



Directorate for Planning, Growth and Sustainability

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BUCKINGHAMSHIRE COUNCIL DECISION NOTICE

Application no. PL/21/0130/FA

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure)(England) Order 2015

In pursuance of their powers under the above-mentioned Act and Order, Buckinghamshire Council as Local Planning Authority, **HEREBY REFUSE PERMISSION** for the following:

- Applicant:** Mr Phil Kerry
- Location:** Land at Magpie Lane, Amersham Road, Coleshill, Buckinghamshire,
- Proposal:** Erection of a temporary rural workers dwelling and agricultural building with access and parking.

in accordance with your application received on **9 February 2021** and the plans and particulars accompanying it. The reasons for refusal are set out on the following page(s).

Steve Bambrick
Service Director of Planning and Environment
On behalf of the Council

Date: 11 May 2021

SCHEDULE OF REASONS FOR REFUSAL

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.

GENERAL NOTES

1. See the attached Appeal Notes for details of appealing this decision

APPEAL NOTES

The applicant may appeal to the Secretary of State if aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. Guidance can be found on their website including how to complete your appeal form.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

• Householder Applications(*)

If you want to appeal against the **refusal of planning permission** on a 'Householder Application' then you must do so within **12 weeks** of the date of this notice. However, if you want to appeal **against the granting of planning permission subject to conditions** on a 'Householder Application' then you must do so within **6 months** of the date of this notice.

(*) A householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. It includes an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development. Please note, this does not include development in the boundary of, or to an existing flat or maisonette.

• Other Planning Applications (Non Householder)

You may wish to appeal against the:

- (1) Refusal of a planning, listed building consent, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning or listed building consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The correct form must be used to appeal – Planning: Listed Building Consent; or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An **advertisement application** must be made within **8 weeks**
- (2) If development is a **shop front or other minor commercial development** must be made within **12 weeks**
- (3) All other **non-householder application types** or development types must be made within **6 months**

- The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay
- The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practise, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

Important information in relation to an enforcement notice

Different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is within: **28 days from the date of refusal or the date of determination**. If an enforcement notice is served after the application's decision date or date for determination, the time limit is **28 days from the enforcement notice date**, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice. (This does not apply to Advertisement Consent Applications)

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.