



Appeal Decisions

Inquiry held on 5, 6, 7, 8, 13 and 15 November 2024

Site visits made on 5 and 14 November 2024

by D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal A: Ref: APP/X0415/C/22/3312263

Longchamps (also known as Gracie's Field), Latimer Road, Chenies, Buckinghamshire WD3 6EY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act). The appeal is made by Mr Jack Biel against an enforcement notice (EN) issued by Buckinghamshire Council.
- The EN was issued on 19 October 2022.
- The breach of planning control as alleged in the EN is: Without planning permission, the erection of two egg production units, stationing of two feed silos, the laying of hardstanding, widening of a vehicular access, and associated engineering operations.
- The requirements of the EN are:
 1. Remove the egg production units (shown in the approximate position marked A on Plan 1 attached to the EN);
 2. Remove the feed silos (shown in the approximate position marked B on Plan 1 attached to the EN);
 3. Rip up and remove the hardstanding (shown in the approximate position stippled on Plan 1 attached to the EN);
 4. Reinstate the access (marked C to D on Plan 1) to its previous condition, prior to the unauthorised works taking place, including the planting of a hedgerow marked by stars on Plan 1 attached to the EN;
 5. Remove all materials and debris resulting from complying with steps 1 to 4 of the EN from the Land.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Summary Decision: The appeal succeeds in part, on grounds (f) and (g), and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Appeal B: Ref: APP/X0415/C/23/3318244

Land at OS Field 7141, Latimer Road, Chenies, Buckinghamshire WD3 6EY

- The appeal is made under section 174 of the 1990 Act. The appeal is made by Mr Jack Biel against an EN issued by Buckinghamshire Council.
- The EN was issued on 30 January 2023.
- The breach of planning control as alleged in the EN is: Without planning permission, a material change of use of the land, to a mixed use comprising of equestrian, agricultural and residential (the unauthorised use) by virtue of the stationing of a mobile home for residential habitation.
- The requirements of the EN are:
 1. Cease the unauthorised residential element of the mixed use of the Land;
 2. Remove the mobile home (marked hatched on Plan 1 attached to the EN) from the Land;

3. Remove all paraphernalia that has been brought onto the Land in connection with the unauthorised residential element of the mixed use from the Land;
 4. Remove all materials and debris resulting from complying with Steps 1 to 3 of the EN.
- The period for compliance with the requirements is: 8 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Summary Decision: The appeal succeeds in part, on ground (g), and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Preliminary Matters and Background

1. The Inquiry commenced on 5 November 2024 and was initially programmed to sit for 5 days. However, an additional sitting day was required to hear all the evidence, and this was held virtually on 15 November 2024. I undertook accompanied site visits on the 5 and 14 November 2024. Natural England were consulted with regard to sections 28G and 28I of the Wildlife and Countryside Act 1981 (as amended) (the 1981 Act) on Appeal A and with regard to Regulation 63(3) of the Habitats Regulations 2017 (as amended) (the Habitat Regulations) on Appeal B, after the last sitting day of the Inquiry. Both main parties were afforded an opportunity to comment on the consultation responses and I have taken into account in my reasoning the comments received. The Inquiry was closed in writing on 20 February 2025.
2. There are 2 ENs; the first relates to the operational development associated with the housing of chickens and egg production and access to the land; and the second relates to a material change of use of the land to a mixed use of agriculture, equestrian and residential by virtue of the stationing of a mobile home for residential use. The addresses cited, within the banner headings above, relate to the addresses contained within the ENs. However, the land to which each EN relates to is the same parcel of land (the appeal site). As there are 2 ENs and therefore 2 ground (a) appeals and deemed planning applications I have separately assessed the effect of the alleged breaches of planning control on the character and appearance of the area.
3. The appeal site is approximately 5 hectares (ha) in area and access to it is from Latimer Road. In 2004 planning permission¹ was granted on the appeal site for a field shelter and detached building comprising five stables, tack room and hay store. In 2008 planning permission² was granted for the construction of a manège with perimeter fencing. Planning permission³ was refused in 2022 for the erection of '2 mobile free range egg production units and 2 feed silos' (the 2022 application). The site is currently used to stable/keep a few horses, to house approximately 6,400 chickens for egg production and for the stationing of a mobile home for residential purposes.
4. There is no dispute that the appeal site is within the Green Belt and the Chilterns National Landscape (formerly known as Chilterns Area of Outstanding Natural Beauty (AONB)). Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities in respect of their functions, which affect land in National Parks, National

¹ Ref: CH/2004/1842/FA

² Ref: CH/2007/1972/FA

³ Ref: PL/22/1971/FA

Landscapes, and the Norfolk and Suffolk Broads (collectively referred to as Protected Landscapes) in England. Relevant authorities must “seek to further” the statutory purposes of Protected Landscapes.

5. The appeal site lies in the Chess Valley Biodiversity Opportunity Area (the BOA). Adjoining the southern and eastern boundaries of the appeal site is a replanted ancient woodland. The Chenies and Latimer Conservation Area (the CLCA) bounds Latimer Road on the opposite side to the appeal site. The River Chess, and a tributary to it, run to the north of Latimer Road. Frogmore Meadows Site of Special Scientific Interest (SSSI) and Sarratt Bottom SSSI adjoin the River Chess to the east/north-east of the appeal site. The appeal site is also sited within a groundwater Source Protection Zone (SPZ) and a Drinking Water Safeguarding Zone.
6. The Council considers that an Article 4 Direction (the Article 4 Direction) was made in 1959 under the Town and Country Planning General Development Order and Development Charge Applications Regulations, 1950 and that it is still in force. The Council’s only version of the Article 4 Direction is one that says ‘*COPY*’ on it and it does not have the Seal affixed to it or the relevant signatures. However, in type face on it, it states ‘*P.6189. The Minister of Housing and Local Government hereby approved the foregoing direction subject to the modifications shown in red ink thereon.*’
7. The modifications in red ink state ‘*Any development of the kinds specified in paragraph 1 of Class VI of the First Schedule to the said Order, being the erection of any structure used for the purposes of poultry production, including the breeding hatching sexing rearing killing plucking or dressing of poultry or the keeping of poultry for the production of eggs, where such structure –*
 - i) alone or together with any structure, any part of which is within a distance of 100 feet therefrom, exceeds 7,500 cubic feet (as ascertained by external measurement), or*
 - ii) exceeds 500 square feet in aggregate floor space (as ascertained by external measurement), and in the case of a building with a ridge roof, exceeds 7 feet in height at the ridge or 5 feet at the eaves and in any other case exceeds 5 feet 6 inches in height.*’
8. Paragraph 1 of Class VI states ‘*The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture ...*’.
9. A signed and completed Statement of Common Ground (the SOCG) was submitted at the Inquiry. This confirmed, amongst other things, that there is no dispute between the Council and the appellant that; the egg production units (the units) and the feed silos (the silos) are not inappropriate development in the Green Belt, being for agriculture; if the units are approved in some way for this appeal, then there will be the need for an agricultural dwelling to support these and that the principle of an agricultural dwelling is acceptable (subject to conditions); the site now lies in a Green Risk Zone for Great Crested Newts, where impacts are unlikely to occur; The Council has reassessed the latest information provided by the Appellant and now considers that flooding issues could be dealt with by condition(s); The Council has reassessed noise and odour issues in conjunction with the Environmental

Health Officer and is content that these issues could be dealt with by conditions limiting the number of birds and attached to the details of any scrubber to be installed; the Council has reassessed the visibility splay and traffic impacts in light of the revised information submitted and it is content that these issues can be dealt with by condition/s; The Council has reassessed the impact on the non-designated heritage asset and other heritage designations and no longer wishes to raise objections regarding the impact thereon (other than visual impact from the CLCA.)

10. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. Both main parties have been given the chance to comment on the revised Framework. I have taken into account in my reasoning the revised Framework and any comments received.
11. The use of planning conditions and planning obligations in mitigating any adverse effects will be a consideration in assessing the main issues in respect of the ground (a) appeals. The Framework states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations must be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. During the Inquiry a completed unilateral undertaking⁴ (UU) under Section 106 of the 1990 Act was submitted.

Appeal A

The ground (c) appeal

12. In an appeal on this ground the onus is on the appellant to show on the balance of probability that the matters alleged, to have occurred, in the EN do not constitute a breach of planning control. As stated previously, planning permission was refused for the erection of '*2 mobile free range egg production units and 2 feed silos*' in the 2022 application. The appellant considers that the units and the silos do not require planning permission as they are not buildings, they do not fall within the scope of the Article 4 direction. He also initially considered that if they are buildings then they would be permitted development on agricultural land if the Article 4 Direction was not in place. It is also held that the access was not widened as the concrete was under the vegetation, the hardstanding that was laid is not caught by the Article 4 direction as it was laid in connection with the equestrian use.
13. Section 55 of the 1990 Act includes in the definition of the word 'development' the carrying out of 'building, engineering, mining or other operations in, on, over or under land'. Section 57(1) says that, subject to the provisions of the section, planning permission is required for the carrying out of any development of land. Section 55(1A) says that for the purposes of the Act 'building operations' includes (a) demolition of buildings, (b) rebuilding, (c) structural alterations of or additions to buildings and (d) other operations normally undertaken by a person carrying on business as a builder. Section

⁴ Inquiry Document: ID49

- 171A(1)(a) says that the carrying out of development without the required planning permission constitutes a breach of planning control.
14. Section 336 of the 1990 Act defines a building as including “any structure or erection.” However, caselaw, including the judgement in *Skerritts of Nottingham Ltd v SSETR (no. 2)* [2000] 2 PLR 102 (*Skerritts*), indicates that, whilst no single factor is decisive, in determining whether something is a building, regard should be had to 3 primary factors, namely size, permanence and the degree of physical attachment. The judgment in *R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin) (*Woolley Valley*) concerned poultry units mounted on skids so that they could be pulled around the field by a tractor or a 4x4 vehicle when required.
 15. The *Woolley Valley* judgment held that the Council had erred in law in taking too narrow an approach to the meaning of development. The term building in section 336 of the 1990 Act has a wide definition which includes ‘any structure or erection’. This description has been interpreted by the Courts to include structures which would not ordinarily be described as buildings. Additionally, the Council did not direct itself correctly in law on the issue of permanence. This has to be construed in terms of significance in the planning context. The poultry units were permanently in their field and there was no limit on the length of time that they would remain there. The ability to move them around the field did not remove the significance of their presence in planning terms. The visual and landscape impact of the units was not affected to any material extent by any periodic changes to their position in the field.
 16. In this case, the units each measure approximately 11.5m x 35m. Even though they are single storey with shallow pitched roofs the units are relatively large in size. They are not physically attached to the land and are on tracks/skids to enable them to be pulled back and the chicken manure removed from under them. Once the manure has been removed and the area sanitised the units are pulled back into place. The electricity and water connections can be decoupled and the feed pipes to the silos can also be disconnected. The silos are circular in plan form, and they are about 6.7m in height. They rest under their own weight on level platforms adjacent to the units.
 17. I acknowledge that the poultry units in the *Woolley Valley* case housed ducks and not chickens and they were not designed to be moved to remove the poultry manure as the units in this case are. However, the movement to remove the poultry manure is designed to be temporary and the units are therefore in the same position on the appeal site for most of the time. The silos are not designed to be moved. The appellant has stated that the units and silos have been on the site since 2022. Moreover, when viewed walking along the public footpaths, within the appeal site and outside it, against the backdrop of the ancient woodland and boundary hedges I find the size of the units and that of the silos to both be significant in the planning context. They have therefore acquired a high degree of permanence. The units were assembled and welded on site over a period of 4 to 6 weeks.
 18. As a matter of fact and degree, and having regard to the above factors, I am satisfied that the units and the silos constitute buildings as defined in section 336 of the 1990 Act.

19. If the Article 4 Direction is still in force the units and silos exceed the height parameters stated within the direction. I acknowledge that the Article 4 Direction appears to have been in force for many years without being reviewed and that the appellant disputes that it is still in force. It is also disputed whether the appeal site is in a mixed use of equestrian, agriculture and residential use or whether the primary use of the appeal site is agricultural with ancillary equestrian and residential uses.
20. However, even if I agreed with the appellant, in respect of whether the Article 4 Direction is still in force and whether the primary use of the appeal site is agricultural, the units and silos would not have been permitted development under Schedule 2 Part 6 Class A (Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) or Schedule 2 Part 6 Class B (Class B) of the GPDO. This is because under Class A A.1 (i) and the conditions at A.2. (1)(a) the development is within 400 metres of the curtilage of a protected building and the units are used for the accommodation of livestock. Moreover, under condition A.2.(2a) prior approval of the Council was not requested before the erection of the units and the silos was begun. In addition, under A.1 (h) part of the development is within 25 metres of a metalled part of a classified road. Under Class B of the GPDO the construction of a building is not permitted and under the conditions at B.1.(c) part of the development is within 25 metres of a metalled part of a classified road.
21. By virtue of sections 55 and 57 of the 1990 Act, building operations constitute development and planning permission is required for such development. Planning permission has not been granted and therefore I conclude, based on the evidence before me, that on the balance of probability the erection of the units and silos alleged in the EN constitute a breach of planning control.
22. It is not clear if the extent of the access where it adjoins Latimer Road has been widened. The appellant states that he cleared back some vegetation and found concrete underneath it. However, the extent of the concrete hardstanding, a short distance from Latimer Road into the appeal site, appears to have been extensively increased as the layout/orientation of the access within the site is substantially different to that prior to the alleged breach occurring. This is because there are now 2 separate gated access drives from the Latimer Road access instead of one gated access drive. In my judgement the laying of the extended hardstanding is a building operation. If it was intended to serve the equestrian use, there is no substantiated evidence before me to indicate that it is permitted development under any Part of the GPDO. Moreover, if it was developed in association with the agricultural use it would not have been permitted development under Class A or Class B of the GPDO for the reasons given above.
23. Planning permission has not been granted and therefore I conclude, based on the evidence before me, that on the balance of probability the laying of hardstanding as alleged in the EN constitutes a breach of planning control.
24. Taking into account all of the above the ground (c) appeal fails.

The ground (a) appeal and deemed planning application

Main Issues

25. Taking into account the agreed SOCG the main issues are:-

- The effect of the alleged breach of planning control on the natural environment and biodiversity, in particular the River Chess, the BOA, the SSSIs, Priority Habitats, Local Wildlife Site and Ancient Woodland;
- The effect of the alleged breach of planning control on the character and appearance of the surrounding area taking into account the Chilterns National Landscape and the CLCA;
- The effect of the alleged breach of planning control on a defined groundwater Source Protection Zone (SPZ);

Reasons

26. The appeal site currently comprises several paddocks, 2 buildings that are currently/have been used as stable blocks, a field shelter, a manège area, the 2 units and the 2 silos, a mobile home, a detached building (the egg storage building) used in association with the units and silos and parking and access areas/tracks. The appeal site sits on the southern side of the River Chess Valley and as such the topography of the site is largely sloping down from the south to the north. Replanted Ancient Woodland (AW) bounds the southern and eastern boundaries. A public right of way⁵ (PROW) traverses the western paddocks. Prior to the unit and silos being erected the appeal site was utilised for equestrian purposes. I was told at the Inquiry that the manège area is currently not used but a few horses are stabled/kept on the appeal site.

Natural environment and biodiversity

27. Policy GC9 of the Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011 (LP) states, amongst other things that, *'throughout the District, the Council will not grant permission for any development likely to generate unacceptable levels of air, water or ground pollution.'* LP Policy GC12 states, amongst other things that, *'any development which will detrimentally affect the character of the District's rivers, river banks or land in the vicinity of a river, particularly where the development impinges visually on the riverside landscape, will not be permitted. The term "river" includes any adjoining marshland, or other related water feature.'* LP Policy NC1 states, amongst other things that, *'planning permission for development will be refused where it will significantly harm an acknowledged nature conservation interest of established importance.'*

28. Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 (CS) states, amongst other things, that *'to ensure long-term sustainability of development and help contribute towards national targets to reduce overall CO² emissions, the Council will expect all new developments to have regard to preservation and enhancement of nature conservation interests and important features of the natural environment such as rivers, streams, river corridors, flood plains, trees, hedgerows.'* CS Policy CS24 states, amongst other things,

⁵ CHE/42/1

'that the Council will aim to conserve and enhance biodiversity within the District.'

29. Frogmore Meadows and Sarratt Bottom SSSIs are around 1.1 and 1.8 km respectively to the east/north-east of the appeal site. The appeal site lies within both SSSIs' Impact Risk Zones and it is located upstream from those SSSIs. The citation for Frogmore Meadows SSSI states, amongst other things, that it *'comprises two alluvial meadows surrounded by mature hedgerows beside the River Chess. Damp, species-rich, unimproved neutral grassland grades into drier, acidic areas where the soil becomes more free draining. Agricultural change has reduced the extent of this habitat nationally and examples are now very scarce in Hertfordshire. Marshy areas and tall fen communities at the river's edge add diversity to the plant communities.'* The citation for Sarratt Bottom SSSI states, amongst other things that it *'is an area of alluvial meadow beside the River Chess. The site is an example of damp, species rich, unimproved neutral grassland, traditionally managed for grazing and characteristic of lowland Britain. Agricultural change has severely reduced the extent of this habitat nationally, including Hertfordshire where it is very scarce. The rich plant communities show a transition from damp grassland to marsh and swamp; the latter bordering a river overflow channel which traverses part of the site and provides an important aquatic habitat. Some locally rare species are recorded.'*
30. The River Chess is a Priority Habitat⁶ (PH) as a Chalk River and a Local Wildlife Site (LWS) *'Meadow adjacent to Lower Water, Latimer'* adjoins the opposite side of Latimer Road to the appeal site. The AW bordering the appeal site is also a PH as Lowland Beech and Yew Woodland.
31. A Water and Air Quality Note-Mitigation Strategies (WAQN) dated 11 November 2024 was submitted to and examined at the Inquiry. The WAQN states that risks to water and air quality derive from potential pollution sources associated with the egg production and equestrian uses. These include manure deposited by the birds in the housing (indoors), manure deposited by the birds when ranging (outdoors), sediment from the ranging area and the equestrian area, manure from stabled horses, manure from grazing horses deposited on the grassland, manure from horses stored in a heap, ammonia emitted by the manure inside, ammonia emitted by the manure deposited outside.
32. All of the nationally and locally designated sites cited above are at risk from these pollution sources. The pathways for pollution from the potential pollution sources are identified within the WAQN as; Surface run-off from the ranging area carrying nutrients and sediment reaching watercourses with connectivity to the River Chess; Leaching of nutrients deposited on the ranging area down through the soil and subsoil reaching underground aquifers with connectivity to the River Chess and drinking water sources; Wind carrying airborne pollution (principally ammonia) from both the indoor and outdoor sources.
33. Holes in the long sides of the units allow the chickens to access the ranging areas. Not all the chickens roam outdoors and the chickens that do roam outdoors appear to roam close to the units. As such, the amount of chicken manure deposited on the ranging areas is likely to be a notably smaller amount than that deposited within the units. Therefore, it appears that most of the chicken manure is/would be deposited within the units, and it is now removed

⁶ Natural Environment and Rural Communities Act 2006: Section 41 Priority Habitat (CD 7.3.2)

from the site every 4-5 weeks. The Inquiry was shown a video of one of the units being pulled back using a machine after the manure had been removed and lime applied to the surface of the ground. The manure is loaded directly into a large, sealed skip that has been mounted on a lorry. The appellant's oral evidence at the Inquiry described how a membrane lies underneath the manure that is deposited within each of the units. I was also told at the Inquiry that during the manure removal process the membrane is checked for any damage or tears and that it is removed and replaced when the chickens are removed from the site. However, there are no details or drawings before me to indicate the extent of the membrane, its design and what depth it is installed at below the units. Therefore, other than the appellant's oral evidence there is little to substantiate the effectiveness of that membrane in ensuring the nutrients from the manure deposited within the units do not leach or run-off into the soil.

34. The soil type is 'freely draining, lime rich loamy soils' and the appellant's evidence indicates that such soils are unlikely to give rise to run-off if they are well structured and there is no soil compaction. However, compaction of the ranging areas by the chickens and by the machinery, used to move the units and remove the manure, is more likely than not to occur and this would exacerbate the likelihood of surface run-off occurring. In March 2023 a Visual Evaluation of Soil Structure (VESS) test was carried out and no soil compaction was found. However, it is unclear as to where on the site the VESS test was carried out.
35. Additionally, due to the sloping topography and the proximity of the site to the tributary of the River Chess and a spring associated with that tributary, it is more likely than not that, without mitigation, surface run-off containing nutrients and sediment from the manure left on the ranging area would reach the River Chess. Moreover, due to the topography and underlying geology it is more than likely that, without mitigation, nutrients from that manure would also leach through the soil and subsoil reaching the underground aquifers.
36. Porous pots were installed in March 2023, 90 centimetres below the ground surface, to collect water samples within and outside of the ranging areas. They allow monitoring to be undertaken of the ammonium and nitrate concentrations in the groundwater, below rooting depth. However, the appellant's evidence indicates that for reasons that are not fully understood the porous pots provided only sporadic samples. The only submitted results date from 5, 12 and 19 of August 2024. Those results appear to indicate that there is little difference of the nitrate concentrations within to outside the ranging areas. Yet, the readings were taken in a summer month. The Water and Air Quality Protection Plan v4 (V4 Plan) recommendations indicate that readings would be taken at a time when the soils are at field capacity normally October through April.
37. Moreover, it is unclear where the specific positions of the porous pots on the site were. This is because the V4 Plan refers to 10 porous pots and indicates their positions on an aerial photograph, but Mr Clarke's Proof of Evidence (PoE) cites the results from 6/7 pots and no specific locations are identified. Mr Clarke also stated during the presentation of his evidence, it was his expert opinion, that the amount of nitrates being introduced on the ranging areas was the equivalent of that produced by the manure from 1, 2 or 3 horses. Nevertheless, the basis of his professional view has not been substantiated by objective evidence.

38. I acknowledge that no evidence of visible factors, such as run off or blooms of growth in the springs emanating from the site, is before me to indicate that the special interest of the SSSI's; the biodiversity and important features of the PH of the River Chess and the LWS are being adversely affected. I also note that the V4 Plan includes a calculation that indicates that the livestock manure nitrogen farm loading is 236kg N/ha/yr which is below the recommended⁷ 250kg N/ha/yr. However, that calculation is based on the chickens only accessing the ranging areas for 30% of the time and the assumption that the membrane under each unit is 100% impermeable to the nutrients from the manure deposited within the units. As such, in my judgement it has not been demonstrated with sufficient robustness that the level of those nutrients is at a level that does not/would not adversely affect water quality in the River Chess and its tributaries.
39. The WAQN proposes mitigation measures to minimise the risk of pollution to water quality and the integrity of the above habitats. These include a manure management plan for the horse and chicken manure; vegetation/grass cover within the ranging area; monitoring the effectiveness of the vegetation cover by porous pots; rotation of access to the ranging areas; closing the northern side holes in the northern unit; fencing off the 15 metre tussocky buffer strip; monitoring the soil structure under the ranging and equestrian areas through VESS tests and monitoring of water quality in the River Chess. I acknowledge that these mitigation measures could be secured by the imposition of the suggested planning conditions, if I were minded to allow the appeal.
40. In my consultation request to Natural England I requested consideration of whether it considers that the mitigation measures proposed within the WAQN, together with the suggested conditions would be sufficient to mitigate the potential damage to the notified features? In Natural England's response of the 4 February 2025 they stated that the findings and recommendations of air quality and hydrogeological modelling and assessment, and a detailed ecological impact assessment, would need to be undertaken to determine measures required to control / minimise any potential harm to the SSSIs.
41. I acknowledge that riparian buffer strips are recommended by Natural England as a way of providing a physical barrier that helps restrict the flow of pollutants from a field into a watercourse. Additionally, there is no dispute that cover crops or a good grass ground cover on fields during the months October to March can be effective in minimising the leaching of nutrients. Nevertheless, the design of the submitted indicative landscaping scheme proposed as mitigation does not take into account the movement of the units including the machinery utilised to move them. This is because the vegetation proposed to be planted as part of the landscaping scheme in the area where the units are moved to would need to be able to withstand that movement including that of the machinery moving the units. Moreover, that movement would occur every 4-5 weeks throughout the year, including the winter months when the soil is likely to be wet or frozen. As such, it has not been demonstrated that a good grass ground cover would be able to be maintained between October and March.
42. I noted at the site visits that the ground areas nearest to the units are largely devoid of vegetation including grass and they appear to be mostly compacted

⁷ Code of Good Agricultural Practice (CD 6.10)

soil. The landscaping scheme is proposed to include mosaic planting to encourage the chickens to roam away from the units. However, that planting would also need to be designed to take into account the movement of the units and the machinery. It is not clear how that would be established and maintained given the restrictions imposed by the unit's regular movement. Furthermore, there is little to indicate what impact any remediation measures to mitigate any compaction found in the proposed VESS testing would have on that landscaping scheme. Additionally, the porous pot testing results have been sporadic for unknown reasons and there is little to demonstrate that that testing would be reliable on this site in the future.

43. Considering all of the above, in my judgement, it has not been demonstrated that an effective landscaping scheme and monitoring to minimise the risk of pollution to water quality and the integrity of the above habitats can be satisfactorily achieved and maintained through the imposition of planning conditions. As such, it has not been demonstrated that the development is not/would not be likely to generate unacceptable levels of water or ground pollution and that it does not/would not adversely affect the natural environment and biodiversity interest of the SSSI's, the BOA, the River Chess and the LWS in these respects.
44. Given that the AW and the associated PH are generally at a higher ground level, to where the manure is deposited, in my judgement the potential change in water quality would be unlikely to adversely affect the biodiversity and important features of the AW. Nevertheless, there is another pathway for pollution from the manure to reach the national and local designated sites. That is the airborne pathway. Paragraph D.1.1 of *'A guide to the assessment of air quality impacts on designated nature conservation sites'*⁸ (the IAQM guide) states that *'air pollution and its deposition onto vegetation, soil and water can damage vegetation directly or indirectly through the addition of nutrients or changes in acidity levels within a habitat. These can cause a shift in the competitive balance between species, changes in plant species composition or subtle changes in vegetation structure, which can affect the use of a habitat by an animal species.'*
45. The IAQM guide outlines the process to assess air quality impacts on nature sites. It states at paragraph 5.4.1.2 that *'the change in pollutant concentrations due to an....agricultural source is often determined simply by modelling the dispersion of the emissions. This is known as the process contribution (PC).'* It goes on to state in the following paragraph that *'the PCs may be calculated by a variety of methods, depending on the circumstances and scale of the project. For a simple approach, for instance, at a screening stage, a spreadsheet tool such as theSimple Calculation of Atmospheric Impact Limits (SCAIL) may be used. However, these models have limitations. In reality, detailed dispersion modelling is used in most cases.'* The PC contribution can be expressed as a percentage of the critical load or critical level for a site. I acknowledge that the IAQM guide goes on to state that *'In the case of Environment Agency permitting, an increment of 1% (or less) of the relevant long term critical level or critical load alone is considered inconsequential....The 1% threshold has become widely used throughout the air quality assessment profession to define a reasonable quantum of long term pollution which is not likely to be discernible from fluctuations in*

⁸ Inquiry Document: ID25

background/measurements.... Crucially, the 1% screening criterion is not a threshold of harm and exceeding this threshold does not, of itself, imply damage to a habitat.'

46. In this case a SCAIL calculation has been carried out in respect of Frogmore Meadows SSSI. There is dispute between the main parties as to whether the results of that calculation indicates that airborne pollution in the form of ammonia would significantly harm that SSSI. The calculation indicates that the PC at the receptor edge would be between 3% and 10% of the critical level and 5% of the critical load. The calculation indicates that the PC would be above the 1% threshold. The site-specific manure management may mean that in reality the PC contribution is below that shown in the SCAIL calculation. Moreover, the SCAIL model has its limitations. However, there is no detailed dispersal modelling regarding ammonia deposition before me. Furthermore, there are no SCAIL calculations for the AW or the LWS.
47. Nonetheless, in response to the Natural England consultation the appellant has stated that he is prepared to install an ammonia abatement scrubber and undertake monitoring to assess its effectiveness and whether it needs to be retained in operation. The installation and monitoring of its effectiveness could be controlled by the imposition of a planning condition. In this respect, it is more likely than not that the imposition of a condition would mitigate the air quality impacts of the development from ammonia deposition.
48. However, I consider that it has not been demonstrated that the development is not/would not be likely to generate unacceptable levels of water or ground pollution and that it does not/would not adversely affect the natural environment and biodiversity interest of the SSSI's, the BOA, the River Chess and the LWS. It follows that the development is, in these respects, in conflict with LP Policies GC9, GC12 and NC1 and CS Policies CS4 and CS24. With regards to paragraph 232 of the Framework I consider that these policies are broadly consistent with the Framework.

Character and appearance

49. CS Policy CS4 and LP Policy GC12 are outlined above. CS Policy CS22 states, amongst other things, that *'the principles to be followed in the Chilterns AONB are that: All proposals must conserve and enhance the special landscape character, heritage, distinctiveness of the Chilterns AONB; Schemes which facilitate the environmental, economic and social well being of the AONB and its communities will generally be supported; Applications for development will be assessed against the broad aims set out in the current Management Plan; Development proposals must be in accordance with the Chilterns Buildings Design Guide and Technical Papers relating to materials.'*
50. LP Policy LSQ1 states, amongst other things, that *'development should conserve, and where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the Area of Outstanding Natural Beauty. Development which is not consistent with these objectives will be refused, unless the applicant demonstrates, to the satisfaction of the Council, that very exceptional circumstances outweigh the landscape objectives.'*

51. LP Policy CA2 states, amongst other things, that *'any proposed development which does not preserve or enhance the important views within, looking out of, or into a Conservation Area, will be refused.'*
52. Policy DP1 of the Chilterns AONB Management Plan (MP) seeks to *'Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.'* MP Policy DP2 states that development in the AONB should be rejected unless it meets set criteria. The criteria include: *'b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams.'*
53. Chapter 4 of the Chilterns Buildings Design Guide (BDG) relates to agricultural and other rural employment buildings. A checklist at paragraph 4.1 states, amongst other things, that; *New agricultural and other rural employment buildings should be well sited and in sympathy with their surroundings; Link buildings to the wider landscape; Ensure that materials, designs and colours enable new buildings to complement the character and appearance of existing nearby buildings.*

Landscape

54. The appeal site lies within the 'Chess Chalk River Valley' Landscape Character Area⁹ (LCA). Its key characteristics include; a wide, flat valley with sides rising steeply to the south and more rolling to the north; on the valley sides the underlying chalk, and free draining lime-rich soils support arable cultivation and pasture. Woodland is present on the valley tops and in places reaches down the valley slopes; the historic picturesque villages of Chenies and Latimer nestle on the valley slopes. Individual farmsteads are located along the valley floor and on the lower valley slopes; views are largely contained along the valley and up the valley slopes. There are some extensive views from upper slopes across the character area; a comprehensive rights of way network, which allows distinctive elements of the landscape to be experienced by foot.
55. A Landscape and Visual Appraisal (the LVA) dated November 2022 was submitted with the 2022 application and it is part of the evidence before me. The LVA only assesses the landscape character and visual impact of the units and silos. Nevertheless, additional viewpoints A through to G and the landscape and visual impacts of the access/hardstanding have been assessed as part of the evidence before me. An indicative proposed mitigation enhancement scheme dated September 2024 (the MES) supersedes the version of that scheme that is within the LVA.
56. There is no dispute that the appeal site has a high level of sensitivity for landscape character and that the existing landscape elements are in strong condition. Prior to the development occurring the appeal site was in equestrian use and it mainly comprised of paddocks with 2 stable blocks, a field shelter and manège. The evidence before me indicates that historically the appeal site was in arable use.

⁹ LCA 13.6 in the Buckinghamshire Landscape Character Assessment (CD 5.4)

57. The development has introduced built form onto the site through the erection of the units and silos and increased the amount of hardstanding through the laying of concrete and hardcore. The units and silos have a commercial/industrial character due to their design, size and materials. Nevertheless, modern agricultural buildings and associated infrastructure typically no longer reflect traditional forms of farming architecture. Moreover, the development is located relatively close to the stable blocks and manège and due to the topography, the northern unit and silo are largely screened in long distance views. Yet, the development has resulted in notable changes to the scale, land cover, land use or pattern of landscape.
58. The LVA considers that *'the proposed mitigation enhancement scheme will help to lessen the sensitivity of the landscape and soften the development that has already taken place.'* However, there is no dispute that even the updated MES is proposed to be amended to take into account the movement of the chicken sheds, the tree planting guidelines associated with the high-pressure pipeline that traverses the western paddocks and the water and air quality mitigation planting. I acknowledge that planning conditions would enable a detailed landscaping scheme to be submitted and approved. Nonetheless, whilst landscaping may soften the development the notable changes cited above would still be apparent to users of the public footpaths and roads on and near to the site. As such, in my judgement even with mitigation I consider that the magnitude of change for landscape character would be medium. As such, given the high level of sensitivity of this landscape the development would have a potentially significant effect on landscape character.
59. The people likely to be affected by changes in views and visual amenity are walkers, cyclists and horse riders on the local networks of public rights of way and the rural roads. Their susceptibility is likely to be high because they will be in the area for recreation and leisure, where enjoyment of the countryside will be important to their visit. Motorists travelling through the area who are residents are likely to have a higher susceptibility than those who are 'passing through'. The viewpoints selected to inform the LVA, and the additional viewpoints are representative of views of the development by these receptor groups.
60. The valley is contained by its landform and wooded edges. Views are up and down the valley floor and across the valley and the River Chess is prominent throughout. There is rough grazing, grassland and scrub woodland on the valley floor providing a rougher texture which contrasts with the smoother pastoral and arable valley sides. Woodland caps the valley tops extending down the sides in places. Outside of the settlements of Latimer and Chenies development is sparse especially on the steeper southern side of the valley.
61. The development has been constructed and there are places close to the appeal site where it is not apparent due to mature hedgerows, trees and the topography. The units and silos are largely finished in juniper green colour materials. Nevertheless, from the PROW that traverses the western paddocks (Viewpoints 6, 7, 8, 9, B and C) both units and silos are highly visible and draw the eye due to their proximity to each other, the size and angular design of the units and the height of the silos. The light colour of the chickens in the ranging area also draws attention to the development from those viewpoints. The LVA indicates that without mitigation the assessed visual effect of the development

in viewpoints 6, 7 and 8 is very significant and from my observations at the site visits I have no reason to disagree with that assessment.

62. As stated above, the updated MES is proposed to be amended to take into account a number of factors and planning conditions would enable a detailed landscaping scheme to be submitted and approved. I acknowledge that the appellant considers that the landscaping scheme would mitigate the visual impact of the units and silos in those viewpoints. The LVA indicates that after mitigation (5-10 years) the visual impact in viewpoints 6, 7 and 8 would be moderate. At the Inquiry Miss Mays stated that in the longer term (10-20 years) the visual impact may potentially be reduced to non-significant and that photo montages would be able to accurately demonstrate the visual impact in the longer term. However, that evidence is not before me and in my judgement a landscaping scheme would mitigate, to some extent, the visual impact of the units and silos in those viewpoints. Yet, due to the need to facilitate the movement of the units and the proposal to preserve the views from the PROW over the development to the valley beyond I consider that the visual impact of these in those viewpoints would be moderate even in the longer term.
63. There are longer distance views from the northwest of the appeal site on the higher ground (viewpoints 26, 27 and 28). In those views the southern unit's roof and the southern silo are visible to users of the layby on Church Lane and the PROWs¹⁰ on the opposite side of the valley. The northern unit and silo are largely screened by existing landscaping in those views. Due to the sparsity of development on the southern side of the valley the visible parts of the development in those views draw the eye. However, the development is seen against the backdrop of the ancient woodland. The LVA assesses that without mitigation the visual impact of the development in those views is significant (viewpoints 26 & 27) and moderate (viewpoint 28) and based on my observations I have no reason to disagree with those findings.
64. The appellant has proposed that the colour of the roofs of the units and the silver framework of the silos would be changed to black to help the units/silos recede into the slope. The detailed landscaping scheme cited above would also, in the appellant's view, mitigate the visual impact of the development in those views. The LVA indicates that with mitigation the visual impact in those viewpoints would be reduced to moderate and non-significant. In my judgement, an amended MES and landscaping scheme would assist in softening the visual impact of the development in those viewpoints in the medium and longer terms. The full extent of mitigation has not been demonstrated due to the amendments that are required to the MES. However, I consider that due to the size of the units, the height of the silos and the sparsity of development on the southern valley that the visual impact of the development from viewpoints 26 and 27 would be moderate in the longer term.
65. The access and hardstanding are highly visible from Latimer Road (viewpoints A, 1 and 2) but they are seen in fleeting views by drivers/passengers in vehicles travelling on that road. Whilst there is no footpath along Latimer Road I observed at the site visits that Latimer Road is used by cyclists and horse riders. The LVA assesses the visual impact of the development as moderate and significant, in viewpoints 1 and 2 respectively, without mitigation. The

¹⁰ FP LAT/26/1, FP LAT/30/2 & FP LAT/27/1

appellant has proposed mitigation measures including; landscaping inside the entrance either side of the concrete slope; replacing the existing close boarded fencing with suitable fencing to allow a new, native hedgerow to grow; appropriate designs for new signage; an area of native planting immediately to the south and east of the existing parking area. With mitigation the LVA assesses the visual impact of the development in those views would be non-significant and moderate, respectively. That mitigation would soften parts of the visual impact of the access and hardstanding in those views. However, the width and size of the access and hardstanding would still be highly visible to all users of Latimer Road. In my judgement, the visual impact of those parts of the development in those views would be moderate in the longer term.

Conservation Area

66. The southern boundary of the CLCA adjoins Latimer Road, opposite the appeal site. The appeal site is therefore not within CLCA but is adjacent to it. Based on the evidence before me and my own observations I consider that the significance of the CLCA is largely derived from the architectural quality of the traditional buildings that form the settlements of Latimer and Chenies, the grouping of those buildings and the picturesque and landscape architectural quality of the historic landscape that links the settlements and runs alongside the River Chess. There is a network of public footpaths within and adjacent to the CLCA that allows the significance of the CLCA to be experienced in views through, into and out of it. The picturesque landscape alongside the River Chess forms part of the setting of the CLCA as it allows for an appreciation and understanding of the historic evolution of the settlements and their links to agriculture and farming. As a result, that setting makes a positive contribution to the significance of CLCA.
67. The appeal site historically was in arable use and formed part of the parkland associated with Chenies Manor. The Chenies Manor Gardens and Parkland is locally listed and as such is a non-designated heritage asset (NDHA). The Bucks Garden Trust Site Dossier¹¹ states that *'During the 1760s a vista was opened up under the direction of Lancelot 'Capability' Brown from Latimer Park House to St Michael's church tower which would have required the felling of some trees in this wood with the permission of the Duke of Bedford.'* However, the dossier also states that the vista is now grown in with mature trees. The Council has stated that it considers that the development has a neutral impact on the significance of the NDHA. I have no reason to disagree with that finding.
68. Views into the CLCA from the PROW that traverses the western paddocks form part of the experience and appreciation of the CLCA. Moreover, the appeal site forms part of the picturesque historic landscape that is experienced in views from the CLCA. Those views are identified as viewpoints 6, 7, 8, 26, 27 and 28 within the LVA. Considering all of the above, the appeal site can reasonably be treated as forming part of the setting of the CLCA. Prior to the alleged breach of planning control, as part of that picturesque historic landscape setting, the appeal site made a positive contribution to the significance of the CLCA.
69. Currently, the units and silos draw the eye and divert attention away from the picturesque landscape that forms part of the CLCA and its setting in those views. As a result, the development detrimentally affects the ability to

¹¹ Core Document: CD 5.9

appreciate the contribution that setting makes to the significance of the CLCA. The positive contribution that the appeal site made to the setting of the CLCA has therefore been eroded. After mitigation, I have found that the visual impact of the units and silos in viewpoints 6, 7, 8, 26 and 27 would be moderate. Therefore, their visual impact in those views would be less than it is currently. However, the positive contribution that the appeal site made to the significance of the CLCA would still be harmed even though the level of erosion would have been reduced. This is because they would more than likely still be visible and draw the eye in viewpoints 6, 7 and 8 given that any landscaping scheme would be designed to preserve the views from the PROW over the development to the valley.

70. Therefore, I consider that even after mitigation there would be an adverse impact on the appreciation of and how the significance of the CLCA is experienced. The development would therefore fail to conserve the contribution that setting makes to the significance of the CLCA. In my judgement, the development after mitigation would lead to less than substantial harm to the contribution that setting makes to the significance of the CLCA. However, the degree of harm must also be considered in the context of the sum of the significance of the CLCA as a whole. Therefore, I consider that the impact of the development after mitigation would be at the lower end of the scale of less than substantial harm to the significance of the CLCA.
71. The harm to the contribution that views into and out of the CLCA makes to its significance means that the development would not accord with LP Policy CA2. Nevertheless, this policy makes no provision for the consideration of public benefits and in this respect, it is only partially consistent with the Framework.
72. The Planning Practice Guidance (the PPG) states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. In this case the development provides; employment for one full-time and one part-time worker; the provision of visibility splays and a ribbed surface on the access drive improving the safety for users of that access; the provision of high quality, in animal welfare terms, food supplies (eggs) for national and local markets; the management of the horse manure would be brought into the control of the planning system; the appellant also considers that the proposed amended MES and landscaping scheme would enhance the biodiversity value of the appeal site and that there would be opportunities for research into securing biodiversity within free range poultry farming.
73. Even though, I have found that the harm to the significance of the heritage assets is less than substantial it is not to be treated as a less than substantial objection to the development. The public benefits attributable to the development would attract appreciable weight in support of it. Nevertheless, in my judgement that weight would not be sufficient to outweigh the great weight to be given to the harm to the heritage asset and provide the clear and convincing justification for that harm. As a result, the development conflicts with paragraphs 213 and 215 of the Framework.

Conclusion – character and appearance

74. It is more likely than not that the proposed mitigation measures and landscaping would, eventually help to reduce the current impact of the

development on the character and appearance of the surrounding area. However, I have found that the development would have a potentially significant effect on landscape character and that its visual impact would be moderate even after those mitigation measures. That impact would be limited and localised in relation to the overall Chilterns National Landscape. Yet, this is a sensitive area in which great care must be taken to assimilate new development into the existing landscape. I consider that the landscape, scenic and natural beauty of the Chilterns National Landscape would not be conserved and enhanced. Therefore, the development would not further the statutory purposes of this Protected Landscape. Moreover, I have also found that there would be less than substantial harm to the significance of the CLCA that is not outweighed by the public benefits.

75. It follows that even after mitigation the development would conflict with CS Policy CS4, CS Policy CS22 and LP Policy GC12. With regards to paragraph 232 of the Framework I consider that these policies are broadly consistent with the Framework. I will consider LP Policy LSQ1 within the planning balance.
76. The development would also conflict with guidance in chapter 4 of the BDG and MP Policies DP1 and DP2 which are material considerations.

The groundwater SPZ

77. CS Policy CS24 states, amongst other things, that *'to ensure long-term sustainability of development and help contribute towards national targets to reduce overall CO² emissions, the Council will expect all new developments to have regard to minimal disruption in terms of water pollution in the wider environment and as part of new development to ensure no detrimental impact on water quality.'* LP Policy GC9 is outlined above.
78. There is no dispute that the appeal site is located within a groundwater SPZ, Zone 2 outer protection, as defined by the Environment Agency (EA). The EA consider that it is necessary to protect groundwater sources used to supply drinking water from pollution. Sources of drinking water include wells, boreholes and springs. SPZs are zones which show the level of risk to the source from contamination.
79. Affinity Water have stated that *'as we abstract c.65% of our water supply from chalk groundwater sources, it is important they remain protected from contamination. Chalk aquifers can feature rapid flow pathways which can mobilise contaminants to infiltrate to groundwater. If appropriate measures are not taken to manage contamination from a development our water supply can be impacted. As the application does not provide a sufficient drainage management plan or nutrient management plan there is no evidence the risk of contamination is mitigated.'* Nevertheless, Affinity Water's comments were made prior to the appellant's presentation of evidence to the Inquiry.
80. I have found earlier in this decision, and for the reasons given, it is more likely than not, that without mitigation, surface run-off containing nutrients and sediment from the manure left on the ranging area would reach the River Chess. Moreover, due to the topography and underlying geology it is more than likely that, without mitigation, nutrients from that manure would also leach through the soil and subsoil reaching the underground aquifers.

81. As stated above, I acknowledge that no evidence of visible factors, such as run off or blooms of growth in the springs emanating from the site, is before me to indicate that the important features and/or water quality of the River Chess are being adversely affected. However, for the reasons given above I have found that it has not been demonstrated with sufficient robustness that the level of those nutrients is at a level and would remain at a level that do not/would not adversely affect water quality in the River Chess and its tributaries.
82. Planning conditions with regards to landscaping, surface water drainage, water, air quality and manure management could be imposed if I were minded to allow this appeal. I heard at the Inquiry that a detailed ground investigation of the site would enable a surface water drainage scheme to be designed, and I have no reason to dispute that. Yet, I have found that it has not been demonstrated that an effective landscaping scheme and monitoring to minimise the risk of pollution to water quality can be satisfactorily achieved and maintained through the imposition of planning conditions.
83. In conclusion, I consider that it has not been demonstrated with sufficient robustness that the development does not and would not have a detrimental impact on the water quality within a groundwater SPZ. It follows that the development is/would be in conflict with CS Policy CS24 and LP Policy GC9.

Other Matters

84. There is no dispute that if the EN is upheld the equestrian use of the appeal site is lawful. The appellant has stated that in that scenario he considers there is sufficient demand to increase the number of horses being kept on the site to 18. If the egg storage building could be converted to a stable/shelter, to supplement the existing stables/shelters it may be theoretically possible to keep that number of horses on the site. That would appreciably increase the number of horses being kept on the site and is a material consideration as a fallback position.
85. Mr Clarke gave evidence that in his expert opinion the amount of manure from 18 horses would result in more nutrients being deposited on the appeal site than from the chickens. The deposition of that manure and its management would not be controlled through the planning system. However, there is little substantiated evidence before me to support Mr Clarke's opinion. In any case, in my judgement the existing stables/shelter have a neutral impact on the landscape and scenic beauty of the Chilterns National Landscape and the significance of CLCA given their relatively small sizes, traditional design and siting near to the AW. The retention of the egg storage building and its conversion would have a modest impact on the landscape and scenic beauty of the Chilterns National Landscape and a neutral impact on the significance of CLCA given its relatively small size and siting on the manège close to the boundary hedge. Additional riding paraphernalia may also be utilised within the paddocks.
86. Overall, in my judgement it has not been demonstrated that the intensified equestrian use would have a greater harmful impact on the natural environment and biodiversity, on the character and appearance of the surrounding area and the groundwater SPZ than the development before me. In these respects, the fallback position attracts little weight in favour of the development before me.

87. During the Inquiry, the appellant's advocate stated that he considered that a split decision could be made where the northern unit and silo were retained, and the southern unit and silo were removed. Whilst the removal of the southern unit and silo would reduce the visibility of the development in the longer-range views (26, 27 and 28) the northern unit and silo would still be highly visible in the views from the PROW (6, 7 and 8). Therefore, the harm to the character and appearance of the area identified above would not be overcome. Moreover, there is little evidence before me to indicate what impact the removal of one of the units would have on the level of nutrients being deposited within the chicken manure.
88. There is no dispute that the development does not/would not harm the special interest of nearby listed buildings. Yet, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the LBCA Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
89. Based on the information before me and my observations I consider that their special interest/significance is experienced mainly within their immediate contexts due to the topography, landscaping and the location of each of them. That experience and views of them within their immediate contexts and the ability of the viewer to understand and appreciate their significance is unaffected by the development. As such, there is no impact from the development on the contribution that setting makes to their special interest.
90. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

Conclusion and Overall Planning Balance – ground (a) appeal and deemed planning application

91. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.
92. I have found that it has not been demonstrated that the development is not/would not be likely to generate unacceptable levels of water or ground pollution and that it does not/would not adversely affect the natural environment and biodiversity interest of the SSSI's, the BOA, the River Chess and the LWS. I have also found that it has not been demonstrated that the development does not and would not have a detrimental impact on the water quality within a groundwater SPZ.
93. Furthermore, even after mitigation, the landscape and scenic beauty of the Chilterns National Landscape would not be conserved and enhanced. Moreover, there would be less than substantial harm to the significance of the CLCA that is not outweighed by the public benefits.
94. The development is/would be in conflict with CS Policies CS4, CS22 and CS24 and LP Policies GC9, GC12 and NC1. With regards to paragraph 232 of the Framework I consider that these policies are broadly consistent with the

Framework. The conflict with these policies therefore has full weight. The development is/would be in conflict with LP Policy CA2 but as stated above this policy is partially consistent with the Framework. As such, the conflict with this policy has appreciable weight.

95. The development would deliver economic, social or environmental benefits as outlined above as public benefits. Although appreciable those benefits would not outweigh the policy conflict. I have also found that the fallback position has little weight in support of the development.
96. With regard to LP Policy LSQ1 even after mitigation, the landscape and scenic beauty of the Chilterns National Landscape would not be conserved and enhanced and taking into account all of the above, exceptional circumstances have not been demonstrated. As such, the development is/would be in conflict with this policy. However, I consider that this policy is only partially consistent with paragraph 189 of the Framework. This states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. Nevertheless, that policy conflict has appreciable weight.
97. Moreover, even if I considered that the development plan policies cited above were out of date, for the reasons given above the application of policies contained within chapters 15 and 16 of the Framework relating to sites designated as SSSIs, a National Landscape and a designated heritage asset provides a strong reason for refusing the development.
98. The development is contrary to the development plan as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with the development plan.
99. For the reasons set out above, I conclude that the appeal on ground (a) should not succeed. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

The ground (f) appeal

100. A ground (f) appeal is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
101. At the Inquiry the Council cited its Enforcement Notice Report that states '*in their current form, the engineering operations comprising of earthworks within the Land to change the levels is acceptable and so no further action is recommended in relation to this aspect of the breach.*' The '*associated engineering operations*' included within the allegation in section 3 of the EN are not cited within the requirements at section 5 of the EN. Therefore, in this respect a purpose of the EN, insofar as it relates to the earthworks, is to remedy any injury to amenity which has been caused by any such breach.
102. Nevertheless, it is clear that with regards to the remainder of the alleged breaches of planning control the purpose of the EN is to remedy those breaches of planning control. The appellant considers that requirement 3 of the EN is excessive because '*step 3 requires all hardstanding to be removed and does*

not differentiate between the pre-existing hardstanding and the new works carried out by the appellant to which the notice is directed. He also considers requirement 4 is excessive because *'the cutting back of vegetation at the access way is not a matter subject to planning control and hence requiring replanting is not an appropriate step for an enforcement notice to require.'*

103. It is clearly apparent that there is dispute with regards to what parts of the hardstanding cited within requirement 3 constitute part of the alleged breach of planning control and in respect of what constitutes 'hardstanding'. Moreover, it is apparent that to remedy the part of the alleged breach of planning control that relates to the 'widening of a vehicular access' that vehicular access should be reinstated to its previous condition. Therefore, variations to the terms of the EN were discussed at the Inquiry and both main parties indicated whether those variations would cause injustice to them.
104. To ensure that there is clarity on what is needed to be carried out to meet the requirements of the EN I intend to delete the wording of requirement 3 and substitute it with *'Restore the parts of the land, shown in the approximate position stippled on Plan 1 attached to the enforcement notice, to its condition before the development took place.'* For the same reason I also intend to delete the wording *'including the planting of a hedgerow marked by stars on the Plan 1'* from requirement 4.
105. There is no dispute that the variations can be carried out without injustice to either main party and I have no reason to disagree. I acknowledge that the appellant considers that it would be perverse to reverse the works to the vehicular access as he considers that they increase the safety of using that access. Nevertheless, the requirements, as varied, of the EN are necessary and sufficient to remedy the breach by returning the parts of the land and the vehicular access to their former condition prior to the breach taking place.
106. For the reasons given above, I conclude that the requirements of the EN are excessive to remedy the breach of planning control. I shall vary the EN prior to upholding it. The appeal on ground (f) succeeds to that extent.

The ground (g) appeal

107. A ground (g) appeal is that any period specified in the EN in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed. The appellant has requested that the time for compliance be extended from 4 months to 28 days after the laying cycle, of the current chickens that are housed in the units, has been completed. To support this ground of appeal the appellant submitted evidence to the Inquiry that the current chickens were brought to the site in late July/beginning of August 2024. The evidence before me also indicates that there is a significant animal welfare risk involved in moving the chickens to another site mid-way through that cycle.
108. The Council conceded at the Inquiry that the time for compliance should be extended taking into account that evidence. As such, the main parties submitted an agreed wording for the compliance period of *'28 days from the end of the current egg production cycle being (i) 30th September 2026 or (ii) a date advised by the Egg Inspector whichever of (i) or (ii) is the soonest.'* The Council explained at the Inquiry that it was satisfied that the proposed compliance period was reasonable taking into account the animal welfare

issues balanced against the ongoing potential harm arising from the development. I have no reason to disagree with the Council.

109. Therefore, I conclude that the current period of compliance falls short of what should reasonably be allowed and I intend to delete the period of compliance of '4 months' and substitute it with '28 days from the end of the current egg production cycle being (i) 30th September 2026 or (ii) a date advised by the Egg Inspector whichever of (i) or (ii) is the soonest.' I shall vary the EN prior to upholding it. The appeal on ground (g) succeeds to that extent.

Formal Decision – Appeal A

110. It is directed that the enforcement notice is varied by:

- the deletion of the words of requirement 3 and their substitution with the words '*Restore the parts of the land, shown in the approximate position stippled on Plan 1 attached to the enforcement notice, to its condition before the development took place*' in section 5 of the EN.
- the deletion of the words '*including the planting of a hedgerow marked by stars on the Plan 1*' from requirement 4 in section 5 of the EN.
- the deletion of the period of compliance of 4 months and its substitution with '*28 days from the end of the current egg production cycle being (i) 30th September 2026 or (ii) a date advised by the Egg Inspector whichever of (i) or (ii) is the soonest*' in Section 6 of the EN.

111. Subject to the variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Appeal B

The ground (a) appeal and deemed planning application

Main Issues

112. Taking into account the SOCG and the my decision above with regards to Appeal A the main issues are:-

- Whether the development constitutes inappropriate development in the Green Belt, having regard to the development plan and the Framework;
- The effect of the development on the openness and purposes of the Green Belt;
- The effect of the alleged breach of planning control on the character and appearance of the surrounding area taking into account the Chilterns National Landscape and the CLCA;
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, whether this amounts to the very special circumstances required to justify the development that constitutes the alleged breach of planning control.

Reasons

In-appropriate development

113. The site is within the Green Belt and LP Policy GB2 states, amongst other things that *'most development in the Green Belt is inappropriate and there is a general presumption against such development. Development which is not inappropriate is set out in this Policy. Planning permission will be refused for inappropriate development in the Green Belt but may be given for the categories of development set out in clauses (a) to (f) below.'* Clauses (a) to (f) are similar to that contained in paragraph 154 of the Framework. However, paragraph 154 in the current version of the Framework contains more 'exceptions' categories and paragraph 155 relates to the development of homes, commercial and other development in the Green Belt and the categories applicable for when it should not be regarded as inappropriate. Nevertheless, this policy is broadly consistent with the Framework.
114. LP Policy GB17 relates to agricultural workers' dwellings in the Green Belt. Nevertheless, given my substantive decision to refuse planning permission for the development in Appeal A there is no dispute between the main parties, that in that scenario, the essential need for an agricultural worker's dwelling has not been demonstrated. As such, the development would not comply with this policy.
115. Moreover, the development before me relates to a material change of use of the appeal site and not a building therefore the exception indicated at paragraph 154 a) of the Framework is not relevant. Additionally, the courts have found that residential uses do not fall within paragraph 150 e) of a former version of the Framework (paragraph 154 h) v of the current Framework). This is because one would normally expect a list which started with the words "such as" to be a list which took its flavour or extent from the examples given. I have no evidence before me to show that the development would fulfil any of the other categories as set out at paragraphs 154 and 155 of the Framework. Against this background, the development, is inappropriate development within the Green Belt.

Green Belt openness and purposes

116. Paragraph 142 of the Framework states that 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. Paragraph 143 sets out five Green Belt purposes. The only purpose relevant to this development is c) to assist in safeguarding the countryside from encroachment.
117. The mobile home is not a building. It is a relatively small mobile home with a very shallow mono pitch roof and is capable of being moved. However, it has not moved for 2 years and it has the appearance of built form in those views. As such, it has and would result in an appreciable reduction, in spatial terms, to the openness of this part of the Green Belt.
118. The mobile home is stationed adjacent to the appeal site's southern boundary with the Ancient Woodland (the AW), relatively close to the equine stables. In its current location it is highly visible from Latimer Road, close to the access drive entrance, from the PROW that traverses the western paddocks (viewpoint B cited in Appeal A) and it is seen in longer-range views from the PROWs on the opposite side of the valley (viewpoints D, F and G cited in Appeal A). Nevertheless, the mobile home is seen against the backdrop of the AW in views from Latimer Road and the longer-range views.

119. Moreover, proposed landscaping within the soft landscaped area to the south of the entrance would soften the visual impact of the mobile home in those views. In addition, the appellant has proposed altering the colour of the cladding on the mobile home to juniper green and utilising non-reflective glass in its fenestration. He has also proposed moving the mobile home adjacent to the egg storage building and the hedgerow bounding Latimer Road. Those proposals could be required through the imposition of planning conditions if I were minded to allow the appeal. In its current position with the proposed cladding and fenestration changes in place when the proposed landscaping has matured the mobile home would have a modest visual impact on the openness of this part of the Green Belt. Moving the mobile home to the proposed position would reduce its current visual impact. However, in my judgement it would not significantly alter its visual impact compared to that of its current position with the proposed cladding and fenestration changes in place when the proposed landscaping has matured.
120. I consider that the stationing of the mobile home in its current position, with the proposed landscaping, cladding and fenestration changes in place, can reasonably be considered to have a modest harmful impact on openness in spatial and visual terms. For similar reasons, there is also modest conflict with regard to safeguarding the countryside from encroachment.

Character and appearance

Landscape

121. The appeal site lies within the 'Chess Chalk River Valley' LCA and its key characteristics are outlined in my substantive decision on Appeal A. The LVA, cited within Appeal A, only assesses the landscape character and visual impact of the units and silos. Nevertheless, additional viewpoints A through to G and the landscape and visual impacts of the mobile home in its current position have been assessed as part of the evidence before me.
122. There is no dispute that the appeal site has a high level of sensitivity for landscape character and that the existing landscape elements are in strong condition. Prior to the development occurring the appeal site was in equestrian use and it mainly comprised of paddocks with 2 stable blocks, a field shelter and manège. The evidence before me indicates that historically the appeal site was in arable use.
123. The development has introduced a mobile home onto the site which has the appearance of the type of portable cabin found on a building site or commercial site due to its design, size and materials. Nevertheless, the mobile home is located relatively close to the stable blocks and the AW. Due to its size, in long distance views it is only glimpsed. It has introduced minor change to the scale, landform, land cover or pattern of landscape when considered on its own.
124. I acknowledge that the imposition of planning conditions would enable a detailed landscaping scheme to be submitted and approved if I were minded to allow the appeal. Nonetheless, whilst landscaping may soften the development the minor changes cited above would still be apparent to users of the public footpaths and roads on and near to the site. As such, in my judgement with the proposed landscaping in place I consider that the magnitude of change for landscape character would be low. Given the high level of sensitivity of this

landscape the mobile home itself would have a moderate/minor effect on landscape character.

125. As stated within Appeal A, the people likely to be affected by changes in views and visual amenity are walkers, cyclists and horse riders on the local networks of public rights of way and the rural roads. Their susceptibility is likely to be high because they will be in the area for recreation and leisure, where enjoyment of the countryside will be important to their visit. Motorists travelling through the area who are residents are likely to have a higher susceptibility than those who are 'passing through'.
126. The valley is contained by its landform and wooded edges. Views are up and down the valley floor and across the valley and the River Chess is prominent throughout. There is rough grazing, grassland and scrub woodland on the valley floor providing a rougher texture which contrasts with the smoother pastoral and arable valley sides. Woodland caps the valley tops extending down the sides in places. Outside of the settlements of Latimer and Chenies development is sparse especially on the steeper southern side of the valley.
127. There are places close to the appeal site where the mobile home is not apparent due to mature hedgerows, trees and the topography. Currently it is largely finished in dark brown and black colour materials. From the PROW that traverses the western paddocks (viewpoint B) the mobile home is visible, but the units and silos draw the eye for the reasons given in Appeal A. Without mitigation I consider that the assessed visual effect of the mobile home in that viewpoint is moderate.
128. In my judgement a landscaping scheme and the changes to the cladding colour would mitigate, to some extent, the visual impact of the mobile home in those viewpoints. Even considering the proposal, cited within Appeal A, to preserve the views from the PROW over the development to the valley beyond I consider that the visual impact of it in that viewpoint would be non-significant in the longer term.
129. There are longer distance views from the northwest of the appeal site on the higher ground (viewpoints D, F and G). In those views the mobile home is visible to users of the PROWs¹² on the opposite side of the valley. As stated in Appeal A, due to the sparsity of development on the southern side of the valley the visible parts of the units and silos in those views do draw the eye. As such, they are the focus of attention. Moreover, in these long distance views the mobile home is only glimpsed. Nevertheless, the reflective nature of the glass within the mobile home's fenestration means that at certain times sunlight is reflected in the glass. That reflection does draw the eye, but it is intermittent. Moreover, the mobile home is seen against the backdrop of the AW. I consider that without mitigation the visual impact of the mobile home in those views is moderate.
130. The appellant has proposed that the colour of the cladding of the mobile home and the glass in the fenestration would be changed to help the mobile home recede into the slope and landscape. In my judgement, with the cladding, fenestration changes and a landscaping scheme in place that mitigation would assist in softening the visual impact of the development in those viewpoints in the medium and longer terms. I consider that due to the

¹² FP LAT/26/1, FP LAT/30/2 & FP LAT/27/1

relatively small size of the mobile home with that mitigation in place the visual impact of it in those viewpoints would be reduced to non-significant in the longer term.

131. The mobile home is highly visible from Latimer Road (viewpoint A) but it is seen in fleeting views by drivers/passengers in vehicles travelling on that road. As stated previously, Latimer Road is used by cyclists and horse riders. In my judgement the visual impact of the mobile home in that viewpoint is moderate, without mitigation. The landscaping, cladding and fenestration changes would soften the visual impact of the mobile home in that view. In my judgement, its visual impact in that view would be reduced to non-significant in the longer term.
132. Moving the mobile home to the proposed position cited above would reduce its current visual impact. However, in my judgement it would not significantly alter its visual impact in these viewpoints when compared to that of its current position with the proposed landscaping, cladding and fenestration changes in place in the longer term.

Conservation Area

133. As stated previously within Appeal A the southern boundary of the CLCA adjoins Latimer Road opposite to the appeal site. The picturesque landscape alongside the River Chess forms part of the setting of the CLCA as it allows for an appreciation and understanding of the historic evolution of the settlements and their links to agriculture and farming. As a result, that setting makes a positive contribution to the significance of the CLCA and I have found that the appeal site can reasonably be treated as forming part of the setting of the CLCA. Prior to the alleged breach of planning control, as part of that picturesque historic landscape setting, the appeal site made a positive contribution to the significance of the CLCA.
134. Currently, the mobile home draws the eye and diverts attention away from the picturesque landscape that forms part of the CLCA and its setting in those views. As a result, the development detrimentally affects the ability to appreciate the contribution that setting makes to the significance of the CLCA. The positive contribution that the appeal site made to the setting of the CLCA has therefore been eroded. I have found that with the cladding, fenestration changes and a landscaping scheme in place the visual impact of the mobile home in its current position in viewpoints B, D, F and G would be non-significant. Therefore, its visual impact in those views would be reduced and the erosion of the positive contribution that the appeal site made to the significance of the CLCA would also be reduced.
135. I consider that with the proposed cladding, fenestration changes and a landscaping scheme in place there would be a neutral impact on the appreciation of and how the significance of the CLCA is experienced. In my judgement, the mobile home itself, after that mitigation, would not harm the contribution that setting makes to the significance of the CLCA. In this respect the mobile home would comply with LP Policy CA2 and paragraphs 213 and 215 of the Framework.

Conclusion – character and appearance

136. It is more likely than not that the proposed cladding, fenestration changes and a landscaping scheme would, eventually help to reduce the current impact of the mobile home on the character and appearance of the surrounding area. I have found that it would have a moderate/minor effect on landscape character and that its visual impact would be non-significant after those mitigation measures. Moreover, even though the landscaping scheme would be provided as mitigation, it would also be likely to enhance the biodiversity value of the appeal site. Therefore, I consider that the landscape, scenic and natural beauty of the Chilterns National Landscape would be conserved and enhanced with regard to the mobile home when considered alone. It therefore follows that the development would further the statutory purposes of this Protected Landscape. Moreover, I have also found that it would not harm the significance of the CLCA. As a result, the development, in these respects, would comply with CS Policy CS4, CS Policy CS22 and LP Policies GC12, CA2 and LSQ1.

Other Considerations

137. As stated previously, given my substantive decision to refuse planning permission for the development in Appeal A there is no dispute between the main parties, that in that scenario, the essential need for an agricultural worker's dwelling has not been demonstrated. Therefore, this matter provides no weight in support of the development.

138. Limited social and economic benefits are derived from the residential occupancy of the mobile home. As stated above, the landscaping mitigation measures would be likely to enhance the biodiversity value of the appeal site. These other considerations provide modest weight in support of the development.

Other Matters

139. There is no dispute that the development does not/would not harm the special interest of nearby listed buildings. Yet, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the LBCA Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

140. Based on the information before me and my observations I consider that their special interest/significance is experienced mainly within their immediate contexts due to the topography, landscaping and the location of each of them. That experience and views of them within their immediate contexts and the ability of the viewer to understand and appreciate their significance is unaffected by the development. As such, there is no impact from the development on the contribution that setting makes to their special interest.

141. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

142. A completed UU was submitted during the Inquiry. This related to the proposed measures to mitigate the potential effect of the development to the

Chiltern Beechwoods Special Area of Conservation (SAC). Nonetheless, it is not necessary to determine whether the UU would meet the 3 tests set out at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework because the development is unacceptable for other reasons. There is also no need for me to undertake an Appropriate Assessment under the Habitat Regulations for the same reason.

Conclusion and Overall Planning Balance – ground (a) appeal and deemed planning application

143. The development is inappropriate development in the Green Belt and results in a modest harmful impact to openness and conflict with Green Belt purposes. This attracts substantial weight.
144. Against the totality of this harm there are other considerations which I have set out above. For the reasons given above, I find that the other considerations do not, either individually or cumulatively, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development conflicts with LP Policy GB2. Given that this policy is broadly consistent with the Framework the conflict with it has significant weight.
145. Moreover, the development is/would be in conflict with paragraph 153 of the Framework. The development is contrary to the development plan as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with the development plan.
146. For the reasons set out above, I conclude that the appeal on ground (a) should not succeed. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

The ground (g) appeal

147. As stated previously, a ground (g) appeal is that any period specified in the EN in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed. The Council conceded at the Inquiry that the time for compliance for the mobile home should reasonably match that for the development within Appeal A. This is because it has accepted that there is an essential need for a rural worker to live on the site whilst the chicken units are in operation. I have no reason to disagree with The Council.
148. Therefore, I conclude that the current period of compliance falls short of what should reasonably be allowed and I intend to delete the period of compliance of '8 months' and substitute it with '28 days from the end of the current egg production cycle being (i) 30th September 2026 or (ii) a date advised by the Egg Inspector whichever of (i) or (ii) is the soonest.' I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Formal Decision - Appeal B

149. It is directed that the enforcement notice is varied by:
- the deletion of the period for compliance of '8 months' and its substitution with '28 days from the end of the current egg production cycle being (i) 30th

September 2026 or (ii) a date advised by the Egg Inspector whichever of (i) or (ii) is the soonest' in section 6 of the EN.

150. Subject to the variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

D Boffin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Sebastian Charles Advocate, instructed by the appellant

He called:

Mr Jack Biel Appellant

Miss Sally Mays CMLI Artemis Landscape Architects Ltd

Mr Timothy Clarke MA Dip Agron MBPR

Mr Josh Courtley BSc (Hons) MSc Learn Ecology

Mr Simon Roper-Presdee IHBC RP Heritage Ltd

Mr Tom Quigg BSc MSc CEng MICE Flume Consulting Engineers

FOR THE LOCAL PLANNING AUTHORITY:

Mr Daniel Stedman Jones Counsel, instructed by Buckinghamshire Council (BC)

He called:

Mr Sean Wilkinson MSc Senior Planning Enforcement Officer BC

Miss Annie Ottaway BSc MSc CIEEM Biodiversity Net Gain Officer BC

Mis Kirstie Elliot BA MSc Senior Planning Officer BC

INTERESTED PARTIES:

Mr Paul Jennings River Chess Association & Chess Valley Anglers Ltd

Mr Mike Sheehan Chiltern Society

Councillor Gareth Williams Ward Councillor

Mr Alister Leggatt Integrated Catchment Manger Affinity Water

Ms Molly Newton

Ms Sian Lloyd

DOCUMENTS – Not Included Within the Core Documents and Those Submitted During the Inquiry

ID1	Council’s Statement EN1 Ground A – April 2023
ID2	Council’s Statement EN1 Grounds C, F, G – April 2023
ID3	Council’s Statement EN2 – May 2023
ID4	Appendix A of Council Statement EN2 – May 2023
ID5	Appendix B of Council Statement EN2 – May 2023
ID6	Appendix C of Council Statement EN2 – May 2023
ID7	Appendix D of Council Statement EN2 – May 2023
ID8	Appendix E of Council Statement EN2 – May 2023
ID9	Appellant Further Statement (Appeal B) 02.07.2023
ID10	Appendix to Appellant Further Statement (Appeal B) 02.07.2023 (JB33 – Heritage Statement)
ID11	1950 GDO – Article 4 Directions
ID12	GDO 1963
ID13	1973 GDO Art 20 Revocations
ID14	1977 GPDO Art 24 Revocations
ID15	Interpretation Act 1978 – S17 and S23
ID16	Broadbridge Appeal (APP/Z3825/W/23/3321658)
ID17	Little Chalfont Parish Council letter of objection
ID18	Appellant Opening Statement
ID19	Council Opening Statement
ID20	Chiltern Society Statement
ID21	Video Stills of Shed Moving
ID22	Paul Jennings Statement, Map, Emails & Photos (Manure)
ID23	Curtilage Measurement

ID24	Distance from protected building curtilage
ID25	'IAQM document produced from link in Proof (p.8) of Tim Clarke at CD11.3'
ID26	Paul Jennings Comments
ID27	Citation for the Frogmore Meadows SSSI
ID28	Citation for the Sarratt Bottom SSSI
ID29	Citation for the Chilterns Beechwoods SAC
ID30	European Site Conservation Objectives for the Chilterns Beechwoods SAC
ID31	Supplementary Conservation Objectives for the Chilterns Beechwoods SAC
ID32	Judgment of <i>R (oao Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council</i> [2012] EWHC 2161 (Admin)
ID33	Mike Sheehan (Chiltern Society) Statement
ID33.1	Mike Sheehan (Chiltern Society) Photos
ID34	Sebastian Charles – Tim Clarke Pollution Mitigation Strategy
ID35	Sebastian Charles – Jack Biel Manure Response
ID36	Sebastian Charles Clarification Email
ID37	Sebastian Charles Email & Link to website & Video (EBNT)
ID37.1	Sebastian Charles – EBNT V1.1 PDF Doc
ID38	Regulation 63 Assessment of implications for European sites and European offshore marine sites (1)
ID39	The Queen (on the application of Ronald Wyatt, Chairperson of Brook Avenue Residents Against Development
ID40	Sebastian Charles Email - Condition about no spreading
ID41	Mr Jennings Statement - Points from Tim Clarkes Evidence
ID42	Sian Lloyd Statement

ID43	SSSI locations (map screen shot from Magic Maps showing appeal site and Frogmore Meadows and Sarratt Bottom SSSIs)
ID44	Map – SAC and appeal site (map screen shot from Magic Maps showing location of SAC component parts and appeal site)
ID45	SAC zone of influences map (from Dacorum.gov.uk showing location of component parts, the 12.6km ZOI and appeal site location)
ID46	'Letter to Mr Biel home from Planning enforcement dated 27/04/24'
ID47	'Letter to Mr Biel site from Planning enforcement dated 27/04/24'
ID48	SOCG Signed & Dated
ID49	Signed and dated legal agreement (Chilterns Beechwood SAC)
ID50	Agreed suggested conditions and period of compliance wording
ID51	Council Closing Submissions
ID52	Appellant Closing Submissions