



Appeal Decisions

Hearing Held on 5 July 2022

Site visit made on 14 July 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal A Ref: APP/X0415/W/22/3297304

Land adjacent to Hampden Farm Barn, Greenlands Lane, Prestwood, Buckinghamshire HP16 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs Kirby against the decision of Buckinghamshire Council (East Area – Chiltern).
- The application Ref PL/21/4751/OA, dated 4 January 2022, was refused by notice dated 5 April 2022.
- The development proposed is "outline application with all matters reserved other than access for the erection of 10 dwellings including 4 affordable homes".

Appeal B Ref: APP/X0415/W/22/3292251

Land adjacent to Hampden Farm Barn, Greenlands Lane, Prestwood, Buckinghamshire HP16 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs Kirby against the decision of Buckinghamshire Council (East area – Chiltern).
- The application Ref PL/21/1676/OA, dated 7 May 2021, was refused by notice dated 9 August 2021.
- The development proposed is "outline application with all matters reserved other than access for the erection of 12 dwellings including 5 affordable homes, and the conversion of the stables block to provide a further 1 dwelling."

Decision

1. Appeal A is dismissed. Appeal B is dismissed.

Application for costs

2. At the hearing, applications for costs for both appeals were made by Mr and Mrs Kirby against Buckinghamshire Council (East area – Chiltern), and by Buckinghamshire Council (East area – Chiltern) against Mr and Mrs Kirby. These applications are the subject of separate Decisions.

Procedural Matters

3. Both proposals are outline with access to be determined at this stage, and all other matters reserved for future consideration. Existing and proposed site layout plans show two access points on Greenlands Lane and internal access arrangements. It was confirmed that means of access related to that directly onto/from the highway and for the purposes of appeals, the internal access details have been treated as indicative. The siting, layout and landscaping

details, including a buffer zone around the adjoining Ancient Woodland, have also been treated as indicative. In Appeal B, the appellants submitted a revised indicative plan to take account of a larger buffer zone. It showed the deletion of a dwelling terrace at the stables block end of the site and substitution with two detached dwellings with side gardens, two dwellings within the paddock to the front of the stable. Dwellings were reconfigured, with an additional dwelling, at the other end of the site.

4. The Appeal A scheme would be for the erection of 10 dwellings, including 4 affordable homes. The Appeal B scheme would be for the erection of 12 dwellings, including 5 affordable homes, and additionally the conversion of a stables block for a further dwelling. Both proposals would develop paddock land and a manege, but additionally the Appeal B proposal would include the stable, associated yard, and further paddock between it and the road. Each proposal has been considered on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. In Appeal B, the Council no longer wishes to defend its reasons for refusal concerning the conversion of the stables block to a dwelling. They related to the failure to demonstrate whether the stables was of permanent and substantial construction to enable assessment of whether it would be inappropriate development in the Green Belt, and the effects on bats, a Protected Species under wildlife legislation. Based on the revised structural report and bat surveys, I concur with such a view and need comment no further on these particular issues.
6. However, the Council has raised a procedural objection to the proposed conversion of the stables as an outline planning application. This element of the proposal has been validated as part of the outline. Nevertheless, the building is existing and under Part 1, Article 2 (interpretation) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, outline planning permission is defined as a permission for the erection of a building. Such a situation and legislative definition indicates that the conversion of the stables cannot be considered as an outline.
7. Separate Unilateral Undertakings (UU) dated 1 July 2022 relate to the provision of affordable housing. Further comments were received from the parties on UUs which are considered later in this this decision.
8. The appellants' updated case fact and legal matters statement dated 23 June 2022, together with a recent appeal decision, were accepted for consideration under the appeals prior to the hearing. Post the hearing, comments received by the third parties on the merits of the proposals have not been considered as the opportunities to enable this have passed. The submission of draft s106 agreements and an appeal decision contained with the Council's Final Comments on its cost claim were also not considered.

Main Issues

9. The site is within the Green Belt and so the main issues for each appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;

- The openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area, having regard to the Chilterns Area of Outstanding Natural Beauty (AONB);
- The effect of the proposal on Ancient Woodland and Protected Species;
- Biodiversity;
- Surface water drainage; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

10. Both parties have agreed that each appeal proposal would represent inappropriate development in the Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings as inappropriate in the Green Belt. Policy GB2 of the Chiltern Local Plan (LP) 1997 (with Alterations and Consolidations 2001, 2007 and 2011) states most development in the Green Belt is inappropriate unless it is a defined exception. The principle that development is inappropriate unless an exception can be met, is consistent with the Framework. However, the exceptions within the policy are not consistent with the Framework and therefore, for the purposes of determining inappropriateness, the determining policy is that of the Framework.

Openness of the Green Belt

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The existing sites have a largely open and undeveloped appearance due to their equestrian use with paddocks. The high hedgerow on the frontage would screen development and reduce the prominence of development. However, the loss of openness arising from the development would be visible from a footpath running along the access track into the woodland behind and through the newly created access point. Notwithstanding this, Green Belt openness has a spatial as well as visual aspect and, in this respect, taking this into account as well, the proposed numbers of dwellings, would result in significant harm in both schemes to the openness of the Green Belt.

Character and appearance

12. The appeal sites, including the larger one under Appeal B, are enclosed by significant hedgerow and trees on the frontage, and behind back onto hedgerow and Ancient Woodland. Within this landscaped envelope, there are grassed paddocks separated by ranch style fencing and gates, a manege and access track. This access track leads up to a stable block and yard and these

developments, together with further frontage paddocks, comprise the larger Appeal B site.

13. Hampton Farm Barn and outbuildings, and a property known as The Dingle, lie on the opposite sides of Appeal A and B appeal sites. The overlapping alternative sites lie on the periphery of the village of Prestwood. The opposite side of Greenlands Lane has mainly detached dwellings, roughly sited next to one another, in modest sized plots, with further housing behind. Either side of Hampton Farm Barn and the Dingle, there are gardens, paddocks pasture and sporadically sited dwellings and buildings. There is a clear distinction between the semi rural nature of this side of the lane with the built-up suburban nature on the opposite side of the lane.
14. The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB). Surrounding the appeal sites on the semi-rural side of the Greenlands Lane, there is an attractive patchwork of dense woodland, hedgerows, green open spaces and sporadically located buildings in a gently rolling landscape. Such characteristics reflect the Chilterns National Character Area under the National Character Assessment Plan (NCAP) 2010. Prestwood has undergone significant growth during the twentieth century losing much of its original historic character which its designation within Zone 17: Common Edge – Central Chilterns of the Changing Landscape of the Chilterns – Chilterns Historic Landscape Characterisation Project (CHLCP) 2009 confirms. By reason of its largely verdant nature, the appeal site contributes positively to the attractive countryside on this side of Prestwood.
15. Under the Chiltern's Buildings Design Guide Supplementary Planning Document (SPD) 2010, Prestwood is a plateau village within the landscape. Under the Buckinghamshire Landscape Character Assessment 2011, the sites form part of the Great Kingshill Settled Plateau Landscape Character Area (LCA). Amongst other characteristics, this LCA is described as elevated, gently undulating plateau, with a mix of arable, rough grazing and paddocks, interspersed by small woodland clumps. Settlements comprise nucleated villages and hamlets, with clusters of properties and individual farmsteads in between. As with the NCAP and CHLCP, these policy documents are non-statutory and informal advice, but they confirm my findings on the character and appearance of the area. Despite developed nature of Prestwood, the countryside setting within this edge of settlement location remains an important quality that contributes to its identity.
16. Under both appeals, the indicative plans show dwellings fronting onto an internal access road that is roughly parallel with Greenlands Lane. In Appeal A, the indicatively shown dwellings numbers 1-8 would have little meaningful separation and, whilst the dwellings on plots 9 and 10 would have greater side separation, the dwellings would closely back onto the Ancient Woodland buffer zone. At this end of the site, there would also be parking spaces alongside the internal access road. Such a layout of development would give rise to a strongly urbanising form of development, with many dwellings closely sited to one another and extensive built form, including hard surfacing.
17. In Appeal B, the greater number of dwellings would give rise to an even greater adverse effect, especially with two dwellings between the stables and the lane in their small plots. Due to the topography of the area and landscaping, the adverse effects of both proposals would be localised with no

long-distance views. Hedgerows would be retained but nevertheless there would be significant visibility from a public footpath and through entrances into the sites, including through a removed section of hedgerow into the site.

18. Indicative plans depict just one way of developing a site. Dwelling sizes, siting and layout could be changed with alternative designs. However, the number of proposed dwellings, the roughly rectangular shape of the sites, the frontage hedge and Ancient Woodland buffer zone would indicate a similar layout and the resultant overdevelopment detrimental to character and appearance, taking into account the attractive semi-rural context of this part of the lane. Thus, any changes to the illustrative schemes would make little meaningful difference to the unacceptability indicated.
19. In a 2018 appeal, an Inspector permitted a residential development on land to the rear of the Old Red Lion on Great Missenden's High Street. The site was enclosed on three boundaries by vegetation and was found to contribute little to the character and appearance of the area, including the AONB. However, the appeal site differed from that before me in that it was more developed by buildings and beyond the landscaping, there was further development. It demonstrates that every context will be different and thus, it is of limited weight to the decisions to be made here.
20. For all these reasons, both proposals would harm the character and appearance of the area. Accordingly, the proposals would conflict with Policies GC1 and LSQ1 of the LP and Policies CS20 and CS22 of the Core Strategy (CS) for Chiltern 2011, which collectively and amongst other matters, requires a high standard of design, reflecting and respecting the character of the area, and those features contributing to local distinctiveness, and the conservation and enhancement of the special landscape and scenic beauty of the AONB. LP Policy LSQ1 details higher requirements for development acceptability within the AONB than that of the Framework and this will be considered later under Planning Balance.

Protected Species and Ancient Woodland

21. Under NatureSpaceUK, the sites are highly suitable for Great Crested Newts (GCN) and there is a GCN record within one of the eight ponds within 500m of the sites. However, the appellants' latest ecology report states the GCNs are highly likely to be absent from the appeal sites because of road barriers and suitability. The two ponds closest to the appeal sites within the nearby woodland are heavily shaded and according to the ecology report, prone to drying up, with a below average assessment suitability for GCN.
22. Newts can wander and there is no reliable terrestrial survey method to firmly demonstrate absolute absence. However, the evidence would indicate that GCN travel to the appeal sites would be highly unlikely. The appellants have also drawn up a GCN Assessment and Mitigation Strategy to ensure their welfare and prevent any potential for any unlawful activity. Amongst other matters, this would require a new newt terrestrial survey and translocation exercise prior to construction work, and a temporary newt-proof fence. Such a weight of evidence would strongly indicate that even if a licence was required for works associated with the development, it would be unlikely to be refused by Natural England (NE). Any development would be not detrimental to its population, having regard to favourable status criteria.

23. Part of the Appeal A and B sites would be alongside Ancient Woodland which is a UK Priority Habitat. For both schemes, indicative plans show a 15m buffer zone in line with NE's Standing Advice on Ancient Woodland. Although the buffer zone was originally proposed as an orchard, the appellants accepted that this could be changed to more suitable habitat. On this basis, no harm would occur to Protected Species and Ancient Woodland, and the proposals would accord with Policy CS24 of the CS.

Biodiversity

24. CS Policy CS24 details that Council should aim to conserve and enhance biodiversity and in particular, 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.
25. Paragraph 174 of the Framework requires that planning policies and decisions should contribute to and enhance the local environment in a number of ways, including minimising impacts on and providing net gains for biodiversity. Planning Policy Guidance¹ defines biodiversity net gain as works which deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development.
26. There is a 10% biodiversity gain requirement set by the Environment Act 2021. However, the statutory requirement is not mandatory because of the transitional period for implementation. As such, limited weight can be placed on a 10% biodiversity requirement and taking all considerations into account, a simple biodiversity net gain requirement needs to apply to the proposals.
27. Using the latest NE Biodiversity Metric (BM) calculation, the appellant's ecology report shows a net gain for linear features/hedges and loss on habitat. The appellants' ecologist has confirmed that the lane side hedgerow has sufficient species-richness to reach the criteria for 'importance' under the Hedgerow regulations, and a 10m stretch would be removed to facilitate access. The loss of this hedgerow would be compensated by additional hedgerows as part of the landscaping for the sites.
28. To compensate for the loss of habitat on the sites, a planning condition has been recommended to off-set this loss through the creation of habitats on-site and elsewhere. It also requires a timetable for this off-setting to be agreed. However, the response from the off-setting organisation provides no re-assurance that this could be achieved. Although sites are being investigated, it indicates no habitat bank is presently available and that a unit sale agreement cannot be offered. Consequently, there are no reasonable prospects at all of off-setting being available before development commences, even after taking into account that reserved matters still need to be approved pursuant to any outline consent.
29. There is no detailed justification, by way of mapping analysis showing existing and retained/proposed habitats, to demonstrate how the BM inputs and overall outcomes for overall hedgerow gain and habitat loss have been derived. Due to the outline nature of both appeal schemes, the BM will also be likely to

¹ paragraph 022, Reference ID: 8-022-20190721.

change. Consequently, it remains an indicator on biodiversity gain/loss. However, both appeal proposals would be likely to result in significant coverage of the site with built form and hard surfacing. It has not been demonstrated that the gardens of the new dwellings would be a biodiversity enhancement. There would be a lack of control of future management over the gardens, such as use of pesticides, fertilisers, and the Council's ecologist identified native flower and grassland species within the improved grassland of the paddocks. Their survey was carried out at a more suitable time of year than that carried out by that of the Appellants.

30. In conclusion, there would be small harm to biodiversity based on the balance of evidence before me and the proposals would conflict with the aims of Policy CS24 of the CS and paragraph 174 of the Framework.

Drainage

31. Planning policies require the development to not increase flood risk on or off site, and that a hierarchy of surface water needs have been examined first. For both appeal sites A and B, the appellants' Flood Risk Assessment (FRA) confirms surface water runoff infiltration is not possible due to the geology of the area. Due to the outline nature of both appeal proposals, surface run-off has been estimated and a drainage strategy devised with permeable paving, swales and attenuation tanks. This strategy has been designed to attenuate the 1 in 100 plus 40% climate change allowance event and, as such, there would be sufficient storage for the 1 in 30 year event.
32. The Lead Local Flood Authority (LLFA) objects on the grounds that it has not been demonstrated that adverse surface water run-off cannot be averted. As part of the strategy, surface water discharge into a foul network within Greenlands Lane will be required. Despite the LLFA's objections, the FRA is persuasive in confirming that a sequential approach for the disposal of water runoff has been followed, starting with the consideration of on-site disposal. At the hearing, flooding on the site was identified which was not specifically covered by the FRA but the strategy shows spare capacity (freeboard storage) beyond the modelled storm events. As with all outline proposals, it would be normal for the FRA to be amended with any reserved matter applications when a scheme would be finalised and detailed. Whilst the relevant utility company requires no objection from the LLFA, it has not stipulated any overriding objection to a sewer connection for surface discharge.
33. Taking all these factors into account, a planning condition seeking refinement of the drainage strategy would overcome objections based on surface water disposal. Consequently, the proposals would comply with Policy GC10 of the LP and Policy CS4 of the CS. They would also comply with paragraph 167 of the Framework.

Unilateral Undertakings

34. CS Strategy CS11 promotes mix of affordable one and two bedroom dwellings where less than 10 affordable housing units are proposed. CS Policy CS10 also requires a mix of social rented and shared ownership (or other intermediate housing option) at 70% and 30% respectively. The Government's First Homes policy requires such housing to be at least 25% of the mix and to be discounted from market price by 30%. It has been agreed that there is a substantial need for new affordable housing.

35. By their nature, UUs only provide obligations on one party and successors in title. However, the UUs would provide an obligation that the sites would provide 4 and 5 affordable units for appeal proposals A and B, to be managed by a Housing Association or Social Landlord to be approved by the Council. It does not specify the dwelling bedroom size or tenure mix but the party developing the site would have to use an affordable housing provider approved by the Council. In case of disagreement, there are also dispute clause provisions. As such, there is scope to control bedroom size and tenure and inevitably, there will be need for some flexibility at this stage as these matters could change when a housing scheme at the reserved matters stage is finalised. For all these reasons, the provision of affordable housing would meet with requirements satisfying Policies CS11 and CS10 of CS. The UU provision would also meet the statutory tests of Community Infrastructure Regulations 2012 (as amended) and paragraph 57 of the Framework.

Other considerations

36. Buckinghamshire Council has met the latest Housing Delivery Target but this does not relate to the Chiltern area. For the Chiltern area, the five year housing land supply (5YHLS) figure is deficient and has worsened considerably over time to 2.1 for the period 2022-2027. There is also a current moratorium on determining applications within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation which will further restrict housing provision. The Council's Green Belt Exceptional Circumstances Report 2019 states that there are insufficient deliverable sites to meet housing requirements in the Chilterns unless Green Belt sites provide a contribution. This equestrian site was put forward under the Council's call for sites as part of the new local plan, although the plan has been withdrawn. Against this background, Appeal A and B proposals would make much needed provision of 10 and 13 dwellings to housing supply respectively.
37. Under Appeals A and B, there would affordable dwellings provided. Although dated, the Council's Affordable Housing Topic Paper (December 2019) acknowledges a significant historic under provision of affordable housing with the Chiltern and South Bucks areas. Completions within Chiltern area form a very low percentage of overall completions and from 2013-2018, only a total of 146 dwellings were completed, with just 6 and 4 completions in 2013-2014 and 2016-2017 respectively. The local area has experienced rising homelessness, increased usage of temporary accommodation and long waiting times for families on the Council's waiting lists for affordable homes. The boost to a declining housing supply and the provision of much needed affordable housing would attract significant weight.
38. The Framework promotes the effective use of land, including previously developed land (PDL), in meeting the need for homes. Under the Framework definition, it is land occupied by a permanent structure, including the curtilage of the developed land and any associated fixed structure. In this respect, both parties have drawn to my attention to appeal decisions at Saltburn Riding School, Bury Farm Equestrian Centre and Castle Road, but they serve to demonstrate that the inclusion of equestrian land as PDL has to be based on judgement of each circumstance. In this instance, the stables has an enclosed yard but the access drive to the stables has fencing either side which has access points into the paddocks either side. Two paddocks on the side of the access drive closest to the Dingle have a connecting gate and there is a

manage close to the access drive within a paddock. On this basis, the paddocks are an integral and intimate part of the equestrian development forming its curtilage. As such both sites would fall with the definition of PDL under the Framework. Nevertheless, the Framework definition details that should not be assumed that the whole of the site should be developed. Given the scale of the proposals, such a consideration therefore attracts small weight.

39. The appellants' transport report demonstrates that future occupants would have access to local facilities either by public transport or cycling, although it accepts that some journeys may necessitate a vehicle. The Framework promotes sustainable transportation and recognises that to maximise use, opportunities will vary from urban to rural areas. Subject to highway approval, there could be footpath improvements along the frontage of both sites. Such social and environment benefits of this would further add small weight to the proposals' merits.

Green Belt balance

40. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes substantial weight should be given to any harm to the Green Belt. The Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
41. The housing benefits of the scheme would be of significant weight. The environmental benefits of using previously developed land and the social and environmental benefits of the sustainable transport location would separately attract small weight. However, in addition to the substantial Green Belt harm, there would be significant harm to the character and appearance of the area, including the Chilterns AONB, and small harm to biodiversity. Under paragraph 119 of the Framework, making the effective use of land in meeting the need for homes and other uses, is subject to safeguarding and improving the environment. Paragraph 176 states that great weight should be given to conserving the landscape and scenic beauty of AONBs. For all these reasons, 'Very special circumstances' do not exist as the harm to the Green Belt by reason of inappropriateness and other harms are not clearly outweighed by other considerations for both proposals, even the numerically larger dwelling proposal under Appeal B.
42. In an appeal at Chalfont St Giles, an Inspector allowed an appeal for three dwellings in the Green Belt, where inappropriate development was determined, and the AONB. However, the Inspector found numerous factors specific to the proposal in favour, including an improvement to the openness of the Green Belt, and several environmental considerations that outweighed the Green Belt harm. At Codicote and Colney Heath, housing schemes were allowed in the Green Belt but these schemes involved over 100 residential units. Such considerations do not apply here and again, the decision serves to demonstrate that every proposal must be considered on its own particular planning merits.

Planning Balance

43. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
44. The policy conflicts identified under the main issues are central to the consideration of whether the proposals would conflict with the development plan. Both proposals would also boost housing supply and provide much needed affordable housing. The provision of housing, including affordable housing, would comply with LP and CS policies, and are central to the consideration of both the proposals. The Council has a deteriorating 5YHLS and the preparation of a new LP, following the withdrawal of an earlier new LP, is at very early stages of plan preparation. Background policy documents acknowledge sites within the Green Belt and AONB will be required for future development. The proposals would provide housing on a previously developed site and in a location served by opportunities for sustainable transport to access facilities and services.
45. However, the harms to the Green Belt, the Chilterns Area of Outstanding Natural Beauty, biodiversity and associated conflicts with LP and CS policies would be collectively overwhelming. LP Policies GB2 and LSQ1 inconsistency with the Framework limit the weight to be attached to their policy conflicts. Whilst CS Policy CS24 is aspirational, it details that developments should provide net biodiversity gain and its policy conflict attracts small weight. However, remaining CS and LP policy conflicts attract full weight and for all the reasons given, there would be conflict with the development plan, taken as a whole.
46. The Council does not have a 5YHLS but under paragraph 11.d)i., the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is an example of such an area/asset and the proposal would be contrary to the relevant policies of the Framework.
47. Caselaw indicates that a balance of harm and benefits for non-major development in AONBs should be undertaken to determine whether there is a clear reason for refusing the development. A clear reason for refusal has already been established above to indicate that a presumption in favour of sustainable development should not apply but even if a further balance was undertaken, the harm to the AONB would outweigh the housing, social and environmental benefits.
48. Under paragraph 60 of the Framework, to support the Government's objective of significantly boosting the supply of homes, it is important that sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. These proposals would assist in meeting these objectives. However, the proposals would be contrary to Framework policy regarding the conserving and enhancing the landscape and scenic beauty in AONBs at paragraph 176 of the Framework. The proposals would not be sympathetic to local character and history, including the built environment and landscape setting, at paragraph 130 c) of the Framework. Such adverse impacts, along with the impact on the Green Belt and biodiversity, are overriding for the reasons indicated.

49. Therefore, there are no material considerations of sufficient weight or importance that determine that the decisions should be taken other than in accordance with the development plan and therefore, planning permission should be refused for Appeals A and B.
50. Under Appeal B, the Council has withdrawn its reasons for refusal relating to the conversion of the stables. It has confirmed that this part of the proposal would not be inappropriate development and there would be no Protected Species issues. However, this part of the proposal has been incorrectly determined as an outline and the merits of this proposal will also depend upon its converted appearance for which no plans are available. Consequently, the powers to split a decision on this appeal would not be acceptable in this instance. For the reasons set out above, the appeals are dismissed.

Jonathon Parsons

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT

S Randle	Kings Counsel
J Spence	JCE Planning & Architectural Consultancy
J Emmett	JCE Planning & Architectural Consultancy
J Johnston	James Johnston Ecology
J Robinson	Geo Smart Info.
S Kropok	JCE Planning & Architectural Consultancy
J & A Kirby	Appellants

FOR THE LOCAL PLANNING AUTHORITY

M Shire	Buckinghamshire Council (East Area - Chiltern)
E Showan	Buckinghamshire Council (East Area -Chiltern)
A Arampoglou	Buckinghamshire Council (East Area -Chiltern)
J Bates	Buckinghamshire Council (East Area -Chiltern)
Y Wong	Buckinghamshire Council (East Area -Chiltern)
J Cheston	Buckinghamshire Council (East Area -Chiltern)

THIRD PARTIES

W Ramsey	Resident
A J Ramsey	Resident
A D Beagley	Resident
S Snell	Resident
K Ray	Resident
T Bracket	Resident
C Bracket	Resident
J Leslau	Resident
R Turnbull	Chiltern Society
C Eaden	Resident
J Hennessy	Parish Council
J Brackley	Resident
A Huxtable	Third Party
C Bunting	Local councillor
S Peter	Third Party
M Moore	Resident
Mrs Pither	Parish Council
R York	Resident
C Desimone	Resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Council Cost Claim, 4 July 2022.
2. Unilateral Undertaking dated 1 July 2022, relating to affordable housing provision, submitted 4 July 2022.
3. Council Cost Rebuttal on appellants' Cost Claim, dated 4 July 2022.
4. JCE Planning Balance Weighting Exercise (Main Issues).
5. In the High Court of Justice Queen's Bench Division Planning Court, in the matter of an application for Planning Statutory Review, Winifred Helen Ward and (1) the Secretary of State for Levelling Up, Housing and Communities, Basildon District Council, CO/466/2022.
6. National Area Character Profile 110 – Chilterns (Natural England) (NCAP).
7. The Changing Landscape of the Chilterns - Chilterns Historic Landscape Characterisation Project (CHLCP), 2009.
8. Chilterns Design Guide (CDG), The Chilterns Design Board, February 2010.
9. Council correspondence referencing NCAP, CHLCP, CDG and reference to Kiln Common, dated 6 July 2022.
10. Appellants' suggested net biodiversity gain (including off-setting) and Protected Species Licence conditions, dated 6 July 2022.
11. Site photographs, with plan showing locations, dated 6 July 2022.
12. Agreed outline planning conditions for barn conversion, dated 6 July 2022.
13. Appellants' comments on ecology and barn conversion conditions, dated 7 July 2022.
14. Appellants' Cost Rebuttal on Council's Cost Claim, dated 7 July 2022.
15. Council's comments on the submitted Unilateral Undertakings (UU), dated 8 July 2022.
16. Appellants' comments on the NCAP and CLC, dated 11 July 2022.
17. Appellants' comments on the Council's UUs, dated 11 July 2022.
18. Councils Final Comments on the appellants Rebuttal Cost Claim (on Councils Cost Claim) dated 12 July 2022.
19. Appellants' Final Comments on the Council's Rebuttal Cost Claim (on Appellants' Cost Claim) dated 12 July 2022.
20. Council's Rebuttal on appellant's addendum Cost Claim (relating to landscape documents) dated 12 July 2022.
21. Appellants' comments on the Council's FC on their submitted Cost Claim, reference additional appeal decision, dated 12 July 2022.
22. Appellants' additional comments on the Council's comments on the UUs, dated 13 July 2022.
23. Appellant's concerns about Council's FCs on its Rebuttal Cost Claim, dated 13 July 2022.