



## Appeal Decision

Site visit made on 23 April 2025

**by K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025.

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### **Appeal Ref: APP/K0425/W/24/3356181**

### **Huttons Farm Estate, Main Road, Hambleden RG9 6ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Matt Bowett on behalf of Huttons Farm Shoot against Buckinghamshire Council.
  - The application Ref is 23/07332/FUL.
  - The development proposed is demolition of redundant buildings/structures, and erection of a shooting lodge facility to serve Hutton's Farm Estate, with associated car-parking and improvements to driveway, access via Main Road, Hambleden.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The appeal is submitted against the failure of the Council to determine the planning application within the statutory timescale and an agreed extension of time. The Council has advised that, had it been able to do so, it would have approved planning permission for the reasons set out in its statement. I have had regard to this in so far as it provides clarity. I have also had regard to the comments received from interested parties, during both the planning application and the appeal.

### **Main Issues**

3. The main issues are:
  - the effect of the development on the character and appearance of the area, including the Chilterns National Landscape;
  - the effect of the development on highway safety, including public rights of way (PROWs);
  - the effect of the development on the living conditions of nearby residential properties, with particular regard to noise and light pollution;
  - whether the development would affect the archaeological interest of the site; and
  - the effect of the development on biodiversity.

## Reasons

### *National Landscape*

4. The appeal site comprises an area of elevated woodland set within an estate of arable land, estate land and woodland. The wider area around the appeal site is rolling plateau farmland with dispersed settlements and residential properties.
5. It lies within the Chilterns National Landscape (the NL). Section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) amended the duty in the Countryside and Rights of Way Act 2000 in relation to National Landscapes to require relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in a National Landscape, to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.
6. The strategic objectives of the Chilterns NL are detailed in the Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024 (the NL Management Plan). The most relevant objectives are NO3 – minimise development impacts on the AONB and its setting; where they are unavoidable, ensure that they provide net environmental gain, DO1 – ensure planning decisions put the conservation and enhancement of the AONB first, and DO2 – ensure that where development happens it leaves the AONB better than it was before.
7. The NL Management Plan also sets policies and key actions to achieve the objectives and monitoring indicators. The policies include those to manage woodlands (LP9), require LVIAAs (DP5), resist development unless it is a use that is appropriate to local landscape character (DP2) and keep skies dark at night (DP8). The special qualities of the NL, as set out in the NL Management Plan, include the panoramic views, the farmland with significant hedgerows and field trees interwoven with parkland, the diverse flora and fauna, the tranquillity, relative dark skies, and sense of remoteness, and that it is one of the most wooded landscapes in England.
8. Paragraph 189 of the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs, amongst other areas, and that these have the highest status of protection. The Framework advises that the scale and extent of development within the designated areas should be limited.
9. Paragraph 190 of the Framework seeks to resist major development in NLs. Footnote 67 confirms that whether a proposal is “major development” is a matter for the decision maker, taking into account the nature, scale and setting of the proposal and whether it could have a significant adverse impact on the purposes of the NL. I will return to this matter later.
10. The proposal would result in new built development in the NL. I observed the remains of the old buildings which are still visible on the appeal site. These are limited and would not be a structure that would be capable of being converted. Moreover, the appeal proposal would be substantially greater in scale and massing than the remnants of the structures on site, even if it would not be substantially different to the structures that were previously there.
11. The current condition of the appeal site would not constitute previously developed land (PDL) as the definition set out in Annex 2 of the Framework excludes land

that is or was last occupied by agricultural buildings. Furthermore, the remnants of the previous buildings have blended into the landscape, and this would also exclude the structures from being considered as PDL.

12. The layout of the building would follow a similar footprint to the previous structures on site and would reflect farmhouse and farmyard developments. The design detailing and materials proposed would be appropriate for the rural location and provide a simple design with some detailing and features. The design and materials also accord with the Chilterns Building Design Guide. The height of the building would be single storey and would appear as such with the eaves sitting at the top of the windows.
13. Internally the building would provide separate spaces for the people attending the shoots (the guns), beaters and other staff. Externally the proposal includes the vehicular access off the track, car parking, an external seating/dining area and areas for planting. Although interested parties have queried whether an outdoor area would be used shooting is an outdoor activity. People attending and staff would be prepared for cold weather, and it is also likely that there would be days during the shooting season that would be pleasant to sit out. I have no compelling evidence that the size of the building and the facilities to be provided are not appropriate for the proposed use.
14. Overall, the scale, design and materials of the building and the layout of the site are not objectionable. However, the appellant has accepted within the Landscape and Visual Impact Assessment<sup>1</sup> (the LVIA), the Landscape Statement<sup>2</sup> and the Landscape Response submitted with Final Comments<sup>3</sup> that the development would result in a change in the character of the site. Furthermore, the development would be visible from the PROWs when alongside the new building and also visible from wider PROWs during the winter months, when the building is most likely to be in use. The LVIA notes that there would be moderate adverse effects on the landscape character of the site and moderate to negligible adverse visual effects on the views from the PROWs that pass the site.
15. The proposed enhanced landscaping buffer would reduce the visual effect of the building and associated works. The limited use of the building between September and February would also reduce the effect of the use and vehicle movements along the access track. Nevertheless, even with the enhanced landscaping, the development would adversely affect the views from the PROWs and the public perception and aesthetic appreciation of the NL. The development would not go so far as to conserve and enhance the scenic beauty of the NL, or further the purpose of conserving and enhancing the NL. Taking account of the DEFRA advice<sup>4</sup>, in my judgement, the development would result in harm to the character and appearance of the area, including the NL, contrary to the views of the Council.
16. Although the proposal follows the advice in the Chilterns Building Design Guide, I note that the Design Guide pre-dates the LURA and the enhanced and positive wording therein. I have, therefore, given limited weight to the advice in the Design Guide. That there were previously buildings on the appeal site and that the character of the wider area includes isolated farmsteads, and rural buildings would

<sup>1</sup> Landscape and Visual Impact Assessment prepared by CSA Environmental. Report No: CSA/5975/01, dated September 2023.

<sup>2</sup> Landscape Statement, prepared by CSA Environmental, report no: CSA/5975/02, dated November 2024.

<sup>3</sup> Landscape response to representations, prepared by CSA Environmental, dated January 2025.

<sup>4</sup> <https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes>

not justify the appeal proposal. The requirements of the LURA are not that a development is similar to others in the area or not out of character or discordant. The LURA requires development in the NL to further the purpose of conserving and enhancing it. This supports the Framework's requirement of conserving the landscape and scenic beauty of the NL and the advice to limit the scale and extent of development.

17. Paragraph 88 of the Framework allows some support for local business and community developments in rural areas. However, any such development has to be sensitive to its surroundings and I have found that the development would not be so. Moreover, the support in Paragraph 88b of the Framework and in Policy DM44 of the Wycombe District Local Plan, adopted August 2019 (the LP), for development and diversification of agricultural and other land-based rural businesses and for the provision of outdoor sports facilities, should not be at the expense of the NL.
18. During my visit I saw the existing Shooting Lodge at Huttons Farm. Although there is sufficient indoor seating area for people attending the shoot, the kitchen area is small, there is no separate space for beaters and limited storage. Furthermore, the external space around the lodge is also the garden area for the dwelling and there is direct overlooking between the two uses. The use of the existing lodge also relies on the use of the domestic parking area during shooting days, and this is restricted in size and shape.
19. Given the layout of the existing house, lodge, and other uses, I have no evidence that the existing lodge could be extended. Furthermore, I accept that the other existing farm buildings on the estate are fully utilised and that there are no other buildings capable of being used as a new shooting lodge. Nevertheless, the appellant has not provided compelling evidence that there are no other parcels of land where the new lodge could be located that would result in less harm to the NL while also providing the new facility. That the existing lodge is no longer fit for purpose would justify a new building but not the harm to the NL.
20. Having regard to the cases and the legal opinion referred to by the appellant, that the nature of the proposal before me is for a shooting lodge to be used for a limited period of time in the year, for a use which would support the existing business and the management of the surrounding land, is of a scale that is not significantly greater than other buildings in the surrounding area and is set within an existing woodland and estate grounds, I find that the appeal before me would not constitute major development for the purposes of paragraph 190 of the Framework. Moreover, although I find that the proposal would cause harm to the NL this would not be so significant so as to amount to major development.
21. For the above reasons, I find that the appeal proposal would not conserve nor enhance the NL, it would, therefore, adversely affect the character and appearance of the area, including the Chilterns National Landscape. The proposal would, therefore, be contrary to Policies CP9, DM30, DM32, DM35 and DM44 of the LP. Collectively these policies seek to ensure a high quality sense of place, conserve the natural and historic environment, require development to positively make places better for people and the opportunities available for improving the character and quality of an area, direct development to areas of lower environmental value, require development within the NL to conserve and, where

possible, enhance, the natural beauty, respect the natural beauty, and enhance the sense of place and local character.

### *Highway safety and PROWs*

22. Access to the site would be off Main Road, using an existing track which currently serves the land surrounding the appeal site. The access is directly opposite one of the entrances to the main estate at Huttons Farm, which serves the house, existing shooting lodge and farm buildings.
23. The tracks to and around the appeal site are already used by shooting vehicles. Currently people attending the shoot drive to Huttons Farm and park near the house. They are then transported around the estate grounds by other vehicles, and this would include the use of the access track to the proposed development.
24. The proposal would increase the number of vehicles using the access off Main Road and the track to the appeal site as people attending the shoots, all staff, deliveries, and servicing vehicles, would drive to the appeal site. Nevertheless, although there would be up to 20 days where the number of vehicles along this track would be increased, this would not amount to a significant level of vehicle movements. Moreover, there would not be a materially different level of vehicle movements on the local highway network as these vehicles already use the local roads and Main Road to access the existing lodge.
25. Sufficient visibility is available in both directions along Main Road for the speed of the traffic and considering the narrowness of the road. Sufficient parking and turning would be provided within the appeal site for the predicted vehicle levels to ensure that all vehicles could enter and leave in a forward gear. I, therefore, find that the development would not adversely affect highway safety on the local highway network.
26. The access track is also, in part, along the route of Public Rights of Way (PROWs) and parts of the PROWs, near the appeal site, are blocked by existing fencing. At my visit I observed that the access track to the appeal site includes well maintained hedges and wide grass verges along most of its length. The verges would provide space for walkers to wait off the main line of the track while any vehicles pass and there is sufficient visibility at the points where the PROWs join the track. This would, therefore, reduce the potential for conflict between vehicles and walkers. The blocked routes could be diverted and the current tracks around the site already provide alternative routes which are similar in style and appearance to other routes along tracks.
27. The increase in vehicle movements and the increase in shooting days would be noticeable to users of the PROWs and materially different to the current situation where there are less vehicles and less days. However, the proposed building would only be used for 20 days between September and February. Most of the vehicles associated with people attending and staffing the shoot would arrive and leave at a similar time. Deliveries, service vehicles and catering may arrive and leave at other times. However, the disruption to walkers from vehicles travelling along the access track would be limited by the number of days and the number of people attending.
28. Moreover, there are no restrictions on how many vehicles can currently use the access track and the appellant could, theoretically, ask all people attending and

staff to travel in their own vehicles to the different shooting locations across the estate, including along these PROWs.

29. Sections of the track are currently potholed and muddy and both the construction work and ongoing use of the track for vehicles would increase the likelihood of further deterioration. Nevertheless, I have no compelling evidence that the surface of the track would need to be altered, other than to infill any potholes and muddy areas. The appellant has advised that the track would remain unaltered, and they would continue to be responsible for maintaining the condition of the track, in a suitable condition for use as a PROW.
30. For the above reasons, I find that the increase in vehicles using the access track would not result in an unacceptable effect on the PROWs or the users of the PROWs, separate to the consideration of the visual effect of the development on the NL. As already noted, the land around the appeal site is already used for shooting and, as such, the effect of shooting activities on the users of the PROW is already present.
31. Taking these matters together, I find that the development would not adversely affect highway safety, including PROWs, it would, therefore, comply with Policy DM33 of the LP which seeks to ensure the provision of infrastructure to support growth, requires development to be provided with safe and convenient access to the local highway network and provide sufficient parking.

#### *Living conditions*

32. There are residential dwellings in the wider area and interested parties have noted that some of these dwellings would be closer to the appeal proposal than the house at Huttons Farm. However, the separation distance between the existing dwellings and the proposed building, and the retained landscaping, would ensure that the building itself, and its use, would not result in adverse noise or light pollution to the residential properties.
33. As already noted the proposal is to replace an existing shooting lodge. The use of the land around the appeal site, and other land within the estate of Huttons Farm, is already used for shooting events. The appellant has provided evidence of the location of the shoots and confirmed that there is no intention to move where shooting happens as part of the proposal.
34. Although the increase in the number of events in the season, from 15 to 20, would increase noise and disturbance from shooting, this is not a new activity in this area and the nearby residential properties are already experiencing the shooting and the associated noise and disturbance. In my judgement the increase in the number of shooting days would not result in unacceptable increased levels of noise and disturbance.
35. Given that the proposed building is a sufficient distance from any neighbouring property so that the use of the building itself would not cause unacceptable living conditions and that shooting already occurs in the surrounding area, I find that the appeal proposal would not cause unacceptable harm to the living conditions of nearby residential properties, with particular regard to noise and light pollution. The proposal would, therefore, comply with Policy DM35 of the LP which, amongst other matters, seeks to ensure that development prevents significant adverse impacts on the amenities of neighbouring land and property.

### *Archaeology*

36. The appeal site is within an archaeological notification area and interested parties have suggested that it is the site of Holywick Chapel and the medieval grange of Medmenham Abbey.
37. The appellant's Archaeological Desk-Based Assessment acknowledges these are heritage assets of local significance and that the development would result in the loss of the assets. Nevertheless, the report also acknowledges that further archaeology work would be required which may include recording of historic buildings, carrying out the work on site under a written scheme of investigation to ensure that the works are carried out sensitively to the archaeological potential of the site, the digging of trial trenches, and that any significant archaeology should be preserved in situ, where possible.
38. The Council recommend that these measures can be secured through an appropriately worded condition, and, notwithstanding that interested parties suggest that the archaeology should be understood before the application is determined, I have no reason to disagree with the Council's findings on this matter.
39. For the above reasons, I find that, subject to conditions, the development would not affect the archaeological interest of the site and would comply with Policies CP9 and DM31 of the LP which, taken together, seek to conserve and, where possible enhance, the historic environment and give great weight to the conservation of a designated heritage asset's significance, its setting and other character features or positive elements of special interest.

### *Biodiversity*

40. The appeal site currently contains a number of trees and other plant species, it also lies near to a Site of Special Scientific Interest (SSSI). The evidence before me indicates that the proposed building works would be capable of being carried out without significant harm to wildlife, including nesting birds, badgers, reptiles, and bats. Subject to conditions, appropriate mitigation and enhancement measures could be provided.
41. I have no compelling evidence to disagree with the findings of the submitted information or the views of the Council on this matter. I acknowledge the concerns of interested parties regarding the effect of shooting on wildlife. However, as with other main issues, the shooting already occurs on the land around the appeal site and the effect of the shooting activity on biodiversity is not a matter before me in determining this appeal.
42. Consequently, I find that the appeal proposal would not adversely affect biodiversity and would, therefore, comply with Policies CP9 and DM34 of the LP which, taken together, seek to conserve the natural environment and implement measures for its enhancement, require all development to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site, maximise existing green infrastructure and biodiversity assets, take opportunities to enhance existing, and deliver long lasting measurable net gains in biodiversity.
43. For the same reasons, the proposal would comply with Policies DM11 and DM14 of the Wycombe District Adopted Delivery and Site Allocations Plan, July 2013,

(the DSA) which, taken together, seek to ensure that the Green Infrastructure Networks are conserved and enhanced, paying special attention to the conservation and enhancement of biodiversity, and require all development to be designed to maximise biodiversity by conserving, enhancing or extending existing resources or creating new areas or features.

### **Other Matters**

44. The proposed development would be energy efficient with an air source heat pump and renewable sources of heating. It would also be provided with sustainable drainage and an on-site sewerage system. These matters are neutral and would not constitute benefits.
45. Biodiversity enhancements to achieve the required biodiversity net gain could be secured and would be environmental benefits that would be for the lifetime of the development. This is a benefit of moderate weight.
46. The appeal proposal would also provide economic benefits to the local area through the support of local businesses and services both by the shooting lodge itself and by people attending shoots. The shoot employs local people, and, in my judgement, the larger building proposed would also increase employment. However, the economic and social benefits would be limited and short term during the shooting season.
47. Overall, the benefits of the proposal would be limited to moderate and would not outweigh the harm I have identified to the NL.

### **Conclusion**

48. Although I find no harm to several of the main issues the proposal would harm the character and appearance of the area, including the NL. For that reason, the appeal is dismissed.

*K Townsend*

INSPECTOR