.

Relevant Saved Policies of the Chiltern District Local Plan (1997)	
<b>Policy GC1</b>	<b>Design of New Development Throughout the District</b>
Policy GC2	Sunlighting and Daylighting Throughout the District
Policy GC3	Protection of Amenities Throughout the District
<b>Policy GC4</b>	<b>Landscaping Throughout the District</b>
<b>Policy GC9</b>	<b>Prevention of Pollution Throughout the District</b>
Policy GB1	Extent of Green Belt in the Chiltern District
<b>Policy GB2</b>	<b>Development in General in the Green Belt</b>
<b>Policy GB30</b>	<b>Conservation and Enhancement of Rural Landscape in Parts of the Green Belt</b>

<b>Policy LSQ1</b>	<b>Chilterns Area of Outstanding Natural Beauty as Defined by Proposals Map</b>
Policy TR2	Highway Aspect of Planning Applications Throughout the District
Policy AS2	Other Unscheduled Archaeological Remains Throughout the District
<b>Policy TW6</b>	<b>Resistance to the Loss of Woodland Throughout the District</b>
<b>Policy NC1</b>	<b>Safeguarding of Nature Conservation Interests Throughout the District</b>

Relevant Policies of the Chiltern Core Strategy (2011)	
<b>Policy CS1</b>	<b>The Spatial Strategy</b>
Policy CS2	The Amount and Distribution of Residential Development 2006 – 2026
<b>Policy CS4</b>	<b>Ensuring that Development is Sustainable</b>
<b>Policy CS8</b>	<b>Affordable Housing</b>
Policy CS10	Affordable Housing Type
Policy CS11	Affordable Housing Size
Policy CS12	Specialist Housing
<b>Policy CS20</b>	<b>Design and Environmental Quality</b>
<b>Policy CS22</b>	<b>Chiltern AONB</b>
<b>Policy CS24</b>	<b>Biodiversity</b>
<b>Policy CS25</b>	<b>Dealing with the Impact of New Development on the Transport Network</b>
<b>Policy CS26</b>	<b>Requirements of New Development Site: Area South East of Little Chalfont 4</b>
Policy CS29	Community
Policy CS30	Reducing Crime and the Fear of Crime
<b>Policy CS31</b>	<b>Infrastructure</b>
<b>Policy CS32</b>	<b>Green Infrastructure</b>

## Other Material Considerations

- 3.8. Government Policy in the form of the National Planning Policy Framework 2021 (NPPF) (**CD5.1**) along with the corresponding National Planning Practice Guidance (NPPG), comprises a significant material consideration in the determination of this Appeal.

The Evidence Base that supported the withdrawn Chiltern and South Bucks Local Plan is a relevant material consideration in the consideration of the Appeal. This is not in dispute between the parties and is accounted for in the dSoCG.

- 3.10. Most recently the Buckinghamshire Council 5YHLS (April 2022) (**CD4.4**) is a key material consideration in the application. This was published one week after the Strategic Planning Committee hearing and effectively takes 2 years off of the assumed supply for the Eastern Area.
- 3.11. As part of our PoE we will also reference topic specific material considerations that may be relevant to the case (i.e. Appeal Decisions).

### Emerging Development Plan

- 3.12. We are unaware of any established timeline for the production of a New Buckinghamshire Local Plan (see Paragraph 4.8 of the Officer Report (**CD2.2**) that confirms the same).
- 3.13. The Council is currently undertaking a 'Wider Call for Sites in Buckinghamshire', this follows two previous consultations on brownfield land only. It is understood that following the initial assessment of the 300 sites provided there will not be sufficient land to meet development needs and the Council has now commenced a wider Call for Sites until September 2022 to capture greenfield sites also which we have responded to.



## 4. The Appellant's Case – in relation to the Council's Reasons for Refusal

- 4.1. Within Section 4 we set out our response to the Reasons for Refusal that were included by the Council on the Decision Notice **(CD2.1)**.
- 4.2. We consider that the principal issues for consideration through the Planning Inquiry are; whether Very Special Circumstances exist, Landscape and Ecology. We consider that all other matters can be addressed by Hearing/Roundtable or through the SoCG in the lead up to the Public Inquiry.
- 4.3. Section J2 of the Appeal Procedure Guide states that the SoC should indicate whether any discussions are ongoing to resolve areas of dispute, and/or whether any such discussions are anticipated. As noted in the dSoCG to ensure maximum efficiency in the appeal process we would like to work with the Council on the following matters ahead of the Public Inquiry:
- Highways – Reason for Refusal 4
  - Affordable Housing – Reason for Refusal 7
  - Agricultural Land – Reason for Refusal 8
  - Education – Reason for Refusal 9
  - Air Quality – Reason for Refusal 10
  - Flood Risk – Reason for Refusal 11
  - Biodiversity Net Gain Score

### Reason for Refusal 1 – Very Special Circumstances (VSC)

- 4.4. The VSC case must be seen in the context of the constraints that face the Chiltern Area coupled with its persistent inability to get an up-to-date (or at least post 2012 NPPF) plan adopted.
- 4.5. Whilst referring to the area of Chiltern and South Bucks more broadly, the Council's Exceptional Circumstances Paper (2019) **(CD8.6)** states:

*'There has historically been little available land for development in Chiltern and South Bucks due to:*

- *87.6% of the Plan area being part of the Metropolitan Green Belt;*
- *42.5% being in the Chiltern Area of Outstanding Natural Beauty, with the Chilterns area having 70% coverage;*
- *Numerous other protected areas such as scheduled monuments, Ancient Woodlands, Sites of Special Scientific Interest, historic gardens, conservation areas and listed buildings;*
- *Areas protected for other purposes such as in the Colne Valley Regional Park and Burnham Beeches SAC;*

- *areas at risk of flooding; and*
- *Minerals Safeguarding Areas.'*

- 4.6. Paragraph 3.14 of the Council's Exceptional Circumstances Paper (2019) continues to state '*The towns and villages are tightly constrained by the Green Belt with no scope for expansion within their settlement boundaries. In addition, a number of villages are "washed over" by the Green Belt. This significantly limits our ability to meet our objectively assessed needs without some incursion into the Green Belt.*'
- 4.7. Simply stated, the ability to meet needs in the Eastern Area is inextricably linked to the Green Belt. In the absence of any committed or significant progress on the New Buckinghamshire Local Plan there is the real possibility of a continued hiatus in need being met in the Eastern Area of Buckinghamshire.
- 4.8. It is the Appellant's Case that the Proposed Development represents a series of substantial and significant benefits that when taken collectively outweigh the harm to the Green Belt. These benefits have been significantly underplayed by the Council.
- 4.9. We will elaborate upon all of these further within our PoE but, by way of evidencing, consideration in the Officer Report (**CD2.2**) to the proposed benefits of the Care Home and Retirement Village is given just two paragraphs (see Paragraph 8.11 and 8.12) with neither paragraph grappling with the need case and the substantial evidence that was provided by the Appellant (**see CD1.26**).
- 4.10. In addition, the provision of market housing is afforded only moderate weight in the planning balance. Such an assessment is contrary to similar appeal cases in which a lack of 5YHLS exits (**CD6.3, CD6.4, CD6.5**). This is further compounded by the fact that just one week following the decision of the Planning Committee an updated assessment of the five year housing land supply position was published for the Chiltern Area, which reduced the supply by a further two years (now assumed by the Council to be 2.1 years).
- 4.11. We also note that the Council's assessment in respect of Green Belt purposes is contradictory with the work that was produced by ARUP. At Paragraph 5.14 of the Officer Report (**CD2.2**) it is stated that the site only makes a moderate contribution to one of the Green Belt purposes and performs poorly against the other three, whereas Paragraph 5.31 of the Officer Report suggests that there would be a conflict with three out of five purposes.

## Reason for Refusal 2 - Landscape

- 4.12. The landscape assessment work for the Appellant has been undertaken by Lisa Toyne, Director at Barton Willmore (now Stantec).
- 4.13. It is the Appellant's case that the landscape value of the site has been overstated, overlooking that the site has historically be used as a golf course and the strong urbanising influences that exist at the site boundaries including its proximity to the railway and the presence of an established employment site to the south.
- 4.14. The assessment of the Council suggests that the development would extend significantly beyond the landscape capacity identified in the Terra Firma evidence (see Paragraph 6.6 of the Officer Report) that supported the withdrawn Local Plan (**CD8.7**). We disagree with this statement. The Proposed Development has been cited with consideration to this document to ensure that the Dry Valley feature on the site is appropriately considered through the proposals.
- 4.15. The Council's assessment also refers to a figure of 70% tree loss along Lodge Lane. The Appellant disagrees with this figure on the basis that it results in an exaggerated assessment of the impacts of the

development on the character of Lodge Lane. Whilst it is acknowledged that there will be a partial change in the character of Lodge Lane, such a change will be for a relatively short section of Lodge Lane. In addition, such a change will most likely be experienced through vehicles and thus any experience of the landscape will likely be fleeting. The overcanopy and sunken lane will be retained and continue to be experienced.

### Reason for Refusal 3 - Layout and Design

- 4.16. As a site that was proposed for allocation in the now withdrawn Chiltern and South Bucks Local Plan, the site has benefited from pre-application engagement that has informed the design narrative and intent.
- 4.17. As part of the pre-application engagement a series of Design Principles were agreed with the Design Officer for the Council, which have remained relevant through the progression of the site as part of an application-led strategy.
- 4.18. The Proposed Development was submitted as an outline planning application and the comments provided in respect of Reason for Refusal 3 should be considered in this context. As part of our response dated 14<sup>th</sup> April 2022 (**CD7.2**) we confirmed our agreement to a Design Framework Document to be prepared ahead of the submission of reserved matters to add further integrity to this.
- 4.19. The scheme has been masterplanned by award winning architects JTP. Rebecca Taylor (BA (Hons) MSc DipArch RIBA) in her capacity as a Partner at JTP will address Reason for Refusal 3.
- 4.20. As part of the submission of the planning application and to ensure external critique of the application from a design perspective, an independent peer review was sought of the masterplan. This was provided by Tibbalds and their response can be seen in **CD1.11**.

### Reason for Refusal 4 - Highways

- 4.21. It is important to note that Reason for Refusal 4 is concerned with the level of information that has been provided to inform the planning application. As such, there has yet to be any formal conclusions as to whether highways represents an issue of principle. This was also confirmed by the Highways Officer at Buckinghamshire Council at the Planning Committee itself.
- 4.22. As discussed in Section 2, as part of the pre-application process to inform the planning application we have been refused the opportunity to meet with the Highways Authority. This can explain the Reason for Refusal as we have been unable to agree inputs and assumptions in a manner that would typically be undertaken as part of pre-application engagement with a local planning authority.
- 4.23. It is important to note that the proposed scheme is significantly reduced in scale and quantum when compared to the withdrawn allocation which the Council was supporting as being robust in highways and transport terms. In addition, pre-application discussions on the 700 unit scheme also confirmed no issue in principle with the proposed development on highways grounds.
- 4.24. As set out in the dSoCG it is our intention to continue to engage with the Council to allow engagement around the transport modelling. We are confident that the matters relating to highways can appropriately be addressed through a Hearing or Roundtable Discussion. Phil Bell Managing Director of Motion will provide the Public Inquiry with responses in respect of Highways.

### Reason for Refusal 5 - Ecology

- 4.25. We have undertaken a peer review of the ecology information submitted as part of the Proposed Development which has confirmed that the level of information provided is likely to be in excess of that typically required for a scheme of this nature, demonstrating robustness in the approach.
- 4.26. Where relevant, updated planning surveys will be provided as part of the appeal process to ensure that they remain relevant.
- 4.27. The Council has failed to appropriately consider the Biodiversity Net Gain that is achieved through the development. Furthermore, no assessment is made by the Council as to the benefits associated with the Proposed Development having a long-term Ecological Management Strategy that would ensure the enhancement, management and protection of the features on the site.
- 4.28. Jacob Hepworth Bell of Ecology Solutions will provide the Public Inquiry with responses in respect of Ecology.

### Reason for Refusal 6 - Ashridge Commons and Woods SSSI

- 4.29. Throughout the majority of the post-submission period Natural England confirmed that they had no objection to the proposals. An updated consultation response was received from Natural England on 5 April 2022 (**CD7.3**) which changed their position to an objection.
- 4.30. The Appellant requested a formal extension of time to be able to respond to the consultation comments and to set out a scheme of mitigation, however, this request was refused by the Council. It is relevant to note that only part of the site is located within the 12.6km Zone of Influence (Zoi) and the part of the scheme that is located within the Zoi includes proposed uses where recreational impacts may be anticipated to be reduced (Care Home, School). Furthermore, the scheme provides for significant amounts of open space on the site, including enhanced permeability for existing residents to the AONB, thus creating incentives for recreation to be undertaken closer to home rather than as part of a planned trip to the SAC.
- 4.31. Notwithstanding this, we understand that the Council, in partnership with Natural England, is currently working on a form of strategic mitigation and that this is likely to be in place by the time the appeal is heard, which will effectively deal with this matter. The site is capable of accommodating the necessary requirements for a SANG.

### Reason for Refusal 7 - Affordable Housing Provision

- 4.32. This reason for refusal will be addressed by the submission of a Section 106 Agreement no later than 10 working days before the Inquiry (subject to proactive engagement from the Council), and is not therefore considered to comprise a key issue to be addressed as part of the Appellant's evidence.
- 4.33. The Housing Officer's Response (**CD7.4**) confirmed that they were satisfied with the level of affordable housing which was policy compliant. We are confident that this can be resolved through the SoCG with the Council and does not need to form a substantive issue for the Inquiry.

### Reason for Refusal 8 - Agricultural Land

- 4.34. To ensure the validation of the planning application upon submission, the Appellant paid for pre-application advice to agree the contents of the submission and its conformity with the Local Validation List. On the 19<sup>th</sup> November 2021, as part of this, a response was provided by Officers at Buckinghamshire Council. This response did not include a request for an Agricultural Land Statement.

During the consultation on the application no formal request was made for this document to be produced and we were thus surprised to see it included as a reason for refusal.

- 4.35. We propose to provide an Agricultural Land Statement as part of the Planning Appeal.

### **Reason for Refusal 9 - Education**

- 4.36. This reason for refusal will be addressed by the submission of a Section 106 Agreement no later than 10 working days before the Inquiry, and is not therefore considered to comprise a key issue to be addressed as part of the Appellants evidence.
- 4.37. We do not disagree with the response provided by the Education Authority as part of the consultation on the planning application (**CD7.5**).
- 4.38. We are confident that this can be resolved through the SoCG with the Council and does not need to form a substantive issue for the Inquiry.

### **Reason for Refusal 10 - Air Quality**

- 4.39. The response provided by the Council's Environmental Health Officer (**CD7.6**) confirmed that there was no in principle issue in respect of Air Quality and that this could be dealt with by an appropriately worded planning condition. We understand that Reason for Refusal 10 has been included as a consequence of the detail provided in the Transport Assessment not being sufficient (see Reason for Refusal 4). We are confident that our response to the matters presented in Reason for Refusal 4 will also provide comfort on Reason for Refusal 10.
- 4.40. As necessary, we can update the Air Quality modelling work in light of comments and assumptions received in respect of the Transport Assessment. We are confident that this can be resolved through the SoCG with the Council and does not need to form a substantive issue for the Inquiry.

### **Reason for Refusal 11 - Flood Risk**

- 4.41. The Appellant will submit further evidence to support the mitigations outlined under the Flood Risk Assessment prepared by Hydrock.
- 4.42. We are confident that this can be resolved through the SoCG with the council and does not need to form a substantive issue for the Inquiry.

## 5. Benefits of the Proposed Development

- 5.1. The scheme represents a highly sustainable location for development in being located within close proximity to Chalfont and Latimer Station and the facilities of Little Chalfont. It has been designed by award winning architects JTP and represents a high-quality outline planning application.
- 5.2. The proposals will deliver significant levels of open space which will be accessible to new and existing residents alike. The existing mature tree belt that surrounds the site will limit the visibility of the site from wider local views, allowing it to be sheltered from the established, village of Little Chalfont.
- 5.3. The site represents the only site in the Eastern Area that can benefit from this level of connectivity. In Green Belt terms it has also been assessed at the Eastern Area wide level of making the least contribution to Green Belt purposes (**CD8.2**).
- 5.4. The Appellant has been engaged in the promotion of the site for development since 2014. The plan-led system in this part of Buckinghamshire has consistently failed to deliver with the Development Plan for the East Area of Buckinghamshire pre-dating even the publication of the first NPPF. With no formal timescales for the preparation of a New Buckinghamshire Local Plan an application-led approach is seen as the only way to be able to address the current needs of the area.
- 5.5. The principal benefits of the scheme are included below with the Council's assessment also included.

Proposed Benefit	Appellant Weighting <sup>1</sup>	Council Weighting
Delivery of Market Housing and Family Housing	<i>Very Substantial</i>	<i>Moderate</i>
Delivery of Affordable Housing	<i>Very Substantial</i>	<i>Significant</i>
Delivery of Custom Housing	<i>Significant</i>	<i>Limited</i>
Meeting the Needs of an Ageing Population	<i>Significant</i>	<i>Moderate</i>
Improvements to Access to Open	<i>Significant</i>	<i>Limited</i>

<sup>1</sup> We have sought to mirror the lexicon that is typically used in Appeal Decisions with the weights from Very Substantial, Substantial, Significant, Moderate, Limited



Space		
Economic Benefits	<i>Significant</i>	<i>Limited</i>
Community Benefits	<i>Moderate</i>	<i>Limited</i>

5.6. The PoEs submitted will further elaborate upon the benefits of the Proposed Development and, where relevant, update evidence in respect to the latest position of need. In this section we set out the key considerations.

### **Benefit 1 - The Ability to Meet Housing Need and Provide a Genuine Mix of Family Housing**

5.7. The Proposed Development will deliver much needed market housing which is considered as delivering **very substantial** benefits.

5.8. The East Area of Buckinghamshire is reporting just 2.1 years HLS (**CD4.4**). Given the significant AONB and Green Belt constraints that affect the East Area of Buckinghamshire, any future supply of housing will be expected to come from an increasingly dwindling supply of brownfield land. We are of the view that such sites are unlikely to be found in the volume needed to be able to meet a five year land supply and it is highly unlikely that the East Area of Buckinghamshire will be able to achieve a five year land supply before adoption of a New Local Plan. The latest Buckinghamshire Monitoring Report for May 2022 confirms that just 147 homes were completed in the previous monitoring year (**CD4.6**) in the East Area.

5.9. We will argue that the 5YLS is below 2.1 years. Newlands Park (306 Homes) remains as part of the Council’s trajectory despite no recent contact with the agent/developer on the site and significant outstanding legal matters.

5.10. As the Council notes, the timescales for the adoption of a New Local Plan is currently uncertain. This places further reliance upon an application-led approach to meeting needs. The need to consider Green Belt land in order to meet the ongoing 5YLS need is confirmed through the Green Belt Exceptional Circumstances Paper (2019) (**CD8.6**) in which it is stated ‘Green Belt sites provide the only option in terms of pulling additional sites into this five year period and beyond.’

5.11. There are a range of recent Secretary of State called-in and Recovered Decisions involving Green Belt land and the application of Paragraph 14.8 of the NPPF (2021) that reaffirm the Government’s overarching objective to significantly boost the supply of housing. They all demonstrate the application in planning decisions of the national imperative to increase the supply of housing nationally. In the case of a draft allocation for a Green Belt site in Burley-in-Wharfedale (**CD6.6**) from March 2021 the proposals for market housing attracted **very substantial weight**, given the poor housing land supply position. In

the circumstances of that case supply was at 2.06 years with the Inspector concluding this to be “dire”. Similar conclusions were also reached in Colney Heath (**CD6.5**) for an unallocated site.

- 5.12. At 2.1 years, the 5YHLS position in the East Area of Buckinghamshire is similar to the circumstances considered in **CD6.4** and **CD6.5**.
- 5.13. The proposal includes up to 380 new homes with 210 of these being family units (assumed to be 3bed+)<sup>2</sup> which will make a significant contribution to meeting unmet need in the area and being broadly equivalent to one years’ worth of housing supply (East Area 368 DPA under standard methodology). Most of the 3bed+ provision is provided by 3 bed houses. The provision of two bed units will also include a significant number (56%) of houses (rather than apartments).
- 5.14. Chiltern has historically been able to rely on Office to Residential conversions to help demonstrate deliverability. Over one in four of the homes relied on to arrive at the April 2022 5YLS comprise office to residential conversions. Recent changes to the GDPO (2021) has resulted in the removal of Permitted Development Rights for the Change of Use from Office to Residential for sites over 1,500sqm therefore restricting future supply from this source.
- 5.15. Against the constrained nature of the East Area, it is difficult to deliver the appropriate mix of family homes when the source of supply is primarily small-scale brownfield sites and office to residential conversions. The difficulties in meeting housing mix in the absence of larger sites is acknowledged in Paragraph 10.9 of the Core Strategy (2011 – **CD4.2**) in which it is states ‘*Experience to date has shown that delivering a mix of one, two and three bedroom dwellings can be difficult in small schemes where land is limited. However, on larger sites there is scope to have a wider mix of property sizes.*’
- 5.16. The emphasis in the future supply on smaller units (and particular apartments rather than houses) is set against Paragraph 10.9 of the Core Strategy (2011 - 2026) which states ‘*Our evidence does not show a significant need for flat schemes and these will not be encouraged.*’
- 5.17. Figure 43 of the HEDNA (2019- **CD4.6**) confirms that for the private market mix 76% of the need is for 3 and 4 bedroom properties, confirming that the need for larger family housing significantly outstrips the need for smaller units.
- 5.18. The contribution of larger sites was acknowledged in the Appeal allowed at Great Missenden (East Area) in September 2018 with Paragraph 122 of the Inspector’s Report (**CD6.7**) stating:
- In social terms, the proposed development would deliver 34 new homes of different tenures and sizes in a District which has a recent history of failing to deliver sufficient homes to meet housing need, thereby helping to improve the HLS position. Moreover, the provision of a mix and range of housing sizes would assist in creating a strong, vibrant and healthy community.*
- 5.19. The scheme is proposed to include 380 new residential units with approximately 210 of these being family units (3bed+) which will make a significant contribution to meeting need in the area.

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<sup>2</sup> This follows the glossary definition in the London Plan in the absence of any locally set definition.

## Benefit 2 - Meeting Acute Affordable Housing Need

- 5.20. The Proposed Development will deliver much needed affordable housing which is considered as delivering **very substantial** benefits.
- 5.21. The vision for the Chiltern District as set out in the adopted Core Strategy (2011) **(CD4.2)** is for, amongst other things, *'a place with enough affordable housing to meet local needs and maintain our services and communities.'*
- 5.22. Within the Buckinghamshire (East Area) housing provision was awarded substantial weight for the provision of 42 affordable housing units **(CD6.3)**. Within the Appeal the Council also accepted that the need for affordable housing was 'acute.'
- 5.23. The East Area is experiencing acute affordable housing need. Similar lengths of time for the provision of 3 bed affordable housing was considered in an appeal in Bromley **(CD6.9)** involving Green Belt development. In the overall planning need case, this was afforded very substantial weight. In addition, in the recent case at Burley **(CD6.6)**, at Paragraph 657 very substantial weight was provided to the contribution of the proposals to meeting affordable housing needs. Like Little Chalfont, Burley was identified as one of the most unaffordable areas of the local authority area in question.
- 5.24. The latest Buckinghamshire Monitoring Report for May 2022 confirms that just 16 affordable homes were completed in the previous monitoring year **(CD4.5)** in the East Area. The proposed development will help to meet the challenging affordable housing need in the East Area.
- 5.25. The provision of up to 152 affordable dwellings from this scheme alone is substantial when taken in the context of identified needs, past delivery and the future supply of affordable housing:
- 152 affordable dwellings equate to almost 1.5 years' worth of the identified affordable housing need of 104 dwellings per annum in the East Area, as set out in the HENA.
  - It is also more than 1.5 times the 94 net affordable dwellings that have been delivered in total in the East Area since the start of the HENA period in 2016/17.
  - It is equivalent to almost two-thirds of the area's potential pipeline supply of affordable housing (of 232 affordable dwellings over the next five years).
- 5.26. The proposed affordable housing will achieve significant social benefits to households in affordable housing need, as well as those seeking to achieve home ownership who are currently prevented from doing so. It is important to remember these are real people in real housing need, now.
- 5.27. Looking forward, and following the withdrawal of the Draft Local Plan, it is highly unlikely that any meaningful contribution will be made to addressing the acuteness of unmet need. The supply in the 5YHLS, once again, is largely comprised of sites that are either below the threshold required to deliver affordable housing on site or they are schemes that have been permitted through the conversion of office accommodation. We estimate that around 301 homes from the planned supply (715) are from permitted development applications involving the conversion of existing buildings, which equates to 42% of the deliverable supply between 2022 - 2027. We understand that the Chilterns is in an area in which there is a shortage of small office accommodation, further highlighting the need to avoid the housing shortage being compensated for by removing much needed office supply.
- 5.28. As part of the Public Inquiry we will draw upon the evidence that has been produced by Tetlow King **(CD1.14)** and will update as necessary.

### Benefit 3 - Contributing to Custom Build Need

- 5.29. The Land Use and Green Infrastructure Parameter Plan identifies part of the site as being suitable for Custom Building Housing. Through the Self-build and Custom Housebuilding Act (2015), the Council has a duty to maintain a register and to provide a sufficient number of potential plots to satisfy the demand.
- 5.30. In a recent decision in Chalfont St Giles (Chiltern District), an Inspector (**CD6.3**) gave substantial weight to the provision of 3 self-built units in the context that the council had consistently not fulfilled this requirement in recent times. Similar conclusions were also reached in Colney Heath (**CD6.5**).
- 5.31. Due to the withdrawal of the Draft Local Plan for the East Area there is no provision for the positive allocation or identification of custom and self-build plots.
- 5.32. As such, the provision of Custom Build plots within the scheme should be afforded **significant weight** in the overall planning balance.

### Benefit 4 - Meeting the Needs of an Ageing Population

- 5.33. The June 2019 update to the Planning Practice Guidance (PPG) provides further insight as to the Government's desire to address the housing issue presented by an ageing population:
- 'The need to provide housing for older people is **critical**. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.'*
- 5.34. Adopted Core Strategy Policy CS12 (Specialist Housing) states that *'within Amersham/Amersham-on-the-Hill, Little Chalfont, Chesham and Chalfont St Peter, the Council and its partners will encourage the provision of extra-care homes, specialist housing for the elderly and housing and supported living accommodation designed for people with disabilities including for those with dementia and mental health problems. In identifying sites and/or determining planning applications, regard will be had to the following factors:*
- *the need for a location within the built-up area of the towns, close to shops, health and community facilities;*
  - *the potential for development to be self-contained;*
  - *the availability of public transport to reduce travel requirements.'*
- 5.35. Against the requirements of Policy CS12 the proposed elderly care uses (Housing for Older People and Care Home) are well located, with the proximity of the site to the local centre and train station helping to provide access to key local services for future residents whilst also ensuring that the site is well located to facilitate sustainable travel patterns for employees.
- 5.36. In addition, Policy CS27 of the Core Strategy (2011) states that the Council will work with its partners in the health and social care sector to ensure a co-ordinated approach to the delivery of appropriate health and social care facilities in the District.

- 5.37. The scheme will include circa 100 retirement living units ('Housing for Older People') as well as a 60-bed care home facility ('Care Home').
- 5.38. Recent Appeal Decisions, all involving proposed development in the Green Belt, have given **significant weight** to the elements of proposals provided to meet elderly care need. Such decisions include:
- Beechmoor Garden Centre, Whitchurch Road, Great Boughton, Chester CH3 5QD
  - Land to the rear of 237-259 London Road, West Malling, Kent ME19 5AD
- 5.39. Common to both cases is the significant weight that is afforded to meeting this specialist need. In addition, in the case of Beechmoor Garden Centre decision, significant weight is also afforded to the ability of the provision of specialist care provision to reduce pressures on existing health services and to help contribute to the supply of homes by freeing up larger, market housing.
- 5.40. The need case is set out in Paragraphs 8.60 – 8.76 of **CD1.26** and will be updated as part of the PoEs.

### Benefit 5 - Economic Benefits

- 5.41. An Economic Benefits Statement has been produced by Hatch Regeneris which sets out the economic benefits arising from the proposal.
- 5.42. This notes that the development will:
- Support 439 construction workers and £48 million in Gross Value Added (GVA) per annum over the four-year construction period.
  - Deliver 380 new residential homes, 40% of which will be affordable units.
  - Generate £11.5 million per annum in additional spend as a result of residents living in the new homes and retirement units
  - Support 118 gross FTE jobs on-site, adding £4.9 million in GVA to the economy each year. This is as a result of people working in the retirement units, care home and community facility.
  - Generate £754,100 gross revenue to Buckinghamshire Council each year in council tax.
- 5.43. The economic implications of rising housing unaffordability in the East Area are expressly identified in the Chiltern and South Bucks Economic Development Strategy to 2026 (**CD8.9**).
- 5.44. The economic benefits arising from the proposal are afforded **significant** weight in the overall planning balance.

### Benefit 6 - Open Space Benefits

- 5.45. Policy CS28 of the Chiltern Core Strategy (2011) states that where a need for improvements or new recreation and leisure facilities is identified the Council will work with partners to find ways of delivering these improvements.
- 5.46. The Chiltern and South Bucks Open Space Study (2018) (**CD8.10**) provides the most up to date assessment of the open space needs in Chiltern. Table 1 below sets this out.



**Table 1 – Little Chalfont Open Space Needs**

	Amenity Green Space (HA)		Natural and Semi Natural Green Space (HA)		Facilities for Children and Young People (HA)		Public Parks and Gardens (HA)	
	2018	2036	2018	2036	2018	2036	2018	2036
Little Chalfont	-1.42	-2.29	-2.14	-4.81	-1.20	-1.57	+13.69	+12.51

- 5.47. The open space that is proposed as part of the proposals would address the deficiencies that are currently experienced in the Little Chalfont area and would go a significant way to meeting future deficiencies to 2036. The masterplan as currently envisaged would contain elements of amenity green space as well as natural and semi-natural green space and thus positively contribute to the identified deficiencies in Table 1. In addition, the proposals would include facilities for children and young people. The open space associated with the development would not be for the sole use by the development but publically accessible and would connect into the wider community so that the space would address existing local deficiencies.
- 5.48. The open space proposed as part of the scheme would be approximately 4.6 hectares in extent and thus significantly above the level of provision that would be required to serve the development itself, and would contribute to meeting an identified local deficiency (even once the new population from the development was included).
- 5.49. With much of the wider area to the north being located within the Zol for the Chiltern Beechwoods SAC, the recreational improvements on the site have the potential to reduce recreational pressure on the SAC by encouraging use of the adjacent AONB.
- 5.50. The Community Board<sup>3</sup> of the local area identifies a slightly older age profile and a higher proportion of physically inactive adults compared with the county average and the provision of the open space within the scheme and the improved access to the AONB and open space provision generally should be considered as further benefits weighing in support of the proposals.
- 5.51. The need to ensure that open space needs of local communities is met is a key part of the NPPF (2021) with Paragraph 98 stating ‘*access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.*’

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<sup>3</sup> <https://www.buckinghamshire.gov.uk/community-and-safety/improving-your-local-community/denham-gerrards-cross-chalfonts-community-board/>



- 5.52. We also note the 2018 Open Space assessment highlighted a shortage of allotment provision in Little Chalfont. As shown on the Green Infrastructure and Land Use Parameter Plan space for allotment provision is included and will go some way in meeting identified shortfall.

### **Connections to the AONB**

- 5.53. Policy CS22 of the Core Strategy (2011) states that *'means of access to enable the enjoyment of the area [the AONB], other than by car, will be encouraged.'* Furthermore, Policy CS32 states that *'together with its partners, the District Council will identify, protect and enhance strategic green infrastructure assets in the District. Where green infrastructure is brought forward alongside new development, or where development is deemed to sever existing assets, opportunities will be sought to connect provision to surrounding green infrastructure.'*
- 5.54. The Chilterns Area AONB Management Plan (2019 - 2024) **(CD7.7)** includes a range of measures and priority actions. This includes those extracted below:

## Strategic Objectives

**EO1** Secure national recognition and greater resources for the wealth of accessible recreational opportunities the Chilterns countryside offers to residents and visitors.

**EO2** Ensure more high-quality opportunities for outdoor recreation, life-long learning and volunteering for all.

**EO3** Ensure more people can enjoy healthier and happier lives by enjoying the Chilterns.

**EO4** Make more people aware of what makes the Chilterns special and encourage them to help care for it and contribute to its protection. Inspire young people to build a lasting interest in the Chilterns.

**EO5** Encourage greater use of the Chilterns countryside by those from surrounding urban communities who currently have little connection with the AONB.

Source: Chiltern AONB Management Plan (2019 – 2024)

- 5.55. Importantly, the development will provide new connections from the existing village into the wider AONB and public rights of way network. With the site currently in private ownership there is a lack of connection between the exiting settlement and the east. The creation of a large publicly accessible area through the masterplan, will assist in providing walking access to the countryside whilst delivering much needed local access to informal recreation space.
- 5.56. Consistent with Policy CS22, the creation of a route from the station, south-east into the AONB will assist in providing an alternative to the car in accessing and enjoying the AONB. It has been assumed in the Draft Heads of Terms that some sort of wayfinding/signage contribution will be provided to support this initiative.
- 5.57. The scope for open space and recreation to be considered as part of a VSC planning benefits package was considered, in an appeal in Bromley **(CD6.9)**, in a case that shares similarities with that at Little Chalfont. As concluded in that case:

*'Although the immediate area is blessed with an extensive area of recreational land it is for the most part not publicly accessible. The public park, which would include a play area and an outdoor gym, would be a significant amenity for the wider community and a positive enhancement. Framework paragraph 141 encourages the seeking out of opportunities to provide access to areas for outdoor recreation, to enhance landscapes and biodiversity and to improve damaged land. In this context, very significant weight attaches to the recreational and environmental benefits that would be derived from this scheme.'*

- 5.58. The benefits from delivering significant open space as part of the proposals cannot be separated from developing at a scale greater than could realistically be delivered through reliance on windfall sites. The ability to meet open space needs would not be met and could not be met without utilising Green Belt land given the constrained nature of Little Chalfont.
- 5.59. It should also be noted that the delivery of open space will contribute to achieving Biodiversity Net Gain.
- 5.60. On the basis of the identified need that the Council has identified for open space in the Little Chalfont area, in combination with the lack of a strategy to be able to meet this need, the provision of the variety, scale and form of open spaces associated with the application should be afforded **significant weight** in the overall planning balance.

### **Benefit 7 - Community Infrastructure Provision**

- 5.61. Policy CS29 of the Core Strategy (2011) seeks to encourage the provision of community facilities in areas of the District where there is an identified need.
- 5.62. We are aware of a recent dismissed planning appeal made by Little Chalfont Parish Council in respect of proposals to redevelop the current Little Chalfont Village Hall (PL/18/2249/FA and APP/X0415/W/19/3228107) (**CD6.8**). The site is located within Little Chalfont District Centre, a short distance away from the site.
- 5.63. More recently, we are aware of a planning application being refused in Chesham Bois with reference PL/20/0401/FA (located in neighbouring Amersham). This further highlights an apparent issue of qualitative need locally.
- 5.64. The scheme will include the provision of a new 1,000 sqm community centre which could be used to meet the needs that have been identified locally. We welcome the opportunity to further quantify the existing need in Little Chalfont with the Council through the determination of the planning application.
- 5.65. On the basis of the currently available evidence of community needs in Little Chalfont we afford the provision of the community floorspace **moderate weight** in the overall VSC planning balance.

## 6. The Appellant's Case – Reasons Why Planning Permission Should be Granted

6.1. In this section the Appellant sets out the reasons why planning permission should be granted having regard to a 3 stage assessment process, as follows:

- **Stage 1:** Consideration of the Appeal proposal's compliance with the Development Plan, in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 (As Amended);
- **Stage 2:** Consideration of any Material Considerations relevant in the determination of this Appeal; and
- **Stage 3:** Planning Balance

### **Stage 1**

6.2. In Table 2 below we have set out our assessment of the relevant policies of the Development Plan. This reflects those policies to be agreed through the SoCG. We have also included an assessment of the relative weight to be attributed to the policy in term of its consistent with the NPPF. We have then included an assessment of the extent to which the Proposed Development is in accordance with the policy.

**Table 2** - Assessment Against the Development Plan

Chiltern Core Strategy (2011)			
Relevant Policy and Policy Title		Policy Requirement and Comment	Weighting/ Accordance
Policy CS1	The Spatial Strategy	Identifies Chesham; Amersham/Amersham-on-the-Hill; Chalfont St Peter and Little Chalfont as the main focus for development. Seeks to protect the Green Belt and AONB. <u>Little Chalfont is identified as a sustainable settlement where growth should be focused. The policy prevents development in the Green Belt, however, this needs to be considered against the date of the policy (2011) and the application of VSC set out in Policy GB2. The Council also cannot demonstrate a 5YHLS which limits the extent of weight to this policy and therefore conflict should be seen in this context.</u>	Limited Weight/ Partial Conflict
Policy CS2	The Amount and Distribution of Residential Development 2006 – 2026	Identifies Chesham; Amersham/Amersham-on-the-Hill; Chalfont St Peter and Little Chalfont as the main focus for development. <u>Little Chalfont is identified as a sustainable settlement where growth should be focused. The policy prevents development in the Green Belt, however, this needs to be considered against the date of the policy (2011) and the</u>	Limited Weight/ Partial Conflict

		application of VSC set out in Policy GB2. The Council also cannot demonstrate a 5YHLS which limits the extent of weight to this policy and therefore conflict should be seen in this context.	
Policy CS4	Ensuring that Development is Sustainable	Sets out measures to ensure the promotion of sustainable development in the Chilterns Area. <u>The items listed in Table 1 accord substantially with the NPPF (2021) and the Proposed Development complies substantially with the items listed in Table 1.</u>	Significant Weight/ Accordance
Policy CS8	Affordable Housing	Sets out thresholds for the delivery of affordable housing. <u>The Proposed Development delivers affordable housing in line with Policy CS8.</u>	Significant Weight/ Accordance
Policy CS10	Affordable Housing Type	Sets out tenure preference for the delivery of affordable housing. <u>The Proposed Development delivers affordable housing in line with Policy CS10.</u>	Significant Weight/ Accordance
Policy CS11	Affordable Housing Size	Sets out mix preference for the delivery of affordable housing. Policy is afforded moderate weight as there is nothing in policy that requires reference to up-to-date evidence which would arguably be more in conformity with the NPPF. <u>The Proposed Development delivers affordable housing in line with Policy CS11.</u>	Moderate Weight/ Accordance
Policy CS12	Specialist Housing	Within Amersham/Amersham-on-the-Hill, Little Chalfont, Chesham and Chalfont St Peter, the Council and its partners will encourage the provision of extra-care homes, specialist housing for the elderly and housing and supported living accommodation designed for people with disabilities including for those with dementia and mental health problems. <u>The Proposed Development delivers specialist housing in line with Policy CS12 as a location that is well connected to existing transport services.</u>	Significant Weight/ Partial Conflict
Policy CS20	Design and Environmental Quality	Sets out the design expectations for new developments, notably with the need to understand local character and distinctiveness. <u>Policy CS20 is considered to accord with the NPPF (2021). The abolition of Lifetime Homes is not reflected in the policy which reduce full compliance. As set out in the DAS (CD1.11) the scheme has been prepared following a detailed understanding and assessment of local distinctiveness.</u>	Moderate to Significant Weight/ Accordance
Policy CS22	Chiltern AONB	Policy CS22 sets out the principles for managing development that would affect the AONB and ensuring that proposals contribute to the beneficial use of the AONB. The supporting text of the policy also notes that it is not intended as a blanket ban on development. <u>Policy CS22 is considered to be in accordance with the NPPF (2021). The Proposed Development will alter the setting of the AONB as it relates to Lodge Lane. However, the works proposed along Lodge Lane are localised and principally experience through vehicles travelling along Lodge Lane (as opposed to pedestrians). The scheme, as part of a package of mitigation, includes improved permeability and</u>	Significant Weight / Accordance

		wayfinding which can be considered as contributing to the objectives of Policy CS22. No significant comments have been raised by the AONB Board in terms of the visibility of the development from wider Public Rights of Way (PRoW).	
Policy CS24	Biodiversity	Policy CS24 seeks to protect and enhance biodiversity and protected species. It seeks the establishment of long term management plans on development sites. The Policy notes that biodiversity interests can be considered as part of the wider planning balance. <u>The Proposed Development includes proposals to deliver biodiversity net gain alongside a long term management plan for the site. Policy CS24 is broadly considered in accordance with the NPPF (2021).</u>	Significant Weight/ Accordance
Policy CS25	Dealing with the Impact of New Development on the Transport Network	Policy CS25 deals with ensuring that new developments provide safe transport solutions. <u>The policy is considered to accord with the NPPF and the proposals do not give rise to impacts that would be in conflict with CS25.</u>	Significant Weight/ Accordance
Policy CS26	Requirements of New Development	Policy CS26 sets out the requirements for new developments to be well located and to take up opportunities to encourage sustainable modes of transport. <u>The policy is considered to accord with the NPPF and the proposals do not give rise to impacts that would be in conflict with CS26.</u>	Significant Weight/ Accordance
Policy CS29	Community	Policy CS29 encourages the provision of community facilities where there is identified need and states that it is preferential for such uses to be well located and accessible by a range of transport measures. <u>The proposals include a new community facility in an area of identified need. The proposals are also well located.</u>	Significant Weight/ Accordance
Policy CS31	Infrastructure	Policy CS31 seeks to ensure that new development ensures that any additional impacts on existing infrastructure are mitigated for. <u>The policy is considered to accord with the NPPF and the proposals will, through CIL and/or legal agreement ensure that any infrastructure needs are accounted for in the development.</u>	Significant Weight / Accordance
Policy CS32	Green Infrastructure	Policy CS32 seeks to enhance Green Infrastructure across the area. <u>The proposals will provide publically accessible open space in an area of identified need and will improve access to the AONB. Policy CS32 is consider in accordance with the NPPE.</u>	Significant Weight/ Accordance

Chiltern District Local Plan (1997; 2011)			
Policy and Policy Title		Policy Requirement and Comment	Weighting/ Accordance
GC1	Design of Development Throughout the District	Policy GC1 sets out a series of requirements that will be considered in the design and consideration of new developments. GC1 includes reference to understanding local character. <u>The policy is afforded moderate weight in terms of compliance with the NPPF. The policy is restrictive and arguably fails to make 'best use of land' as required by the NPPF.</u>	Moderate Weight/ Accordance
GC2	Sunlighting and Daylighting	Policy GC2 sets out general requirements to ensure that sunlight and daylight is protected in proposals. Paragraph 7.14 of <b>CD2.2</b> confirms that the Proposed Development would not give rise to detrimental light impacts.	Significant Weight/ Accordance
GC3	Amenity	Policy GC3 sets out general requirements to ensure that amenity is protected in proposals. Paragraph 7.14 of <b>CD2.2</b> confirms that the Proposed Development would not give rise to detrimental issues of amenity for existing residents and that any amenity matters related to future occupiers of the site would be addressed through consideration of reserved matters.	Significant Weight/ Accordance
GC4	Landscaping	Policy GC4 states that existing established trees and hedgerows in sound condition and good amenity and wildlife value should be retained and planning permission refused where this is not be. <u>Policy GC4 is considered partially in accordance with the NPPF, the NPPF states 'wherever possible' for the retention of trees which introduces greater flexibility than is included in GC4. The proposals will result in the loss of some trees to facilitate an access but, overall, the scheme will result in a net gain in trees with the ancient woodland being protected and subject to a long term management plan.</u>	Moderate to Significant/ Partial Conflict
GC9	Pollution	Policy GC9 seeks to prevent development that would generate unacceptable levels of air, water or ground pollution. <u>The policy is considered in accordance with the NPPF. On the assumption that air quality will be dealt with in the lead up to the Public Inquiry, the proposals do not result in any conflict with this policy.</u>	Significant Weight / Accordance
GB2	Development in General in the Green Belt	Policy GB2 state the proposals that we considered as appropriate and inappropriate within the Green Belt. <u>The policy is considered as having limited weight (as agreed by the Inspector in Paragraph 12 of <b>CD6.3</b>). The policy itself does not refer to very special circumstances, however, this is captured in supporting Paragraph 4.18 to the policy which states that 'The Council will consider each proposal on its merits but will only be minded to approve such development where the very special circumstances outweigh any harm</u>	Limited Weight/ Partial Conflict



		<i>that would occur to the Green Belt and any other harm which would occur to interests of acknowledged importance.'</i>	
GB30	Conservation and Enhancement of Rural Landscape in Parts of the Green Belt	Policy GB30 requires that development in the Green Belt should be well integrated into its rural setting and thus converse with the scenic beauty and amenity of the landscape in the locality of the development. <u>Policy GB30 is considered as having moderate weight due to its accordance with the NPPF – this is acknowledged by the Council at Paragraph 5.6 of CD2.2. It introduces a landscape consideration to Green Belt proposals which blurs the line with other landscape policies. Whilst the need to ensure appropriate integration with surroundings is acknowledged the policy is arguably more restrictive than the NPPF. In addition, the policy is specifically dealing with 'rural landscapes' which has limited applicability on a site that is largely a former golf course and adjacent to an existing railway line and established employment area.</u>	Moderate Weight/Partial Conflict
LSQ1	Chilterns AONB	Policy LSQ1 principally deals with guiding development proposals <u>within the AONB as opposed to adjacent to it. The general thrust of the policy is considered in accordance with the NPPF which seeks to demonstrate exceptional circumstances to justify development in the AONB. The proposals do not result in development in the AONB, however, it is acknowledged that the character of Lodge Lane will partially change as a result of the development. However, this should be considered against the wider opportunity to achieve access to the AONB, consistent with the objectives of Policy CS22.</u>	Significant Weight/Accordance
TR2	Highways Aspects of Planning Applications	Policy TR2 seeks to ensure that satisfactory highways access is provided to new developments and that the volume of traffic created by the development can be accommodated on the surrounding roads. <u>The policy is considered to have significant weight in according with the NPPF, with the exception of 'significantly exacerbating' which the NPPF arguably amends to avoiding 'severe impacts.'</u> The proposed development accords with Policy TR2.	Significant Weight/Accordance
AS2	Unscheduled Archaeological Remains	Policy AS2 sets out the process for ensuring that unscheduled archaeological remains are not disturbed as part of the development process. <u>This is considered in accordance with the NPPF and the Officer Report (CD2.2) at Paragraph 10.10 states that this would have been dealt with by planning condition if permission had been approved.</u>	Significant Weight/Accordance
TW6	Resistance to Loss of Woodland Throughout the District	Policy TW6 states that planning permission for development that results in the loss of woodland will be refused. <u>This is considered as being in partial conformity with the NPPF, albeit does not contain the necessary flexibility that would be expected in the wider planning balance (i.e. tree loss to establish access). The policy is poorly written in its reference to woodland, albeit the supporting text would indicate that this is in respect of ancient woodland. The Proposed Development will result in some tree loss to facilitate access</u>	Moderate Weight / Accordance

		<u>to the proposed development but this is different from significant areas of woodland being lost.</u>	
Policy NC1	Safeguarding of Nature Conservation	Policy NC1 deals with sites that are statutorily protected and seeks to protect them and their special interest. <u>The policy is considered in accordance with the NPPF. In the context of the Proposed Development the site itself if not listed as one of the sites within the sub policies. The scheme is within the Zone of Influence of the Chiltern Beechwoods SAC, however, it is assumed that by the time of the Planning Inquiry the Appellant will be covered through the strategic mitigation that is being advanced by Natural England.</u>	Significant Weight/ Accordance

**Assessment of Development Plan Conformity**

- 6.3. The starting point is that the Development Plan clearly established Little Chalfont as one of the four main settlements within which development is to be located. Policy CS1, CS2 and GB2 seek to restrict the current extent of the Green Belt by allocating development to the existing built up areas.
- 6.4. The Proposed Development is in conflict with CS1 and CS2, however, the age of the policy is relevant and the fact that the Council cannot demonstrate a 5YHLS. From the Exceptional Circumstances Paper (CD8.6) we are aware of the significant reliance that there is upon Green Belt land to meet the development needs the East Area. The housing targets upon which CS1 and CS2 were based on (145 DPA) is significant lower than the current housing need as set out in the Standard Methodology (368 DPA).
- 6.5. In addition, it is important to note that Policy GB2 when read alongside the supporting text does permit development in the Green Belt where VSC is demonstrated. If it is taken, as the Appellant argues, that VSC does exist then there is considered to be conformity with the Development Plan when it is read as a whole. Similarly, if VSC is not considered to have been demonstrated then the proposals would be in conflict with the Development Plan.

**Stage 2 - Relevant Material Considerations**

**(1) NPPF and PPG**

- 6.6. At the heart of the national planning system as set out in the Framework at Paragraph 8 is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan- making and decision-taking.
- 6.7. The NPPF advises that there are 3 dimensions to sustainable development; An economic role, social role and environmental role.
- 6.8. In this regard the Proposed Development is positively assessed on the basis of the following:

**Table 3** – Paragraph 8 NPPF (2021) Assessment

Paragraph 8 of NPPF (2021)	Benefits of the Proposals
Economic	<ul style="list-style-type: none"> <li>• Provide affordable housing to support the objectives of the Chiltern and South Bucks Economic Strategy;</li> </ul>

	<ul style="list-style-type: none"> <li>• Support 439 construction workers and £48 million in Gross Value Added (GVA) per annum over the four-year construction period.</li> <li>• Generate £11.5 million per annum in additional spend as a result of residents living in the new homes and retirement units</li> <li>• Support 118 gross FTE jobs on-site, adding £4.9 million in GVA to the economy each year. This is as a result of people working in the retirement units, care home and community facility.</li> <li>• Generate £754,100 gross revenue to Buckinghamshire Council each year in council tax.</li> </ul>
Social	<ul style="list-style-type: none"> <li>• Delivers a range of much needed housing, including affordable to meet an identified need and the needs of an ageing population;</li> <li>• Provides significant new areas of Public Open Space, including routes to encourage physical activity, community orchard, equipped children's play area and allotments;</li> <li>• Secure public access to the site through the provision of improved connections to the existing Public Right of Way Network and wider AONB;</li> <li>• Provide community open space in an area of identified need;</li> <li>• Located close to the existing centre of Little Chalfont.</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• The site can accommodate 380 dwellings alongside retirement living and care home and be readily assimilated into the environment in a sensitive manner, in a District constrained by the Chilterns AONB;</li> <li>• Delivery of biodiversity net gain and a scheme for the long terms management of the ecological resources on the site, including ancient woodland;</li> <li>• In close proximity to the centre of Little Chalfont with excellent public transport and the provision of on-site facilities and amenities to reduce the need to travel by car.</li> </ul>

6.9. In this respect the Proposed Development is considered to comprise a sustainable location for accommodating development within the East Area and accords with the Framework in relation to the overarching presumption in favour of sustainable development set out at Paragraph 8.

## **(2) Lack of an Up-to-Date Local Plan and 5YHLS**

6.10. The Development Plan for the East Area is significantly out of date in pre-dating the first publication of the NPPF in 2012. The Development Plan is based on meeting the needs of 145 DPA which is significantly below that set out in the Standard Methodology (368 DPA).

6.11. There is currently no formal timetable established for the Buckinghamshire Local Plan and the earliest at which the Council consider that the plan could be adopted is April 2025. This is just under 3 years away.

6.12. For the reasons previously set out, the East Area is heavily constrained and it has been acknowledged by the Council that Green Belt release will be required to ensure that a 5YHLS is met (**CD8.5**).

6.13. Whilst withdrawn, the evidence base supporting the withdrawn Chiltern and South Bucks Local Plan is a key material consideration in this Appeal. Taking an objective and holistic look at the East Area it identified the parcel of land that includes the Proposed Development as contributing the least to the purposes of the Green Belt. The Council in **CD2.2** has confirmed that the work undertaken by ARUP remains relevant.

- 6.14. The latest publication of the 5YHLS confirms that the Council suggests that the Council now has 2.1 years supply. We will be further testing this figure but such a shortfall is reflective of the fact that the Council cannot rely on brownfield land to meet its needs ahead of a new Local Plan being adopted.
- 6.15. At the time of writing, there is no tangible timeline for the New Local Plan thus significantly reducing the ability for the needs facing the East Area to be met through the plan-led system.
- 6.16. The Proposed Development represents a site that has been independently considered through the Council's own evidence base as a site that is suitable for development in being the site that contributed least to the Green Belt objectives.

### **(3) Evidence Base Supporting the Withdrawn Local Plan**

- 6.17. The inclusion of the site within the Draft Chiltern and South Bucks Local Plan affords that the site has been scrutinised and considered through a range of evidence-based documents. As agreed by the Council, the evidence base supporting the withdrawn Local Plan remains a relevant material consideration. The evidence base that supported the proposed allocation for the site was founded on a quantum of development that is higher than that which is proposed through the Proposed Development.
- 6.18. The work undertaken by ARUP in their Green Belt review is a key material consideration as part of this Appeal. Notably as the Proposed Development sits within the parcel that was assessed as having the least contribution to Green Belt purposes.

### **Stage 3 - Overall Planning Balance**

- 6.19. The Council through the publication of its April 2022 5YHLS (**CD4.4**) has confirmed that it does not have a 5YLS. As a consequence of this, footnote 8 confirms that the presumption in favour of sustainable development in paragraph 11d) of the NPPF is engaged in the consideration of this planning application.

#### **Test of 11(d)(i) - Do Policies in the Framework Provide a Clear Reason to Refuse the Development?**

- 6.20. In the circumstances relevant to this application, the site's location within the Green Belt and ancient woodland are relevant 'footnote 7' considerations that must be satisfied. These are considered in turn below.

#### **Paragraph 180c of the NPPF (2021) – Ancient Woodland**

- 6.21. The existing site includes ancient woodland which is appropriately mitigated through the development with appropriate buffers being established to thereby avoid any loss or other adverse impacts arising to this irreplaceable habitat. No statutory objections have been received on the basis of the approach to ancient woodland.

#### **Paragraph 148 of the NPPF (2021) – Very Special Circumstances**

- 6.22. It is accepted that the proposals constitute inappropriate development in the Green Belt, which is by definition harmful. It therefore needs to be assessed using the VSC balance at Paragraph 148 of the Framework.
- 6.23. Sections 7 and 8 of the Planning Statement (**CD1.26**) set out the detail of the relevant considerations of the VSC test.

- 6.24. The East Area includes significant constraints. The evidence work (notably the Exceptional Circumstances Paper 2019 – **CD8.6**) confirms the significant levels of constraints that this part of Buckinghamshire faces.
- 6.25. Whilst withdrawn, the Green Belt releases proposed through the Draft Local Plan indicates the significant reliance on Green Belt land for any meaningful contribution to meeting significant unmet housing, employment and infrastructure needs.
- 6.26. As evident from the most recently published 5YLS statement, without development in the Green Belt the supply is reliant on a larger number of small sites and a large number of office to residential projects predominately delivering apartment living against a need for larger homes. Supply from this source will continue to dwindle and there exists no credible alternative strategy to meeting housing and other needs ahead of the adoption of the New Buckinghamshire Local Plan which we understand is not likely to be adopted until 2025 at the earliest.
- 6.27. The significant body of work that has informed the Draft Local Plan remains relevant and material and shows the site as making only a moderate contribution to Green Belt purposes. Whilst it is acknowledged that there will be a physical change with development on the site, the significant buffers and topography of the surrounding land will significantly limit the extent to which the site can be seen from publicly accessible points from the wider AONB and Green Belt.
- 6.28. Pursuant to paragraph 148 of the NPPF, substantial weight must be attributed to any harm created to the Green Belt, however, we consider that any such harm is significantly and demonstrably outweighed by the very significant planning benefits of the proposals which are, in summary:
- The **significant weight** attributed to the demonstrable lack of alternative sites that could meet need ahead of the adoption of a New Local Plan;
  - The **significant weight** afforded to the provision of custom-build plots, in an area that is currently not meeting need and does not currently have an up to date Development Plan strategy to be able to ensure that such needs are met in the short term;
  - The **very substantial weight** afforded to general market housing provision in an area of identified need, including the additional market housing that is likely to be generated as a result of C2 uses being provided as part of the development;
  - The **very substantial weight** afforded to the provision of affordable housing in an area of acute need.
  - The **significant weight** attributed to the delivery of much needed specialist housing to support an ageing population, including the associated benefits of reduced pressure on local NHS services and the opportunities to presented to release further market housing;
  - The **significant weight** attributed to the delivery of key open spaces in an area of identified need and in an area where, without Green Belt release, such needs could not be met;
  - The collective **significant weight** to the economic benefits arising from the proposal both during the construction process and on a permanent basis;
  - The **moderate weight** associated with the provision of community infrastructure.
- 6.29. Overall Green Belt Very Special Circumstances Assessment

**Table 4**

Assessment	Consideration	Notes	Weighting
Harm to the Green Belt	Definitional Harm	Yes	Substantial
	Impact on Openness (Para 137)	Moderate/Significant (Spatial) Limited (Visual)	Substantial
	Impact on Green Belt Purposes (Para 138)	Moderate	Substantial
Any Other Harm	Harm During Construction (Residential Amenity and Landscape Character)	Temporary in Duration	Limited/Moderate
	Harm to Local Views		Limited
Benefits Weighing in Support of the Proposals	Delivery of Market Housing (including family housing)		Very Substantial
	Delivery of Affordable Housing		Very Substantial
	Delivery of Custom Housing		Significant
	Meeting the Needs of an Ageing Population		Significant
	Meeting Open Space Need		Significant
	Delivering Economic Benefits		Significant
	Lack of Alternative Site/Strategy		Significant
	Community Infrastructure		Moderate

**Consideration Under Section 38 (6)**

- 6.30. Limited weight has been attributed to Saved Policy GB2 of the Development Plan which confirms that inappropriate development in the Green Belt will only be acceptable in very special circumstances. It is acknowledged that Policy CS1 states that development will be focused on areas outside of the AONB and the Green Belt. However, this policy, for the reasons presented is considered to hold limited weight. Moreover, the policy itself does not represent a blanket protection. Policy CS1 does also single out Little Chalfont as one of the four locations in the East Area where development should be prioritised in the settlement hierarchy.
- 6.31. When the Development Plan is read as a whole, it includes provisions (notable through Policy GB2 and the supporting text) that development in the Green Belt will be acceptable where very special circumstances are demonstrated.
- 6.32. Following the conclusions that very special circumstances exist, then it follows that the proposals are in accordance with the Development Plans taken as a whole.
- 6.33. Accordingly, for the reasons set out above, the appeal should be granted.



## 7. Third Party Representations

- 7.1. At the point of reporting the application to the Strategic Sites Planning Committee the Council had received a total of c.1100 individual letters of objection from the local community and other parties. Approximately 110 letters of support have also been received.
- 7.2. **Table 5** below seeks to set out the principal comments that have been made by objectors and our response to this. Table 5 does not seek to capture every individual comment but highlights the key matters.

**Table 5** – Response of Third Parties

Comment from Respondent	Appellant Response
Development in the Green Belt is not Acceptable	See response in Section 4
Highways/ Traffic Impacts	See response in Section 4
Homes Should be Provided in North of England	The current approach of the Standard Methodology sets local target for the East Area of Buckinghamshire which is currently not being met. The NPPF requires homes to delivered to meet the need which arises locally.
Planning Application is Premature	As noted in the dSoCG, there is not reference by the Council that the proposals are premature. The New Local Plan is not at an 'advanced stage' (as would be required by the NPPF) and is not anticipated to be so for some time.
Infrastructure (Education/ Health)	The response provided by the Education Authority ( <b>CD7.5</b> ) confirms that subject to the necessary mitigation being secured then they have no in principle issues with the proposals. The Appellant takes no issue with the response provided by the Education Authority. The scheme includes the provision for surgery space should this be required to mitigate the development. At the time of writing, no formal request had been received from relevant authorities to contribute to health needs arising from the development.
Skate Park and Anti-Social Behaviour	The provision for a Skate Park was a response to feedback during the the community consultation events which identified a significant need for a facility for older children. The facility has been designed to provide natural surveillance with properties overlooking the proposed facility. The details of the Skate Park and measures to ensure that it is appropriately managed can be dealt with through the submission of details reserved matters/ planning conditions as appropriate.

Ecology	See response in Section 4.
AONB, Tree Loss and Landscape Harm	See response in Section 4.
Insufficient Utilities	The Officer Report ( <b>CD2.2</b> ) confirms that position with respect to utility provision of the Proposed Development which is not cited as a reason for refusal.

# 8. CIL, Planning Obligations and Planning Conditions

## Matters to be Dealt with by Planning Obligation

- 8.1. The development is a type of development where CIL would be chargeable. This would include £150 per square metre for C3 (dwellings), £35 per square metre for C2 (Residential Institutions including care homes), £150 per metre squared for E(a), E(b) (retail and food and drink) uses, £35 for E(e) medical services and £35 per square metre for other uses including F2(b) community halls and meeting places. Figures to be index linked.
- 8.2. It is assumed the infrastructure demand generated by the Proposed Development would be substantially provided by CIL.
- 8.3. As part of the Planning Statement submitted as part of the Planning Application we had assumed the following Draft Heads of Terms:
- Affordable Housing – obligation to secure a policy compliant minimum 40% provision with a tenure split of 70% Affordable or Social Rented to 30% Intermediate Housing
  - Signage and Wayfinding – a contribution towards measures to encourage access to the AONB by sustainable means in accordance with the AONB Management Plan.
  - Employment– an obligation to advertise opportunities for employment in the construction of the development to local people and target them for employment within the construction phase.
  - Landscape Management and Open Space – an obligation to secure the long-term management and maintenance of the open space within the development
  - Open Space – an obligation that secures the phased delivery of the proposed Open Space within the Development.
  - Education – an obligation to safeguard land for the school within the site and transfer it to the LEA when called upon, together with a contribution towards the delivery of the proposed primary school.
  - Off-site Highway Works – an obligation to secure the delivery of any necessary off-site highway works.
  - Travel Plan – an obligation to secure the implementation of a Travel Plan.
  - Car Club – provisions to ensure that opportunities are sought to include a Car Club Operator on site, including details of opportunities to encourage take up.
  - Custom Build Housing – an obligation to make a certain number of plots available for custom build housing within the Development.
- 8.4. These have not been discussed with the Council due to their refusal to enter into pre-application discussions.

## Matters to be Dealt with by Planning Condition

- 8.5. As the Planning Application was recommended for refusal, no draft planning conditions have been drafted to inform the proposals. We assume that this will be updated as part of the SoCG in advance of the Planning Inquiry.

## 9. Summary and Conclusions

- 9.1. The Chiltern Area of Buckinghamshire represents only a handful of locations within England to have a Development Plan that pre-dates the very first publication of the NPPF.
- 9.2. The Appellant has promoted the site for development since 2014, culminating in its inclusion as a much larger allocation in the now withdrawn Chiltern and South Bucks Local Plan.
- 9.3. There are clearly significant challenges in bringing forward plan-led development in this area with the last plan adopted over 11 years ago and no realistic prospect of any up to date plan being adopted before 2025.
- 9.4. Prematurity is agreed by both the parties as being irrelevant to this case.
- 9.5. As set out in our SoC, the Chiltern Area is constrained such that maintaining development needs in the absence of Green Belt land is not an option. The Council's recent update to its 5YHLS presents a reduction in supply of 2 years and confirms how significant the issue is and the inherent difficulties in being able to meet needs.
- 9.6. Due to the constraints, what is included in the 5YHLS tends to be smaller scale planning applications or office to residential conversions that tend to deliver smaller units without contributions to affordable housing need. The scheme proposed by the Appellant will make a substantial contribution to the delivery of both market and affordable housing, including a genuine mix of homes at the right size.
- 9.7. In addition, through the provision of a care home, retirement living and self-build plots the scheme will also meet much needed other needs that are currently being left unfulfilled in the area.
- 9.8. Significant open space and economic benefits would arise through the development of the site. In respect of open space being provided on site, this would serve the needs of the new residents but importantly would help in addressing locational deficiencies in the area.
- 9.9. It is the contention of the Appellant that the benefits proposed on the scheme in addition to the site's unique location and characteristics (notably in respect of the beneficial screening of the site and existing developed boundaries in addition to the objective assessment of the site making the least contribution to Green Belt purposes) collectively represent very special circumstances. The approval of this appeal would not in our view set a precedent for significant further development in the area ahead of the adoption of the New Local Plan.
- 9.10. The outline planning application represents a high quality scheme produced by award winning masterplanners JTP and should be approved without delay to enable much needed homes to be delivered in the East Area of Buckinghamshire.