

DELEGATED DECISION	
Authorised	M Shires
Date	11 May 2021

Reference	PL/21/0130/FA	Decide by Date:	11 May 2021
Case Officer:	Emma Showan	Publicity end Date:	1 April 2021
Parish:	Coleshill	E.O.T. Date:	
Ward:	Chalfont St Giles	Date Received:	13 January 2021
App Type:	Full Application		
Proposal:	Erection of a temporary rural workers dwelling and agricultural building with access and parking.		
Location:	Land at Magpie Lane, Amersham Road, Coleshill, Buckinghamshire, ,		
Applicant:	Mr Phil Kerry		

SITE CONSTRAINTS

Article 4 Direction
 Adjacent to A and B Road
 Adjacent to C Road
 Area Special Adv. Control
 Adj Arch Notif Site
 Within Chilterns AONB
 Archaeological site
 Buckinghamshire Council Wards
 CSB Old Wards
 Within Green Belt other than GB4 GB5
 North South Line
 A and B Roads
 A and B Roads
 SBDC Archeological Notification Areas
 SBDC Traditional Orchards
 Within 500m of SINC NC1
 in Site of Spec Scientific Interest NC1

PROCEDURAL NOTE

Many of the third party objections relating to this application refer to the rabbit farming enterprise. To be clear, the use of this land for rabbit farming is an agricultural use and does not need planning permission. The LPA therefore has no control over this aspect. The planning application is solely for the erection of a temporary rural workers dwelling and agricultural building with access and parking.

CALL IN

Councillor Waters has requested that this application be determined by the Planning Committee should the Officer recommendation be for approval. The reason for the call-in relates to concerns regarding the impact of the development on the countryside and on neighbouring amenity.

SITE LOCATION

The application site concerns OS field 5828, which is located at the corner junction between Amersham Road and Magpie Lane, outside of the village of Coleshill. The site currently comprises an agricultural field, which extends to 5.5 hectares and is planted with vines/old soft fruit bushes. The nearest neighbouring properties are a public house and a few residential dwellings which are located along Magpie Lane and opposite of the site. The site is also located in the open Green Belt and Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application proposes the erection of a temporary rural workers dwelling and an agricultural building.

The rural workers dwelling would take the form of a single storey 'log cabin' structure. It would have a maximum width of 12 metres, depth of 6 metres and pitched roof height of 3.5 metres, with an eaves height of 2.6 metres. It would accommodate two bedrooms and living accommodation.

The agricultural building will take the form of an open-fronted, four-bay barn. It would have a maximum width of 20 metres, depth of 12 metres and height of 6.7 metres.

Access to the two buildings would be via an existing access onto Magpie Lane and the two buildings would be reached by an access track that runs into the site. The two buildings would be sited towards to the south part of the site.

The two buildings are required in connection with the establishment of a new agricultural enterprise on site, that of free-range rabbit breeding.

The Application has been submitted with the following supporting documents:

- Access construction details
- Agricultural appraisal
- Design and Access statement
- Drainage report
- Ecology letter
- Ecology report
- Plans
- Waste strategy

RELEVANT PLANNING HISTORY

CH/2018/0573/FA - Erection of a temporary rural workers dwelling and an agricultural building, refused permission for the following reasons:

1. The application site is located within the open Green Belt wherein most development is inappropriate and there is a general presumption against such development. The National Planning Policy Framework (NPPF) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Specifically, in respect of new housing in the countryside, paragraph 79 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, amongst other things, the essential need for a rural worker to live permanently at or near their place of work in the countryside. In this case, it has not been adequately demonstrated that the intentions of the Applicant to engage in farming are likely to materialise and are capable of being sustained over a reasonable period of time, in line with the requirements of Local Plan Policy GB17 and therefore the new dwelling constitutes inappropriate development, which is harmful by definition to the Green Belt. It would also erode the openness of the Green Belt and the siting of the proposed dwelling is not considered to be appropriate within the site. The development is therefore contrary to the provisions of the National Planning Policy Framework, Policies CS1, CS4, CS20 and CS22 of the Core Strategy for Chiltern District Adopted November 2011 and Policies GC1, GB2, GB17, GB27 and LSQ1 of The Adopted Chiltern District Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007 and November 2011.

2. The application does not include a Preliminary Ecological Appraisal to establish the ecological value of the site and the site's potential to support European or nationally protected species. Without adequate survey information it is not possible to assess the impacts of the development on any potential species and thus meet the requirements of the NPPF. As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and the proposal is therefore contrary to Policy CS24 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the NPPF.

3. The application does not include an assessment of surface water drainage impacts of the development and no Drainage Strategy has been submitted. Surface water flooding is a serious local issue and there is insufficient information contained within the application to demonstrate that the proposed development would not contribute to, or intensify, the risk of flooding on the site or surrounding areas. As such, the proposal is contrary to Policy GC10 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policy CS4 of The

Core Strategy for Chiltern District, Adopted November 2011 and guidance contained within the Sustainable Construction and Renewable Energy Supplementary Planning Document, Adopted 25 February 2015.

CH/2017/2230/AGN - Prior Notification for the erection of an agricultural barn - objection.

CH/2016/1045/SA - Application for a Certificate of Lawfulness for a proposed use relating to the siting of a non-residential caravan on agricultural land, to be used for storing agricultural tools and shelter for vineyard: Certificate granted.

CH/1978/1727/OA - Proposed residential development, refused permission.

Also of relevance:

Application reference PA20/08566 determined by Cornwall Council - Installation of a mobile home for a temporary worker's dwelling and erection of an agricultural building. This application was submitted by the same Applicant and concerned a rabbit rearing enterprise comparable to that proposed under this application. Both sites are located in the Green Belt and an AONB and therefore the application determined by Cornwall Council is a material consideration in the assessment of this current application. It is noted that the Cornwall application was refused planning permission for the following reasons:

- The application involves the construction of a new temporary workers dwelling in the countryside, detached from any definable settlement containing the necessary facilities required to support day-to-day occupation, which would encourage the use of a private motor vehicle and is not considered to be sustainable development. New housing development in this location is not supported by Policies 3, 7 or 21 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). The proposal would incur significant visual harm to the immediate setting and surrounding natural environment from the construction of a dwelling and agricultural building in the open countryside resulting in landscape and visual harm to the Area of Outstanding Natural Beauty. Notwithstanding the modest associated economic benefits of this proposal, they do not outweigh the unsustainable location and harm to the natural qualities of the setting. The proposal is considered contrary to Policies 1, 2, 3, 7, 21 and 23 of the CLP, paragraphs 122, 127, 170 and 172 of the National Planning Policy Framework 2019 (NPPF) and policy MD9 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021.
- The location of this site relies on access along a public right of way which includes narrow sections with no passing places. The proposed location of this development would encourage conflict between pedestrians motorised traffic giving rise to increase danger for all users and creating an unacceptable highway safety impact. As such the development is considered to conflict with Policies 1, 16 and 27 of the CLP and paragraph 108 of the NPPF.
- The submitted information is insufficient to enable the Local Planning Authority to assess the impacts on protected species and does not provide any information in relation to Biodiversity Net Gain. The proposal thus conflicts with CLP policy 23 and paragraphs 172 and 175 of the NPPF.

PARISH COUNCIL

The Parish Council object to the application. The full objection can be viewed online, via the Council's website, however the key points are summarised below:

1. The site is located in the Green Belt and AONB.
2. The current application is comparable to the previously refused application.
3. Concern regarding the need for frequent collection and deliveries.
4. Potential for disease and pollution.
5. Environmental concerns; impact on Hodgemoor Wood SSI, uncontrolled ground run-off, impact on Chiltern Aquifer.
6. Operational concerns; siting of hutches and pens now shown, no details of lighting, insulation or ventilation.
7. Odour pollution.
8. Impact of fencing and proposal on local wildlife populations; impact on routes for local deer and concerns regarding disease.
9. Avian predators and related risks.
10. Access from Magpie Lane; loss of hedgerow would be harmful to character of the area and the vehicular movements to and from site would be obstructive and hazardous to other traffic use.

11. Access road construction and layout concerns.
12. Concerns regarding design and location of structures close to nearby dwellings and public house
13. Buildings will require provision of mains water and electric services.
14. Poor siting and appearance of proposed buildings.
15. Reference to tree nursery in submission but no further details have been provided.
16. Application should be considered as a change to commercial use.
17. Support for previous objections, previous reasons for refusal, and concerns of Chiltern Conservation Board.

REPRESENTATIONS

238 letters of objection received (at time of writing) which are summarised as follows:

- Unsustainable development
- Harm to Green Belt
- Insufficient justification for residential dwelling on site
- Inappropriate location
- Harm to AONB
- Increase in hardstanding
- No landscape or visual impact assessment has been submitted
- Incompatible with the Chilterns AONB Management Plan 2019-24.
- Business not yet operational
- Business untested in terms of sustainability
- Buildings appear to be permanent
- Damage to landform and geology
- Loss of view
- Impact on views from public footpaths
- Increase in odour and dust
- Noise pollution
- Light pollution
- Concern regarding disposal of waste
- Impact of rabbits and rats close to commercial kitchen and business at adjacent public house
- Harm to business at adjacent public house
- No value to Coleshill community
- Harmful impact to local residents
- No benefits to local economy
- Impact on local house prices
- Likely increase in rodents locally
- Concern regarding rabbit born disease and infection
- Potential impact on local wildlife
- Environmental Report is incorrect
- Detrimental impact on Hodgemoor Wood (SSSI)
- Loss of hedging/vegetation to provide site access and vision splay
- Concerns regarding access arrangements
- Increase in traffic
- Proximity to busy traffic junction
- Already adverse impact due to HS2 traffic
- Concern regarding flooding
- Concern regarding the method of slaughter
- No effective regulations in place to guarantee minimum welfare standards
- Contrary to The Animal Welfare Act 2006
- Cruel farming practice
- Fur farming outlawed in the UK in 2000
- Demand for rabbit farming non-existent
- Vast majority of UK population would not wear animal fur
- Immoral practice
- Would set precedent for future development on site
- Previous reasons for refusal still applicable

- Similar proposal refused by Cornwall Council
- Objection from local Rabbit Rescue
- Objection from Animal Aid
- Objection from Eyes on Animals
- Harmful to Buckinghamshire's reputation
- Negative public attitudes towards proposal

- Objection the Chilterns Conservation Board - full comments accessible on the Council's website.
- Objection from Amersham and District Residents Association - full comments accessible on the Council's website.
- Objection from The Beaconsfield Society - full comments accessible on the Council's website.
- Objection from Humane Society International - full comments accessible on Council's website.

Two petitions have also been submitted:

- Change.org which contains 80,000 signatures.
- PETA which contains 33,169 signatures.

One letter of support providing support for local business ventures and stating that there is no evidence that the amount of smell or vermin would be any worse than with any other livestock.

Officer Note: A large number of the third party representations have referred to the nature of the enterprise and the associated moral and ethical implications. Whilst these comments are noted, there is no planning legislation that relates to the ethical considerations of such an enterprise and so the application will be assessed against the planning merits, or lack thereof, of the proposed development.

CONSULTATIONS

Agricultural Consultant: Comments are summarised: 'Based on the submitted documents, particularly the RAC report, I am prepared to accept the need to live on site. Clearly, there would be potential welfare and security issues and given the levels of stocking, certainly by Year Three, I would also accept that it represents a full-time entity. Again, given the Applicant has established markets/outlets together with the ability to generate new ones (closer to London), I am reasonably satisfied in principle of the viability/sustainability.'

Archaeology Officer: 'The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.'

Building Control Officer: 'Proposed work to comply with Approved Document B5; Access and Facilities for the Fire Service.'

Ecology Officer: 'It is considered that there is a reasonable likelihood of protected species being affected by this development. Therefore, further information is required to ensure protected species are not adversely impacted by the proposals and to ensure there is not net loss of biodiversity (in accordance with National Planning Policy Framework, 2019).

The presence or likely absence of protected species (e.g. reptiles and amphibians) needs to be established by way of appropriate survey in accordance with published industry guidance.

Appropriate mitigation and enhancement measures must be proposed that are proportionate to the impacts and which deliver a net gain for ecology.'

Environmental Health Officer: 'The site appears to have had an agricultural use, inferred by the presence of field boundaries on the map published in 1882, no changes are shown on the subsequent maps. The proposed development will have a sensitive end use. However, the proposals do not appear to include private gardens or soft landscaping. The proposed dwelling will be temporary in nature. No objection, subject to condition.'

Highway Officer: 'Magpie Lane is a 'C' class road, which in this location is subject to a speed restriction of 40mph. Proposals include the erection of a temporary rural workers dwelling and agricultural building with associated access.

In terms of trip generation, given that an agricultural worker would be permanently based on site, rather than travelling to and from the site every day, I do not consider that the agricultural use would generate a significant number of movements to and from the site every day. I trust however, that in the event of planning permission being granted, a suitable condition is placed on the consent in relation to the sole use of the dwelling by an agricultural worker.

A new access is proposed, which will need to be assessed. As Magpie Lane is subject to a speed restriction of 40mph, visibility splays of 2.4m x 79m are applicable, commensurate with current Manual for Streets guidance. I can confirm that these splays are achievable from the proposed access point, entirely within the extent of the highway in both directions.

Mindful of the above, I have no objection to the proposals.'

Natural England Officer: 'No objection, subject to appropriate mitigation being secured.'

Sustainable Drainage Officer: 'The LLFA as no objection to the proposed development, subject to conditions.'

Tree and Landscaping Officer: 'The Preliminary Ecological Assessment describes the site as follows: The survey site is approximately six hectares in size and is accessed via Magpie Lane. The site is dominated by a plantation of grape vines, other fruit trees, poor semi-improved grassland and is bordered by a strip of semi-natural broadleaved woodland and scrub.

Bing Birdseye shows the field as a recently-cut arable crop, but without a date, suggesting that the plantation of grape vines is a recent use. There are no significant trees within the site.

However, the site is surrounded by hedgerows with a belt of woodland along the boundary with the A355. The Ecology report suggests that there has been scrub encroachment into the field from the hedgerows, particularly on the western and southern sides.

The proposed General Purpose Agricultural Building and the proposed Rural Workers Dwelling would be well within the site, and the structures themselves would not affect any trees or hedges.

The application proposes a new access nearly opposite Ongar Hill Cottage but includes no detailed plans showing ground levels or visibility splays. The road here appears to have been an old lane with banks on either side with old hedgerows. The level of the field is generally about two metres higher than the road but slightly lower at the proposed access point. Under the previous application on the site, CH/2018/0573/FA, there was a highway requirement that "visibility splays of 2.4m x 79m are required in both directions commensurate with a speed limit of 40mph" noting that "for these visibility splays to be achieved vegetation clearance would be required".

This access would be through a line of coppiced hazels about 6-8m in height. The ground levels suggest that there would need to be significant excavation of the banks to provide a satisfactory gradient for the access. The visibility splay up the hill appears to be achievable with only limited hedge loss. However, the splay down the hill towards the junction with the A355 would be around a bend and would require significant hedge loss as well as some bank excavation. The hedge has been neglected for many years and has grown up with some trees present. The loss would include ash trees and some old laid hornbeam hedge that has grown up into more tree-like form. Consequently, the hedgerow loss associated with the proposed access would have a significant effect on the character of the lane.

I also note the comment on the Proposed Access Detail plan stating Existing hedgerows are to be kept to a maximum height of 1.2m above road level. Bearing in mind the height of the bank by the road, this suggests the complete removal of all of the hedgerow.

There is an existing access near the corner of the road opposite the public house, which appears to be satisfactory. There is little explanation in the application as to why this could not be used for the proposed development.

I am concerned about the effects of the proposed access both in terms of hedgerow loss and on the character of the area. I would therefore prefer the proposed development to use the existing access.'

POLICIES

National Planning Policy Framework.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS4, CS19, CS20, CS22, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GB2, GB17, GB27, LSQ1, TR11 and TR16.

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015

Buckinghamshire Parking Guidance, SPD.

EVALUATION

Principle of development

1. The application site is located within the open Green Belt where most development is inappropriate and there is a general presumption against such development. Chapter 13 of the National Planning Policy Framework (NPPF) emphasizes the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

2. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt but lists some exceptions to this, including buildings for agriculture and forestry. However, residential dwellings, including rural worker's dwellings, are not included in the list of appropriate developments and so will only be considered acceptable in very special circumstances.

3. Specifically, Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

4. This approach is consistent with Local Plan Policy GB27 which states that planning permission will be granted for new agricultural buildings provided that: it has been demonstrated that the proposed building is reasonably required for the functioning of the agricultural enterprise on the unit on which it would be located; that the unit is established or the proposed building would enable a fully operational enterprise and unit to be established; and no other building exists on the unit which could be used or reasonably converted for use for the purpose of the proposed building. In addition, the siting, design, type and colour of materials and landscaping of the proposed building should have an acceptable visual impact and there should be no significant adverse effects on the amenities of any nearby residential properties.

5. When it comes to the siting of temporary rural worker's dwellings, Local Plan Policy GB17 states that, in the Green Belt, a new agricultural dwelling will only be acceptable where it can be demonstrated that it is essential to the operation of an established agricultural holding. This Policy also states that if a dwelling is

found to be acceptable, it should be sited in a position which is not prominent in the landscape and the dwelling should be no larger than is necessary to accommodate a worker and his or her immediate dependents.

6. The site is also located in the Chilterns Area of Outstanding Natural Beauty (AONB) where, in accordance with Local Plan Policy LSQ1, development should conserve and, where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the AONB.

7. All other relevant Development Plan Policies should also be complied with.

Justification for proposal

8. This application proposes both a rural workers dwelling and an agricultural building. The Applicant has submitted a supporting statement to justify the need for both buildings in the open Green Belt. To summarise, the Applicant proposes to develop a free-range rabbit farm at the site in Coleshill producing rabbits for consumption. The rabbit activity would occupy approximately 0.81 hectares of the land holding and would be based on a similar enterprise developed by the Applicant at Granby. Details of the site and enterprise at Granby are provided as a blueprint for this development. The development would operate through an exemption available for small producers and details have been submitted to demonstrate how the enterprise would develop over the next three years.

9. It is noted that this application follows the submission of planning application reference CH/2018/0573/FA for the erection of a temporary rural workers dwelling and an agricultural building on this site, in order to allow for the creation of a free-range rabbit breeding enterprise - akin to that now being proposed. This application was refused permission for three reasons; it had not been adequately demonstrated that the intentions of the Applicant to engage in farming are likely to materialise and are capable of being sustained over a reasonable period of time, in line with the requirements of Local Plan Policy GB17 and therefore the new dwelling constituted inappropriate development, which is harmful by definition to the Green Belt; the application did not include a Preliminary Ecological Appraisal to establish the ecological value of the site and the site's potential to support European or nationally protected species; and the application did not include an assessment of surface water drainage impacts of the development so there was insufficient information contained within the application to demonstrate that the proposed development would not contribute to, or intensify, the risk of flooding on the site or surrounding areas.

10. The determination and assessment of this earlier planning application remains a material consideration, although it is accepted that this current application has been submitted with supporting evidence, including a revised Design & Access Statement (with reference to a number of supporting appeal decisions) and an updated Agricultural Appraisal.

11. The Local Planning Authority's independent Agricultural Consultant has reviewed the supporting documentation. They have confirmed that they accept the need for a full-time worker to live on site, given the potential welfare and security issues associated with the rabbit farming enterprise. They have also confirmed that the business proposal is realistic, and they are 'reasonably satisfied' of the viability/sustainability of the proposed enterprise.

12. It is noted that this differs from the approach taken by the Council's previous Agricultural Consultant, however, on the basis of the updated submission, the LPA has no reason to disagree with the conclusions reached by the Agricultural Consultant. Further, it is acknowledged that the Applicant has successfully obtained planning permission for the same proposal elsewhere in the United Kingdom (Granby, Keyham, Barnack and East Bridgford) and in all of these instances, it was considered that a need for a full-time worker to reside on site was evident and that the nature of the enterprise was such that it could be capable of achieving financial viability and sustainability. Similarly, in a more recent case, an application by the same Applicant for the same enterprise in Cornwall accepted that there was a need for a worker on site for the type of operation proposed - although this application was ultimately refused for other reasons. It is therefore accepted that there may be a need for a worker on site for this type of operation.

13. However, although the Applicant is proposing an agricultural use of the site, there is no established and viable rabbit-breeding business operating on site at present, and no evidence has been provided to state why the business must be located on this land, other than it is currently owned by the Applicant and available. Although the submitted documents state that the Applicant seeks to target the London market, it has not been demonstrated why this particular site was chosen, given its constrained location in the AONB, as opposed to another site which way may have been more suitable, outside of the Green Belt and AONB. There is no evidence that, given the efficiencies of modern transport, that a business targeting the London market has to be close to London, when other food suppliers successfully supply markets nationwide from central locations. It is therefore not considered that there is a proven essential need for a presence of this business on this site, and hence a new dwelling.

14. The NPPF encourages LPAs to support sustainable development, stating in Paragraph 11 that: *Plans and decisions should apply a presumption in favour of sustainable development.* It goes on to say that planning permission should be granted unless any adverse impact would be so significant as to outweigh the benefits of the development. In this case of this proposal, the site is an undeveloped field within the AONB where there are no agricultural buildings in the immediate landscape. Concerns are raised with regards to the harm to the AONB (discussed below) and the lack of evidence to set out why there is an essential need for the presence of this type of business on this particular site.

Impact on the character of the area and AONB

15. The site is in a fairly isolated rural location within the AONB, which is a nationally protected landscape. The location for the proposed development is a field located at the junction between Magpie Lane, a rural countryside lane, and the A355 Amersham Road, a relatively busy arterial route linking the settlements of Amersham and Beaconsfield, and providing local access to the M40. The site is bordered by hedgerows and some trees but slopes upwards in a south-east to north-west direction. There is some sporadic residential development located to the opposite side of Magpie Lane and further up Magpie Lane, and directly adjacent to the site, across the road, is located the Harte and Magpies Public House which occupies a prominent and highly visible position at the junction between the A355 and Magpie Lane. Although no public footpaths pass through the site, a number (COL ½, COL 1A/1 and COL2/4) pass within close proximity to the site, and the site is very much viewed in the context of undeveloped rolling agricultural land to this side of the A355 and the Hodgemoor Wood SSSI located to the other side of the A333. These natural features contribute positively to the AONB and with the rising topography, mean that the site is visible from a number of vantage points in the locality.

16. The site forms part of the "Penn Rolling Farmland" (Landscape Character Area 18.2 in the Chiltern Landscape Character Assessment, 2011 (LCA)). This is described as a large scale landscape, with a rolling topography and farmland land cover with limited settlement, which contributes to a well balanced and uniform landscape. There is a sense of intimacy and enclosure with the high woodland cover and limited settlement density. The strength of character is described as strong, with the lack of intrusive features making this a physically and visually intact landscape. The Landscape Guidelines for this Character Area include conserving open views across arable farmland to wooded horizons, conserving the intact, remote and peaceful character formed by the absence of modern development, promoting appropriate management of farmland to help maintain a visually attractive landscape and to ensure new buildings are sensitively integrated into the landscape through careful siting.

17. Local Plan Policy LSQ1 states that development should conserve and, where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the AONB. Meanwhile, the NPPF in Paragraph 172 states that: *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*

18. The Chilterns Conservation Board has been consulted on this application and they have confirmed that they object to the proposal. Their principal grounds of objection are based on the status of the site as a greenfield site in the Chilterns AONB. It is stated that: 'The application showed no consideration to its location in the AONB and lacked adequate environmental information on which to determine the application, including matters of landscape character, landscape and visual impact and ecology, especially as affects the

nearby ancient woodland at Hodgemoor Wood SSSI and the adjacent traditional orchard priority habitat at Bower's Farm... The site would be visible from Magpie Lane due to the rising topography and potentially from higher ground to the east of A355 and from public rights of way COL 1/2, COL 1A/1 and COL 2/4. The applicant provided no assessment of impact from these vantage points. Rabbit farming is not an agricultural use in harmony with the site or its history.'

19. Further to the above, no cogent argument has been put forward to support the need to site the proposed dwelling and agricultural building where they are shown to go on the site plan. The Applicant has stated that the buildings would be sited on a flat area of land within the site, however the Council considers that the siting would be in a prominent location away from the entrance to the site. The agricultural building would then be sited approximately 16 metres to the north-west of the proposed dwelling. The siting of the buildings would be approximately 140 metres from the access to the site and this would generate a requirement to provide a lengthy access track (of around 140 metres) on the greenfield site in the Green Belt. Concerns to this effect had been raised by the LPA previously in respect to the determination of application CH/2018/0573/FA, however these have not been adequately addressed, with the proposed siting of the buildings remaining comparable, albeit slightly reoriented to face further towards the A355, and not directly onto Magpie Lane. The distance of the buildings away from the site entrance remains identical to that considered unacceptable previously, and no appropriate justification has been put forward to overcome this harm.

20. In addition, although the design and materials of the proposed barn reflect the agricultural nature of the development, the nature of the development is such that it would result in other ancillary equipment such as pens, hutches, fencing etc. which would result in an intensification of the appearance of the agricultural use. This is considered to have an unacceptable adverse appearance on the landscape and the setting of the AONB. In particular, given the amount of fencing that will be required in association with the development, and given the topography of the site, it is considered that the proposal and associated barn and dwelling would appear as intrusive and conspicuous new features in the rural setting that is currently open and free from built form. In particular, the presence of the temporary workers dwelling would highlight the uncharacteristic nature of the development in this location and the presence of the development would be further highlighted by the need for pens, hutches, fencing etc. in addition to light, needed for both security and to support the residential use. This would entirely change the character and appearance of the site, and it would be at odds with the current character which is that of a rolling field viewed in the context of the adjacent fields and Hodgemoor Wood SSSI. It is noted that in order to facilitate access to the temporary rural worker's dwelling and agricultural building, an access track of 140 metres through the site would be required. The creation of this track which would run through the site, would further appear as an uncharacteristic urbanising feature that is at odds with the landscape character.

21. Similarly, in order to provide the new access, significant hedge loss and bank excavation would be required. The hedge has been neglected for many years and has grown up with some trees present. The loss would include ash trees and some old laid hornbeam hedge that has grown up into more tree-like form. It forms an important part of the character of the rural lane, and consequently, the hedgerow loss associated with the proposed access would have a significant effect on the character of the lane, and it would undermine the visual quality of the locality. The development would fail to accord with the Landscape Guidelines for this Character Area, as set out above, as it would fail to conserve the open views across arable farmland, it would not conserve the intact, remote and peaceful character formed by the absence of modern development, it would not maintain a visually attractive landscape and would not ensure new buildings are sensitively integrated into the landscape through careful siting.

22. Given the above, it is clear that the landscape character and natural beauty of the AONB would not be conserved or enhanced in accordance with the requirements of Local Plan Policy LSQ1 and the provisions of the NPPF.

Residential amenity

23. The site is set away from neighbouring residential dwellings and therefore it is considered that the proposal would not result in any harm to neighbouring amenities. Concerns by third parties regarding noise,

pollution and disease are noted, however the Environmental Health Officer has not raised any concerns in these respects.

Parking/Highway implications

24. The comments from the Highways Authority are noted and no objections are raised with regard to the highway and parking impacts of the proposed dwelling. The new access would allow for adequate visibility splays to be provided and the associated traffic movements are considered to be acceptable in terms of the impact on the local highway network. In addition, adequate parking can be provided on the hardstanding proposed within the site.

Ecology

25. Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District. In this respect it states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with Paragraph 175 of the NPPF which aims to conserve and enhance biodiversity.

26. In this regard, although the Applicant has submitted a Preliminary Ecological Appraisal (PEA) and an Addendum to the PEA, the Council's Ecologist has raised a number of concerns:

- No background data search was commissioned from the Local Environmental Records Centre for records of protected species/priority habitats in close proximity to the site.
- There are a number of ponds mapped within 500m of the site (including at least one within 250 m). The habitats on site appear to provide suitable terrestrial habitat for great crested newt which could be present in the area.
- The habitats (especially the more tussocky areas of grassland) also appear to provide suitable habitat for reptile species, foraging barn owl and ground-nesting bird species.
- The above issues are not addressed within the ecology report.
- The site is adjacent to Hodgemoor Wood Site of Special Scientific Interest (SSSI).

27. Based on the above, it is considered that there is a reasonable likelihood of protected species being affected by the proposed development. In the absence of further information, it is not possible to assess the impacts on any potential species and to ensure that there is not a net loss of biodiversity and thus meet the requirements of the NPPF. As such, the Applicant has not demonstrated that the proposal would conserve and enhance biodiversity and the proposal is therefore contrary to policy CS24 of the Core Strategy and the provisions of the NPPF.

SUDS

28. Policy CS4 of the Core Strategy seeks to ensure the long term sustainability of development and all new developments are expected to have regard to the sustainability principles set out in Table 1 of policy CS4. This includes the assessment of surface water drainage impacts and the inclusion of Sustainable Drainage Systems (SUDS). As noted in the Sustainable Construction and Renewable Energy SPD, surface water flooding is a serious local issue. In this regard, the comments from the Sustainable Drainage Officer are noted, who has not raised any objection to the proposal, subject to compliance with conditions, should planning permission be granted.

Conclusion and planning balance

29. The application concerns the proposed erection of an agricultural building and temporary agricultural dwelling in association with a proposed rabbit breeding enterprise on site. The site is located in the Green Belt and within the Chilterns AONB.

30. Although it is accepted that the type of enterprise proposed would require the need for a full-time worker to live on site, given the potential welfare and security issues associated with a rabbit breeding enterprise, the LPA considers that the proposed erection of these buildings would erode the openness of the Green Belt and their siting would not be appropriate within the site, causing great harm to the important landscape character and visual amenity of the AONB. The proposal would result in the new buildings being

visible from outside of the site, with the associated fencing, hutches, pens, lighting, access track and removal of hedgerow further eroding the special landscape character of this protected area. The Applicant has not presented an adequate case to establish why the business must be located on this land, and why a more suitable, less-constrained site was not chosen. Alternatively, it has not been demonstrated that there is a demand for this proposal in this location. The siting of the dwellings has not changed sufficiently from the refusal of the last application (reference CH/2018/0573/FA) and therefore the proposal would continue to fail to accord with the aims and intentions of Policies GC1, GB2 and LSQ1 of The Adopted Chiltern District Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007 and November 2011, Policy CS22 of the Core Strategy for Chiltern District Adopted November 2011 and the provisions of the NPPF.

31. In addition, the submitted ecological information is considered to be inadequate in order to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species. Without adequate survey information it is not possible to assess the impacts of the development on any protected species and thus meet the requirements of the NPPF. As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and ensure that there is not a net loss of biodiversity. The proposal is therefore contrary to Policy CS24 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the NPPF.

32. Taking the above factors into account, it is considered that the proposal is unacceptable, and fails to comply with the provisions of the Local Plan, Core Strategy and NPPF. On this basis, the application is recommended for refusal.

Working with the applicant

In accordance with Chapter 4 of the NPPF the Council take a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case, the proposal did not accord with the Development Plan, and no material considerations were apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application was recommended for refusal on the basis of the submitted plans

The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Refuse permission

For the following reasons:-

1. The application involves the construction of a new temporary worker's dwelling and agricultural building on a site located within the open Green Belt. The erection of these buildings in this location would erode the openness of the Green Belt and their siting would not be appropriate within the site. The proposal would result in the new buildings being visible from outside of the site, with the associated fencing, hutches, pens, lighting, access track and removal of hedgerow further eroding the openness of the Green Belt. The Applicant has not presented an adequate case to establish why the business must be located on this land, and why a more suitable, less-constrained site was not chosen. Alternatively, it has not been demonstrated that there is a demand for this proposal in this location. Notwithstanding the economic benefits of the scheme, these are not considered to outweigh the harm identified. Consequently the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. Furthermore, the structures would result in harm to the openness of the Green Belt, both in spatial and visual terms. The proposal is therefore contrary to Policy GB2 of The Adopted Chiltern Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007 and November 2011 and the provisions of the NPPF.

2. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving the landscape and scenic beauty of the area. The site is in a fairly isolated rural location and within the "Penn Rolling Farmland" Landscape Character Area, as defined in the Chiltern Landscape Character Assessment, 2011. The surrounding landscape is a large scale landscape, with a rolling topography and farmland land cover with limited settlement, which contributes to a well balanced and uniform landscape. The proposed dwelling and agricultural building, together with the associated paraphernalia necessary for this business would be highly visible in the landscape. This clutter of buildings and associated fencing, hutches, pens, lighting, access track and removal of hedgerow would not conserve or enhance the special landscape character of this protected area. The development would fail to accord with the Landscape Guidelines for this Landscape Character Area, as it would fail to conserve the open views across arable farmland, it would not conserve the intact, remote and peaceful character formed by the absence of modern development, it would not maintain a visually attractive landscape and would not ensure new buildings are sensitively integrated into the landscape through careful siting. As such it would harm the AONB and is contrary to Policies GC1 and LSQ1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policies CS20 and CS22 of the Core Strategy for Chiltern District - Adopted November 2011, and the aims of the National Planning Policy Framework, 2019.

3. The submitted ecological information is inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species. In the absence of this information it is not possible to establish the ecological value of the site and the site's potential to support European or nationally protected species and ensure that there is not a net loss of biodiversity. Without adequate survey information it is not possible to assess the impacts of the development on any potential species and thus meet the requirements of the NPPF. As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and the proposal is therefore contrary to Policy CS24 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the NPPF.