



Directorate for Planning, Growth and Sustainability

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BUCKINGHAMSHIRE COUNCIL DECISION NOTICE

Application no. PL/19/4421/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: Paradigm Housing Group

Location: Land Off High View, Chalfont St Giles, Buckinghamshire

Proposal: Erection of 42 affordable dwellings and associated access, parking and landscaping.

in accordance with your application received on **20 December 2019** 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: 28 August 2020

SCHEDULE OF REASONS FOR REFUSAL

1. The application site is located within the Green Belt where there is strict control over development. One of the exceptions to the construction of new buildings in the Green Belt is for affordable housing for local communities; affordable housing schemes of this nature must be of an acceptable 'scale' and provide for local needs to be an appropriate form of development in the Green Belt. In this case, an established local need has not been clearly justified and the proposal being for 42 dwellings cannot be considered to be 'small scale' and 'limited' to meet the requirements of Policy CS9 of the Core Strategy or paragraph 145 f) of the National Planning Policy Framework 2019 respectively. As such, the proposed development is considered to be 'inappropriate development' which is, by definition, harmful to the Green Belt. This is very significant harm. In addition, the proposed development would introduce 42 new dwellings onto land which is currently open and undeveloped, that would harm very significantly both the spatial and visual aspects of the Green Belt. Furthermore, there would be significant harm to the purposes of the Green Belt in terms of the unrestricted sprawl of large built up areas and safeguarding the countryside from encroachment. There would also be some harm in the prevention of neighbouring towns merging into another. In accordance with the NPPF, substantial weight is given to the harm identified to the Green Belt. The Very Special Circumstances to justify the development do not exist to outweigh the harm to the Green Belt and the other harm identified in the subsequent reasons for refusal. The proposal is therefore contrary to Policy GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 ('the Local Plan'), Policy CS9 of the Core Strategy for Chiltern District (Adopted November 2011) ('the Core Strategy'), Housing Policy 1 of the Chalfont St. Giles Neighbourhood Plan 2019 ('the Neighbourhood Plan) and paragraphs 133, 134, 143, 144 and 145 of the National Planning Policy Framework 2019 ('the NPPF').

2. In terms of the impact on biodiversity, the harm will be potentially very significant. This significance has been established because of the lack of evidence provided in the planning application to demonstrate that the development would not harm protected species including those of European significance, which have the highest level of protection. Furthermore, the lack of any assessment on the Biodiversity Notification Area of 'Shrubs Wood' which is 160m from the site is a constituent part of the identification of this potential harm, as well as the failure of the applicant to follow the mitigation hierarchy as required by paragraph 175 of the NPPF. Furthermore, notwithstanding the importance of conservation, it is also highly unlikely that the development could provide 'measurable net gains' for biodiversity. As such, the proposal is contrary to Policy CS24 of the Core Strategy, paragraphs 8, 170 and 175 of the NPPF, Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System', and The Conservation of Habitats and Species Regulations 2017.

3. The proposed development fails to demonstrate that a suitable drainage strategy for the site can be achieved. It is considered that the proposal to incorporate surface water attenuation features across plots 1 to 3 of the development could create a legacy of flood risk problems due to significant parts of the attenuation being located within the private control of different properties which could compromise the ability to coordinate maintenance. Therefore, it is considered that the design and layout fails to demonstrate that surface water flows could be suitably controlled within the site for the lifetime of the development. If flooding were to occur this could damage properties, be highly dangerous for people and place unacceptable pressures on emergency services. In light of the seriousness and dangers of flood risk, the harm would be very significant. As such, the proposal is contrary to the requirements of policy CS4 of the Core Strategy and paragraphs 163 and 165c) 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.