



Appeal Decision

Site visit made on 26 June 2025

by **Mark Philpott BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/X0415/W/25/3359085

Chartridge House, 352 Chartridge Lane, Chartridge, Buckinghamshire HP5 2SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Doel (Denton Homes Limited) against the decision of Buckinghamshire Council - East Area.
 - The application Ref is PL/24/2305/FA.
 - The development proposed is construction of eleven residential dwellings with associated landscaping following demolition of the existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal I sought and received documents and comments from the main parties about the site's location partly in the Green Belt, housing supply, protected species licensing, the Affordable Housing Supplementary Planning Document (SPD), the Chilterns Beechwoods Special Area of Conservation (SAC) and the Council's recent approval of the strategic Kingsbrook Meadows Suitable Alternative Natural Greenspace (SANG)¹. I have taken these into account in making this decision.
3. The appellant submitted amended drawings in an attempt to address the Council's concerns that the development would harm the integrity of the SAC. These would have the effect of turning proposed units 10 and 11² into a single dwelling and thereby reduce the total number of dwellings to ten. Consequently, that part of the scheme would have a different internal layout, one less front door and entrance pathway, alternate front window positions including for a bay window, and a single rear garden and associated outbuilding.
4. I have considered the matter in light of the principles established by the Wheatcroft³ and Holborn⁴ judgements. Importantly, what I consider at appeal should be essentially the same scheme as that considered by the Council and interested parties at application stage. To do otherwise would be prejudicial to the positions of the Council and interested parties.
5. The drawings were submitted after consultation on the appeal had been undertaken and so the Council and interested parties have not considered the

¹ Council reference 24/01740/ADP

² Identified on drawing reference 3218-A-1005-PR-G

³ Bernard Wheatcroft Ltd v SSE & Another [JPL 1982 P37]

⁴ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

proposed amendments. While the proposed external changes would be modest, units 10 and 11 would be located towards the front of the site and face Chartridge Lane such that the alterations would be perceptible in public views. Various parties made representations relating to matters attributable to the amount and the design of the housing. Taken together, the amendments would amount to a fundamental change to the scheme. Moreover, I cannot be certain that those who did or chose not to respond to the application or appeal consultations would not wish to comment on the amendments. Procedural unfairness would therefore arise if I were to accept the drawings and so I have determined the appeal based on the scheme considered at application stage.

6. A unilateral undertaking (UU) dated 9 October 2025 was submitted at the same time as the proposed amendments. It includes financial contributions that seek to mitigate the impacts of the development on the integrity of the SAC. The UU is complete and has legal effect and so I must consider it. However, I have not sought views from the Council or interested parties about the matter as the contributions have been calculated based on ten dwellings being delivered and thus not the amount of housing that I am considering for the reasons given above.
7. The revised National Planning Policy Framework (Framework) was published after the Council made its decision. However, the main parties had an opportunity to comment on this during the appeal. Accordingly, I have not sought further views about this matter.

Main Issues

8. The main issues are: (i) the effect of the proposal on the integrity of the SAC; (ii) whether the proposal should secure the provision of affordable housing; and (iii) the effect of the proposal on the significance of Chartridge House, which is a locally listed building.

Reasons

Chilterns Beechwoods SAC

9. The SAC is a habitats site in the terms of the Framework. The citation for the SAC sets out that it represents a very extensive tract of ancient semi-natural beech forests. Its qualifying habitats include those forests together with semi-natural dry grasslands and scrubland facies, whereas its qualifying species is the stag beetle.
10. Various documents have been produced in relation to the SAC. These include evidence to support the emerging Dacorum Local Plan⁵, advice from Natural England⁶ and a mitigation strategy⁷ relating to the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI), which is one of the SAC's components. Most recently, a supporting frequently asked questions document (FAQ)⁸ has been prepared to account for the approval of the Kingsbrook Meadows SANG.
11. From this evidence it is clear that the SSSI and hence the SAC are popular destinations that attract a wide variety of recreational interest. The site is within the

⁵ Topic Paper for the Chilterns Beechwoods SAC (November 2020); Visitor survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan (March 2022)

⁶ Letter to various local planning authorities regarding the recreational impacts on the SAC, dated 14 March 2022

⁷ Chilterns Beechwoods Special Area of Conservation: Recreational Pressure Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest (August 2024)

⁸ Chilterns Beechwoods Special Area of Conservation Frequently Asked Questions (October 2025)

zone of influence of the SAC and so, adopting a precautionary approach, recreational activity arising from the occupiers of the proposed scheme visiting the SSSI would have likely significant effects on the SAC's qualifying features. I must therefore undertake an appropriate assessment of the implications of the scheme on the SAC's conservation objectives as the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (CHSR).

12. The conservation objectives are to ensure that the SAC's integrity is maintained or restored as appropriate and ensure that it contributes to achieving the favourable conservation status of its qualifying features. This should be done by maintaining or restoring: the extent and distribution of the qualifying habitats and the habitats of the stag beetle; the structure and function (including typical species) of the qualifying habitats; the structure and function of stag beetle habitat; the supporting processes on which the qualifying habitats and the stag beetle habitat rely; and stag beetle populations and distribution within the SAC.
13. The abovementioned documents explain that recreational activities such as walking, dog walking and cycling are damaging the qualifying features. For example, the creation of new desire lines and trampling are compacting and eroding soil and exposing and damaging tree roots. In the absence of mitigation, recreational pressure from the occupiers of the scheme, together with other residential development, would exacerbate such issues and thereby harm the integrity of the SAC.
14. In order to address the recreational impacts of housing, the evidence specifies that both the delivery of SANG and a financial contribution towards Strategic Access Management and Monitoring (SAMM) should be secured. The SANG would act as an avoidance measure by offering appropriate recreational opportunities and therefore deflect visitors away from the SAC. The SAMM would be used to fund projects to manage the impacts of residual recreational activities in the SAC.
15. The mitigation strategy identifies that the cost for SAMM is £87.03 for each dwelling in the area within which the site is located. This is underpinned by a robust assessment of visitor pressure on the SAC and the anticipated quantum of development within the zone of influence for each local authority area. Additionally, the mitigation strategy sets out that schemes may use capacity at a strategic SANG subject to qualifying criteria and a tariff published on the Council's website, which is based on the cost of its delivery, management and maintenance. In the case of the Kingsbrook Meadows SANG this equates to £5,314.57 per dwelling. I have no compelling reasons to question the costings for either.
16. The UU secures SAMM and SANG contributions of £783.27 and £47,831.13 respectively, which equate to the costs for nine dwellings. The UU therefore fails to secure the amounts required to fully mitigate the recreational impacts of the development. While the extents of the shortfalls are small, this would nevertheless result in harm to the integrity of the SAC. A precedent would also be set for similar shortfalls to be accepted for other residential schemes, which would clearly have cumulative impacts. Furthermore, the FAQ specifies that between 5km and 12.6km of the SAC, only applications for nine or less dwellings qualify for use of the Kingsbrook Meadows SANG. The site is located within those distances from the SAC but include more dwellings, so alternate SANG would need to be secured.

17. The appellant puts forward that there are many open spaces nearer to the site than the SAC that can be used for recreational activities such that there would be no need or desire for the occupiers of the development to use the SAC for recreational purposes. It is also advanced that the occupiers could use public open space proposed within the site.
18. However, the documents referenced above explain that the SAC has a unique draw and is an attractive and accessible honeypot site of regional significance. Furthermore, the zone of influence has been calculated using an industry standard approach confirmed by Natural England such that I have no reason to doubt its robustness. Consequently, even if I were to accept that the occupiers of the scheme would not undertake recreational activities within the SAC much of the time, they would nonetheless be likely to add to recreational pressure on the SAC. The proposal would thereby have a harmful impact on the integrity of the SAC in the absence of the full SAMM contribution.
19. The scheme is supported by a Financial Viability Appraisal (FVA). This indicates that the scheme is at the limits of viability with a contribution of £46,761 towards mitigating impacts on the integrity of the SAC. While the actual amount required for SAMM and SANG would slightly exceed that figure, the viability of the scheme does not justify the resulting harm to the integrity of the SAC.
20. I find that the proposal conflicts with policy CS24 of the Core Strategy for Chiltern District (CS), which seeks to protect and enhance habitats of international importance. It is also contrary to section 15 of the Framework, which sets out that sites of biodiversity value should be protected and enhanced in a manner commensurate with their statutory status and where significant harm to biodiversity cannot be avoided, mitigated or compensated for, permission should be refused.

Affordable housing

21. CS policy CS8 states that at least three affordable housing units should be provided on sites of ten or eleven dwellings. However, the FVA indicates that only 1.92 units should be required when vacant building credit is applied in line with paragraph 65 of the Framework. In any event, policy CS8 gives scope for affordable housing to not be provided where there is clear evidence that a scheme cannot do so viably.
22. The Council did not assess the FVA at either the application or appeal stage. While the Council alleges that appellants are responsible for paying for its assessment of viability assessments, this is not set out in the development plan or the guidance within the Affordable Housing SPD. Consequently, the Council has had opportunities to consider the FVA, and I have no reason to discount it. The FVA's conclusion that the viability of the scheme is marginal is based on no affordable housing being provided.
23. In the absence of any compelling evidence to counter the outputs of the FVA, I conclude that the scheme is unable to viably provide affordable housing and there is no policy requirement for its provision. In this way, there is no conflict with CS policy CS8.

Locally listed building

24. Chartridge House is an early 18th century farmhouse and a non-designated heritage asset in the terms of the Framework. It was grade II listed, but the owners were not notified and carried out internal works that diminished its significance to the extent that it was delisted in 2005.
25. The site was once part of Chartridge Farm, which comprised multiple buildings by the mid-19th century but is now almost wholly lost. The house was owned by Thomas Tyrwhitt-Drake, whose family had been Lords of the Manor of Amersham, and later became the home of the Lasenby Liberty family. Arthur Lasenby Liberty founded the renowned Liberty's department store in London; however, the evidence suggests that he lived elsewhere for much of his life.
26. The house features good quality brickwork with a dentil eaves course but is mostly unremarkable from an architectural perspective. Despite this, it is set back from Chartridge Lane within spacious grounds such that it is distinctive in the streetscene. The original part of the house survives as a square shaped, two storey timber framed core that is principally evident from exposed beams, posts and joists in the kitchen. The cellar also remains largely intact. Otherwise, the house has been extended and altered substantially, though some works are of historic value, including an eastern range and parts of the roof structure that date from the 18th century.
27. The significance of the house has clearly been eroded by the extent of the interventions and loss of historic fabric and the original planform. The significance that endures derives primarily from the surviving elements of the original vernacular farmhouse, its earlier additions and alterations and the associative value from its former occupiers. Accompanying curtilage features including a terraced retaining wall and a mid-19th century outbuilding to the front of the house also contribute to its significance and have value in their own right.
28. The remaining internal historic fabric of the house could be removed without permission. Additionally, I note that the proposed housing would reflect the traditional farmstead vernacular and be compatible with other development along Chartridge Lane and adjacent at Saxeway Drive. Nevertheless, even with the retaining wall and outbuilding retained and photographic recording undertaken, the demolition of the house would harm its significance considerably. This weighs substantially against the scheme.
29. In this respect, there is conflict with CS policy CS4, which specifies that historic buildings should be protected and enhanced. However, I find no conflict with CS policy CS20 or policy GC1 of the Chiltern District Local Plan, which set out criteria that relate more to new development than the loss of existing buildings.

Other Matters

30. The rear of the site is within the Green Belt and the Chilterns National Landscape. Additionally, active bat roosts are present in the house such that a protected species licence would need to be granted for their destruction. No concerns are raised by either main party in respect of these matters. However, if I were minded

to allow the appeal, I would need to consider these in detail, particularly as legal duties exist in respect of National Landscapes⁹ and protected species licensing¹⁰.

Planning Balance and Conclusion

31. Paragraph 216 of the Framework specifies that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The presumption in favour of sustainable development, as set out by paragraph 11(d) of the Framework, is also a relevant consideration as the Council can only demonstrate 0.75 years of deliverable housing sites. Accordingly, permission should be granted unless the application of the policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
32. The Council's housing supply shortage is so severe that the proposed provision of an additional 10 homes in the district attracts very substantial weight in favour of the development. Benefits would also arise from the construction process and the occupiers of the housing spending on and engaging with amenities in the local area. There would also be benefits from the scheme being sustainably constructed and energy efficient, significantly exceeding the requirement for a 10 percent net gain in biodiversity units and securing wildlife enhancements. The design of the replacement housing and the provision of open space to the rear of the site also weigh modestly in favour of the scheme. Overall, the sum of the benefits is considerable. In taking a balanced judgement, these outweigh the loss of the locally listed building specifically.
33. However, I have also found that the proposal would harm the integrity of the SAC. Paragraph 195 of the Framework specifies that the presumption in favour of sustainable development does not apply unless an appropriate assessment has concluded that the integrity of a habitats site would not be adversely affected. This provides a strong reason for refusing the development, and I consider the Framework does not indicate in favour of the appeal.
34. Similarly, the harm to the integrity of the SAC and the consequent conflict with CS policy CS24 leads me to conclude that the proposal is contrary to the development plan as a whole. While the benefits of the scheme outweigh the loss of the locally listed building taken on its own, the material considerations present in this case are insufficient to justify a decision that is contrary to the development plan. Moreover, and in any event, regulation 63(5) of the CHSR has a determinative implication in that the scheme could only be approved if it would not adversely affect the integrity of the SAC.
35. I have not therefore considered the aforementioned other matters relating to the Green Belt, the National Landscape and protected species licensing any further, as this would have no bearing on the harm to the integrity of the SAC or thus the outcome of the appeal. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR

⁹ Section 85 of the Countryside and Rights of Way Act 2000

¹⁰ Regulation 9 of the CHSR