



Appeal Decision

Site visit made on 28 January 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/X0415/W/24/3343635

St Leonards Church Hall, Glebe Way, Chesham Bois, Buckinghamshire HP6 5ND

- 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 St Leonard's Parochial Church Council against the decision of Buckinghamshire Council.
 - The application Ref is PL/22/4074/FA.
 - The development proposed is the redevelopment of the site to create a new multifunctional parish centre with cafe, day nursery building, replacement rectory with detached garage, two outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site to create a new multifunctional parish centre with cafe, day nursery building, replacement rectory with detached garage, two outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping at St Leonards Church Hall, Glebe Way, Chesham Bois, Buckinghamshire HP6 5ND in accordance with the terms of the application, Ref PL/22/4074/FA, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by St Leonard's Parochial Church Council against Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. A previous application for the site was refused by the Council and subsequently dismissed on appeal¹. The current proposal is the same as the earlier one except that the additional dwelling that was previously proposed (to be known as Keeper's Cottage) has been removed from the scheme. In his decision on the previous appeal, the Inspector set out reasons for not finding harm in relation to several main issues. I have no reason to depart from his findings in relation to character and appearance, including heritage assets, and living conditions as there have been no changes in policy or on the ground and no substantive new evidence to the contrary in respect of these matters. For other issues, I have had regard to changes in circumstances and evidence.
4. During the appeal, several interested parties sought to make additional comments and introduce the Chilterns Beechwoods Special Area of Conservation mitigation

¹ Planning appeal ref APP/X0415/W/21/3278072 'the previous appeal/proposal/scheme'

strategy² following the 30 July 2024 deadline for their submissions. However, an interested party had already submitted the July 2024 version of this document with their representations within the timescale. There were some changes between the July and August 2024 versions of the mitigation strategy. However, I am satisfied that, insofar as it relates to the proposed scheme, the relevant content of the August 2024 document is covered in the July 2024 document already received. Therefore, I did not accept the submission of this additional evidence.

Background and Reasons

5. The application was refused due to its potential impact on the integrity of the Chilterns Beechwoods Special Area of Conservation (SAC). Subsequently, the Council formally adopted the SAC mitigation strategy at a Cabinet meeting in July 2024. As already set out, this was finalised in August 2024. During the appeal, the Council decided not to defend its position, citing the August 2024 update to its Frequently Asked Questions (FAQs) in respect of the SAC. Insofar as relevant to the appeal proposal, the FAQs reflect the content of the SAC mitigation strategy. Effectively, this means that the Council has removed its objections to the proposal and the matters in dispute between the Council and the appellant have been resolved. For this reason, it was decided that the appeal should be dealt with by written representations rather than via a hearing.

Other Matters

6. A significant number of interested parties made representations in response to the original application and to this appeal. Some relate to character and appearance, including impacts on heritage assets, and living conditions, but as set out above, I have no reason to depart from the Inspector's conclusions on those matters in the previous appeal. I comment below on other matters raised.

Integrity of Chilterns Beechwoods SAC

7. The appeal scheme would include a parish centre with café, day nursery building and replacement rectory, located several kilometres from the SAC. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that the proposal is screened to determine whether it would be likely to have a significant effect on the SAC, either alone or in combination with other projects. Where this is the case, the competent authority must make an appropriate assessment (AA) of the project's implications in view of the relevant site's conservation objectives.
8. The SAC is important for its beech forests on neutral to rich soils, dry grasslands and scrublands on chalk or limestone and the stag beetle. The Footprint Ecology report 2022³ finds that the Ashridge Commons and Woods and Tring Woodlands Sites of Special Scientific Interest are component parts of the SAC and are almost entirely publicly accessible. It identifies that recreational activities associated with additional residential development within 12.6km of the Ashridge Commons and Woods SSSI would threaten the integrity of the SAC. It also highlights the need to limit growth in particularly close proximity (500m) to the SAC boundary to avoid

² Chilterns Beechwoods Special Area of Conservation – Recreational Pressure Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest August 2024

³ Visitor survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan February 2022

some of the greatest risks. It recognises that visitors were partly drawn to part of the SAC by the presence of a café near the site.

9. The Council's officers carried out an AA of the proposal under the Habitats Regulations. This set out scenarios in which the proposed development could impact upon the SAC which reflect the potential for combined trips to the proposed facilities and the SAC. The AA concludes that the development would be unlikely to have a significant effect on the integrity of the SAC. This is because people who would use the new facilities would be visiting for a specific purpose and given the distance and travel time involved, as well as the availability of other open spaces in much closer proximity, it was not considered that the proposal would increase recreational pressure on the SAC.
10. Nevertheless, in refusing the application, the Council considered that given the size of the centre, many visitors would come from outside the local area and if they were travelling via the area of the SAC at Ashridge, they would be more likely to stop off on their way to or from the proposed facility. The Council was concerned about the effects of the proposed scheme being full to capacity. Further, the Council considered that it was unclear that the Inspector's comments on the SAC in the previous appeal related solely to the residential element of the proposal.
11. The Council has FAQs on its website which have changed over time to clarify which types of development will be subject to AA. At the time of the Council's decision, these indicated that other development in close proximity to the SAC, such as cafés, could potentially have an effect on the integrity of the SAC and that each case would be considered on its own merits. The Council's subsequent SAC mitigation strategy indicates that such proposals would be considered on a case by case basis if located within the 500m avoidance zone but could be screened out of the need for AA if within other parts of the 12.6km zone of influence (ZOI).
12. The reason for refusal and the case put by interested parties is that given the scale and use of the proposed parish centre, there is insufficient evidence to conclude that its impacts, whether alone or in combination with other plans and projects, could be avoided or mitigated so that the integrity of the SAC would be preserved. However, the proposal would not result in a net increase in residential development. Further, whilst within the ZOI, the appeal scheme would be some distance from the SAC, not in close proximity or within 500m of it. There is little evidence that the type of development proposed in this location would result in increased recreational pressure or harm to the integrity of the SAC, and Natural England confirm that they have no objection to the proposal. As such, although the Council's officers carried out an AA, no such assessment is required in this case.

Highway safety

13. The requirement for the previous proposal was 191 parking spaces but as the Council is now using the Buckinghamshire countywide parking guidance, this has now reduced to 117 parking spaces. The proposed scheme would include 114 parking spaces, and I concur with the Highway Authority (HA) that this minor shortfall in provision would not be detrimental to highway safety given the opportunity for linked trips between different proposed uses within the site.
14. The Parish Council submitted evidence of existing traffic flows in the area and data for traffic using the current car park at a time when the nursery was still operating. The HA considers trip generation from the proposed scheme and finds that it

would not give rise to unacceptable impacts on junctions in the vicinity given the existing flows on the local road network, and I have no reason to disagree.

15. Further, although Glebe Way is a section of the Chilterns cycleway, a popular weekend route for cyclists, there is no evidence that the increase in traffic from the proposed scheme would cause an undue risk of harm to cyclists.
16. The HA also concludes that satisfactory site access could be achieved, and I agree with the Inspector's findings on the previous appeal that there is a process to seek permission to undertake works on common land to overcome potential barriers to the implementation of this.
17. Conditions relating to access, parking, construction traffic and a travel plan would ensure that the proposal would not harm highway safety and would encourage future users to share cars and use alternative transport modes.

Ecology

18. The proposed development would primarily be sited adjacent to deciduous woodland priority habitat. A preliminary ecological appraisal and preliminary roost assessment, bat mitigation plan, great crested newt survey, badger survey and biodiversity net gain (BNG) assessment and metric were submitted by the appellant. These consider the potential impacts of the proposal on habitats and species, set out measures to mitigate these and indicate that the proposed development would achieve BNG.
19. The Parish Council provided an ecology review by an independent ecologist which, amongst other things, indicates changes to how the BNG metric is calculated, and assesses that the proposal would not create BNG. The Council's ecologist reviewed this but did not consider that any new information had been provided and did not suggest that the proposal could not meet the updated requirements for BNG. The proposed scheme would mainly be located on existing built and grassed land rather than priority habitat and would include biodiversity measures such as green roofs. The appellant has agreed to a condition which includes a requirement to provide BNG calculated using the latest statutory biodiversity metric.
20. Conditions requiring a landscape and ecological management plan and lighting scheme, and securing measures and assurances in relation to badgers, bats and great crested newts would ensure that species and habitats would be protected and enhanced.

Other Concerns of Interested Parties

21. The planning application form indicates that owners of the site, including the Parish Council, were notified of the proposal.
22. The statement of community involvement includes details of events and meetings in which the appellant sought to engage with the local community prior to the submission of the planning application for the previous proposal.
23. The arboricultural report outlines that some trees within the site and others in poor condition would be removed to accommodate the scheme, with most boundary trees retained. The proposed landscape framework plan shows the indicative

planting of many new trees, and conditions would ensure retained trees would be protected and satisfactory new landscaping would be achieved.

24. The site is not within a critical drainage area and is in an area at low risk of flooding. The flood risk assessment and drainage statement finds that the development would be likely to be able to install suitable drainage measures, and a condition would ensure the provision of a suitably managed and maintained sustainable drainage system.
25. Thames Valley Police raised concerns about crime and anti-social behaviour in response to the previous proposal, but not in relation to the appeal scheme. The Parish Council has submitted evidence of recent crime in the area, but there is little to indicate that there has been any crime or anti-social behaviour on the site. Further, the design and access statement suggests that site security would be integrated into the landscaping.
26. Concerns have been raised about the location of the proposed bin storage area and access by refuse vehicles, but the Council's Waste Development Team have no objections to the proposed arrangements.
27. Respondents consider that there is no need for the proposed facility, that other venues are available locally and that it could lead to the closure of the existing St Leonards Church. However, the development would accommodate suitable space for family services and whole church gatherings together with a multi-purpose hall and other facilities, providing a community space. I have not been directed to any planning policies which would seek to prevent such uses.
28. The current scheme is supported by an updated energy statement, and a condition would ensure carbon reduction. Further, I concur with the Inspector on the previous scheme that the wider common is accessible to the public and provides valuable open space, but the site is private land without public access benefits.

Conditions

29. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these documents. In the interests of precision, I have combined conditions to include boundary treatments in the landscape condition.
30. In addition to the standard time limit condition (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interest of certainty.
31. Pre-commencement conditions are imposed relating to a tree protection plan (3), landscape and ecological management plan (4), construction environmental management plan (5), licences or statements in respect of badgers and bats (6 and 7), slab and finished floor levels (8) and a construction traffic management plan (9). These are necessary to ensure that measures are put in place prior to development so that it will safeguard existing trees, protect and enhance biodiversity, protect the character and appearance of the area, safeguard living conditions and ensure highway safety during the construction period. The appellant has agreed to these.

32. I have imposed a condition requiring a surface water drainage scheme (10) to ensure that suitable drainage measures are installed.
33. Conditions relating external materials (11), hard and soft landscaping (12) and bin storage (22) are also required to protect the character and appearance of the area.
34. A condition requiring a scheme to secure renewable or low carbon energy supply (13) is necessary to reduce carbon emissions. The energy statement demonstrates that this could be achieved.
35. I have also imposed conditions relating to access alterations (14), visibility splays (15), the layout of parking and manoeuvring areas (19), a travel plan (20) and the provision of bike stores (21) to ensure highway safety and to promote car sharing and the use of alternative transport modes.
36. Conditions relating to kitchen digester and extraction equipment (16), mechanical plant (17), hours and days of operation (25) and the boundary noise rating level (26) are required to ensure that the scheme would not harm future occupants or the living conditions of neighbouring occupiers.
37. Conditions requiring a lighting scheme (18) and implementation in accordance with recommendations in respect of great crested newts (23) are necessary to safeguard the area's character and protect and enhance biodiversity.
38. A condition is required to ensure that there is a process for dealing with any unidentified contamination found during construction (24) to ensure that the development would not harm human health or ecological systems or pollute controlled waters.

Conclusion

39. For the reasons given above the appeal should be allowed.

A Wright

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PA-01-PL2; PA-02-PL3; PA-03-PL2; PA-04-PL3; PA-05-PL4; PA-06-PL4; PA-09-PL2; PA-10-PL3; PA-12-PL3; PA-18-PL2; PA-19-PL2; PA-20-PL2; 0771.1.1 Rev C; 1835-DR-051-P06; and SK-100 Rev A.
- 3) No site clearance, preparatory work or development shall begin until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations (or to an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) No site clearance, preparatory work or development shall begin until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be for no less than 30 years and shall include the following:
 - a) description and evaluation of features to be managed, mitigated and/or enhanced, including in relation to bats, hedgehogs, swifts and other birds;
 - b) ecological constraints on site that might influence management;
 - c) aims and objectives of management which will include the provision of biodiversity net gain calculated using the latest statutory biodiversity metric;
 - d) appropriate management prescriptions and actions for achieving aims and objectives;
 - f) preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period;
 - g) details of the body or organisation responsible for implementation of the LEMP;
 - h) ongoing monitoring and remedial measures;
 - i) details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery; and
 - j) where the results of monitoring show that the aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development will still deliver the aims and objectives of the originally approved LEMP.The approved LEMP shall then be implemented in full and in accordance with the agreed work schedule and details.
- 5) No site clearance, preparatory work or development shall begin until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) risk assessment of construction activities potentially damaging to biodiversity;
 - b) identification of "biodiversity protection zones";

c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction;
d) the location and timing of sensitive works to avoid harm to biodiversity;
e) the times during construction when specialist ecologists need to be present on site to oversee works;
f) responsible persons and lines of communication;
g) the role and responsibilities on site of an ecological clerk of works or similarly competent person; and
h) use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 6) No site clearance, preparatory work or development shall begin until one of the following has been submitted to and approved in writing by the local planning authority:
- a) a badger development licence issued by Natural England authorising the specified activity/development to go ahead in relation to impact on badger setts;
 - b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence in relation to impact on badger setts.
- 7) No site clearance, preparatory work or development shall begin until one of the following has been submitted to and approved in writing by the local planning authority:
- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead in relation to impact on bats and bat roosts;
 - b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence in relation to impact on bats and their roosts.
- 8) No development shall begin until detailed plans showing the existing ground levels and the proposed slab and finished floor levels of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. The development shall be carried out in accordance with the approved details.
- 9) No development shall begin until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Management Plan shall detail:
- vehicle types;
 - frequency of vehicle movements;
 - delivery, demolition and construction working hours;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials; and
 - use of a banksman.
- The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

- 10) No development other than demolition shall begin until a detailed surface water drainage scheme for the site, based on the Flood Risk Assessment and Drainage Statement December 2022, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and
 - provide a management and maintenance plan for the lifetime of the development which shall include arrangements to secure the operation of the scheme throughout its lifetime.
- The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 11) No development above ground level shall begin until details of the materials to be used for the external construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. This shall include details of hard surfacing materials for the new internal road, parking and turning areas which shall be permeable or allow for natural drainage within the site. The development shall be carried out in accordance with the approved details.
- 12) No development above ground level shall begin until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- the location, size and species of all retained and proposed trees, hedges and shrubs;
 - means of enclosure, including boundary treatments;
 - the covered bike store; and
 - an implementation programme.
- The landscaping works shall be carried out in accordance with the approved details and the agreed implementation programme. Any trees, hedges or shrubs which within a period of five years from the date of planting die, are removed or become seriously damaged or become diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 13) No development above ground level shall begin until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter retained in operation.
- 14) No other part of the development shall begin until all existing means of accesses into the site have been altered in accordance with the approved plans and constructed in accordance with the Buckinghamshire Council guide note "Industrial Vehicular Access Within the Public Highway".

- 15) No other part of the development shall begin until visibility splays have been provided on both sides of the vehicular access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access to the south, and towards the Glebe Way/North Road junction to the north. The area within the visibility splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway and shall be retained as such thereafter.
- 16) Prior to the construction of the kitchens within the parish centre hereby permitted, details of the following shall be submitted to and approved in writing by the local planning authority:
- the grease trap or grease digester system to be installed within the kitchens; and
 - any kitchen extraction system or other mechanical plant associated with the kitchens.
- The approved scheme shall be installed and commissioned prior to the first use of the relevant kitchen and shall be permanently maintained thereafter.
- 17) Prior to the installation of any mechanical plant associated with the development hereby permitted, an acoustic report demonstrating that at all times the operational plant on site shall not give rise to a BS4142 rating level greater than 10 dB below the background noise level at the nearest or worst affected property shall be submitted to and approved by the local planning authority. The mechanical plant as approved shall be installed and permanently maintained thereafter.
- 18) Prior to the use/occupation of the development hereby permitted, a lighting scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- The approved lighting scheme shall then be implemented prior to the occupation/use of the development and no other external lighting shall be erected or installed within the site other than as approved under this condition.
- 19) Prior to the use/occupation of the development hereby permitted, the scheme for parking and vehicle manoeuvring indicated on approved plans 0771.1.1 Rev C and 1835-DR-051-P06 shall be laid out and those areas shall not thereafter be used for any other purpose.
- 20) Prior to the use/occupation of the development hereby permitted, a Travel Plan for the site shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall detail:

- measures to minimise single occupancy journeys by private car and how such measures will be implemented and controlled;
- an analysis of modal split at existing sites and targets for modal shift in the forthcoming year; and
- the appointment of a Travel Plan Co-ordinator;

The development hereby permitted shall not be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter.

- 21) Prior to the use/occupation of the development hereby permitted, the covered bike store shall be implemented in accordance with the details shown on approved plan PA-04-PL3 and as agreed in writing by the local planning authority pursuant to condition 12 and thereafter not used for any other purpose.
- 22) Prior to the use/occupation of the development hereby permitted, the bin store shall be implemented in accordance with the details shown on approved plans PA-04-PL3 and PA-10-PL3 and thereafter not used for any other purpose.
- 23) The development hereby permitted shall be implemented in accordance with the recommendations in section 4 of the Great Crested Newt eDNA Survey by Arbtech July 2023 (eDNA Survey). Any variation to these measures shall be agreed in writing with the local planning authority before such change is made. Within one month of the recommendations being implemented, a letter from the ecologist shall be submitted to, and then subsequently approved in writing by the local planning authority, to confirm that all mitigation measures have been implemented in accordance with the recommendations in the eDNA Survey.
- 24) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 25) The parish centre, prayer room and pre-school hereby permitted shall only be used between the hours of 07:00 and 23:00 on any day of the week.
- 26) The parish centre hereby permitted shall be designed to ensure that during worship and recreational events (including private events) the noise rating level measured at the boundary of the site shall not exceed 10 dB(A) below the lowest LA90, 1hr daytime (daytime 07:00 – 23:00 hours).