
Appeal Decision

Site visit made on 11 April 2017

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 May 2017

Appeal Ref: APP/X0415/W/17/3166888

Heath End Cottage, Heath End Road, Great Kingshill HP15 6HS

- 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 D Nash & Mrs A Richards against the decision of Chiltern District Council.
 - The application Ref CH/2016/1564/OA, dated 22 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is 2 x two storey houses and garages.
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Decision

1. The appeal is allowed and planning permission is granted for 2 x two storey houses and garages at Heath End Cottage, Heath End Road, Great Kingshill HP15 6HS in accordance with the terms of the application, Ref CH/2016/1564/OA, dated 22 August 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250 scale.
 - 5) Prior to the commencement of development, the recommendations in section 4.2 of the Bat Emergence and Activity Surveys document dated 27/07/2016 shall be complied with, namely the soft stripping of the building under supervision by a licenced bat ecologist, and the creation of temporary and permanent replacement bat roosts.
 - 6) No tree or shrub shall be removed from the site between 1 March and 31 August unless a close inspection of the building, trees and shrubs to be removed is undertaken by a suitably qualified ecologist prior to clearance.
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- 7) No part of the development shall commence until a management plan for the protection of reptiles on the site (including slow worms and grass snakes) has been submitted to and approved by the Local Planning Authority. The management plan shall include post construction habitat enhancement.

Procedural matter

2. The application was submitted in outline form with all matters reserved for later consideration. I have determined the appeal on this basis. Accordingly I have given little weight to the layout plan showing two houses as layout is a reserved matter. Furthermore, although scale is also a reserved matter, I have given some consideration to the two storey nature of the development as that is expressly included in the description of the proposal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area which is within the Chiltern Area of Outstanding Natural Beauty (AONB), and whether the development should provide a contribution to affordable housing.

Reasons

Character and appearance

4. The appeal site is located close to the junction of Heath End Road and Spurlands End Road. The houses around this junction are generally detached with those to the north and east of the site in large plots reflective of their position at the very edge of the village, and those to the south of the site on more modest plots. Furthermore the land behind the site is an open field. As such the site has a semi-rural character and forms part of the transition from the suburban parts of the village to its more rural fringes.
5. The appeal site is large and, were it to be divided equally, the resultant two plots would generally be smaller than those to the north and east but larger than those to the south. Consequently, the proposal would maintain the site's transitional nature and semi-rural character.
6. The Council consider the tandem layout, as shown on the site layout plan would be at odds with the general pattern of development locally. However as layout is a reserved matter, it is not necessary for me to consider this in this appeal.
7. I have had regard to the content of paragraph 115 of the National Planning Policy Framework (the 'Framework') which advises that great weight should be given to conserving the landscape and scenic beauty of AONBs. From the limited details before me at this outline stage, I consider the position of the site within a row of existing houses, and the relatively modest scale of the proposal overall, means it would have a limited impact on the landscape and scenic beauty of the AONB.
8. As such I do not consider the provision of two houses at the site would be unacceptably urbanising and instead the development would complement the character and appearance of its setting. Accordingly it would comply with Policies GC1 and H3 of the Chiltern Local Plan (CLP) which aim to ensure development is compatible with its surroundings. It would also comply with

Policy LSQ1 of the CLP which requires development to conserve the special landscape character and scenic beauty of the AONB.

Affordable Housing

9. The Planning Practice Guidance (PPG) is clear that affordable housing contributions should not be sought on developments for 10 units or less, and which have a maximum gross floor space no greater than 1,000 square metres. However in rural areas such as in AONBs, a lower threshold of 5 units or less may be applied. Policy CS8 of the Core Strategy advises that on sites of less than 5 units, a financial contribution should be made towards the provision of affordable housing. In this regard, this policy is not consistent with national planning policy and I therefore give it limited weight.
10. Notwithstanding this, and although scale is a reserved matter, I consider it would be highly unlikely or desirable that two houses would exceed the other threshold of 1,000 square metres as this would be twice as much development as the generously sized houses shown on the indicative layout plan. Indeed, as part of the determination of a reserved matters application, the Council would be able to fully consider the scale of the proposal.
11. As such despite its failure to accord with Policy CS8, in accordance with the PPG, I do not consider it necessary for the development to make a contribution to affordable housing.

Conditions

12. In accordance with the requirements of the PPG and the Framework I have imposed the standard condition relating to the commencement of development and submission of reserved matters. I have also imposed conditions specifying the relevant plans in order to provide certainty, and conditions in the interests of ecological preservation. Some conditions require compliance prior to the commencement of development so that the effects of the proposal are properly mitigated in order to make the development acceptable.

Conclusion

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR