



Appeal Decision

Site visit made on 6 January 2026

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 April 2026

Appeal Ref: APP/N0410/W/25/3374461

Old Beams, Three Households, Chalfont St Giles HP8 4LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Millen, Millen Homes Limited against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref is PL/25/1623/OA.
 - The development proposed is development of 3 dwellings on land to the rear of Old Beams, Three Households.
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Decision

1. The appeal is allowed and planning permission is granted for development of 3 dwellings on land to the rear of Old Beams, Three Households, Chalfont St Giles HP8 4LJ, in accordance with the terms of the application Ref. PL/25/1623/OA and subject to the schedule of conditions to this Decision.

Preliminary Matters

2. The application is in outline with all matters reserved except for access and layout. Appearance, landscaping and scale are matters reserved for future consideration. As far as any details of matters relating to the reserved matters have been provided on the submitted plans, I have treated these as indicative.
3. As part of the appeal, the appellant submitted a further ecological survey: Preliminary Ecological Appraisal and a Biodiversity Metric Assessment undertaken by Arborweald, dated 19 September 2025 (Hereinafter referred to as the 'Ecological Appraisal') to replace that originally provided with the planning application but subsequently withdrawn.
4. The 'Ecological Appraisal' is submitted in support of this appeal to address the Council's only reason for refusal. The Ecological Appraisal does not alter the nature of the proposal and therefore does not constitute a substantive change to the scheme.
5. The submission of technical evidence at appeal is not uncommon and an accepted part of the process, particularly where it does not amend the development itself. The Ecological Appraisal provides the information intended to assess ecological impacts. Furthermore, the Council have had full opportunity during the appeal to consider and respond to this information.
6. Therefore, I have accepted the Ecological Appraisal in determining the appeal and do not consider that the interests of any party have been prejudiced by my having done so.

7. Also related to the above, at the final comment stage, the appellant provided a further Reptile Addendum dated 9 December 2025, for the same reasons I have accepted this in determining the appeal and I have also afforded the Council the opportunity to comment on this.
8. The proposal is described as providing self-build/custom-build dwellings, and the Council has suggested a condition to secure this. I considered the parties' submissions, including the appellant's reference to the Right to Build Task Force Custom and Self-Build Planning Guidance (PG3.8, January 2024, Version 2), which advocates the use of conditions for this purpose.
9. The suggested condition requires first occupation by a person who has had input into the design and layout of the unit. However, it provides no mechanism to ensure that construction would in fact be undertaken as a genuine self-build or custom-build project, nor does it prevent speculative construction followed by open-market sale. Simply notifying the Council of intended first occupiers offers no meaningful means of monitoring or enforcing compliance. As drafted, the condition lacks the precision and enforceability needed to ensure that the development would contribute to meeting identified self-build and custom-build demand.
10. Matters such as marketing, eligibility, occupancy and notification extend beyond what can reasonably be secured through a planning condition. These require ongoing monitoring and binding obligations on the landowner, which fall more appropriately within the scope of a legal agreement.
11. The condition would therefore fail the precision and enforceability tests in the National Planning Policy Framework ('the Framework'). Determining whether an occupier has had "primary input" into the design, or whether the units have been genuinely marketed to self-builders, is inherently subjective and difficult to enforce. A planning obligation, by contrast, can secure clear and measurable requirements, such as marketing periods, eligibility criteria and occupation triggers, which run with the land and can be enforced directly. If securing self-build delivery were necessary, a planning obligation would be the appropriate mechanism.
12. In light of these concerns and the particular circumstances of this appeal, it was necessary to consider whether the development could be treated as market housing, which would engage the statutory requirement to deliver a minimum 10% Biodiversity Net Gain ('BNG'). I therefore invited the main parties to indicate whether they wished the appeal to proceed on this basis and, if so, how the 10% BNG requirement could be appropriately secured, including where measures might be delivered on land outside the appeal site.
13. The appellant confirmed that they were content for the appeal to proceed on this basis and that BNG could be secured through the statutory biodiversity gain condition in paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The Council, however, maintains that it has not been demonstrated that a 10% net gain could be achieved, a matter I address later in my Decision. In these circumstances, I have treated the proposal as open-market housing for the purposes of this appeal, and my Decision proceeds on that basis.

Main Issue

14. The main issue is:
 - i) Whether the proposal would be acceptable with regard to protected species and biodiversity.

Reasons

15. Based on the Ecological Appraisal, the appeal site is assessed as having generally a low ecological value, comprising common and structurally poor habitats typical of derelict rural land, with limited species diversity and weak habitat connectivity.
16. The proposed development, three dwellings with associated access and gardens, would affect only the northern portion of the land, leaving the southern half undeveloped. While the scheme has some potential to impact wildlife in the absence of safeguards, most species of interest (including bats, badgers, breeding birds, hedgehogs and reptiles) require only standard, precautionary mitigation such as sensitive working practices and toolbox talks. Effects on Dormice have been ruled out entirely.
17. Great crested newts are the only species requiring more specific attention, as the development presents a potential risk to them. This can be addressed either through targeted survey work or, if available, through the District Licensing Scheme.
18. On the information before me, a District Level Licence has been secured through NatureSpace, with the licence fee paid and certification imminent. This provides a robust and legally compliant mechanism for addressing any potential impacts arising from the development. The District Licensing Scheme removes the need for site-specific surveys and delivers mitigation at a strategic landscape scale, ensuring that any effects on the species are fully compensated for before works commence. As a result, all necessary safeguards are in place, and there is no residual uncertainty regarding compliance with the Conservation of Habitats and Species Regulations.
19. The Appellant's BNG calculation demonstrates that the development is capable of achieving a net gain of approximately 21%, with part of this uplift delivered on land outside the appeal site. The statutory biodiversity gain condition set out in paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 applies to this outline permission. This condition prevents commencement until a Biodiversity Gain Plan has been submitted to and approved by the local planning authority. Through that process, the developer must identify any off-site land relied upon, demonstrate control over it, and secure its long-term management in accordance with the statutory requirements. I am therefore satisfied that the required minimum 10% BNG can be secured through the statutory mechanism, and no additional planning condition is necessary.
20. As such, subject to the recommended mitigation measures, no significant ecological constraints are anticipated, and the development can proceed without unacceptable impacts on protected species and secure the required biodiversity net gain. Therefore, the proposal accords with Policy CS24 of the Core Strategy for Chiltern District (2011), which seeks to protect and enhance biodiversity and to ensure that development does not harm protected species or their habitats.

Other Matters

21. The appellant has completed the relevant ownership certificate, confirming that all land within the appeal site is either within their ownership or that the necessary notices have been served. Although some photographs have been submitted to suggest otherwise, this material does not demonstrate that the certification is incorrect. Any disagreement over land ownership is ultimately a private civil matter between the parties concerned and does not fall to be resolved through the planning appeal process.
22. While concern has been raised about the impact of the proposal on the Green Belt, in line with the Framework, the Council assessed the proposal as not being inappropriate development in the Green Belt and I have no clear reason to disagree.
23. In the context of a modest development of three dwellings, the scale of trip generation associated with this is limited and would fall within the normal day-to-day fluctuations already experienced on surrounding roads. There is no evidence that the proposal would unacceptably alter traffic conditions, compromise highway safety, or place any discernible strain on the local road network.
24. The submitted layout demonstrates that the site can accommodate the quantum of development proposed without appearing unduly cramped. The outline arrangement establishes building positions and separation distances capable of achieving acceptable levels of privacy for both existing and future occupiers. Detailed matters such as landscaping, scale and appearance, which would include boundary treatments, window placement, size of buildings and the final design of external areas remain reserved and will be subject to further scrutiny at the reserved matters stage. As such, on the information before me, there is no basis to conclude that the development would give rise to unacceptable effects in respect of either density or privacy.
25. The Council's assertion that the appellant sought to avoid compliance with ecological requirements is not supported by the evidence before me. The original ecological surveys were withdrawn after legitimate concerns were raised regarding their adequacy, and updated, satisfactory survey work has since been submitted. This ensures that the appeal is determined on the basis of appropriate ecological information, rather than indicating any attempt to circumvent the relevant requirements.

Conditions

26. I have considered the conditions suggested by the Council in light of the Planning Practice Guidance and the Framework. In addition to the standard time-limit conditions for the submission of reserved matters and the commencement of development, which ensure that the permission is implemented in a timely and orderly manner, it is also necessary to require that the development is carried out in accordance with the details subsequently approved. For the avoidance of doubt, I have further imposed a condition specifying the approved plans and document.
27. A condition requiring a Construction Environmental Management Plan is necessary to ensure that construction activities, including site clearance and demolition, safeguard existing habitats and protected species.

28. To secure on-site ecological enhancements, including wildlife-friendly planting and features for bats, swifts, hedgehogs and reptiles, so that the development contributes positively to local biodiversity and long-term ecological value. These measures are separate from, and additional to, the statutory BNG process, and are required to ensure compliance with the Framework.
29. A condition requiring a lighting design strategy is necessary to prevent disturbance to bats and other nocturnal species arising from external lighting.
30. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

31. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) Details of the scale, appearance and landscaping (hereinafter referred to as ('the reserved matters')) shall be submitted to and approved in writing by the local planning authority before any part of the development is commenced. The development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) This permission relates to the following approved drawings and document: Site Plan-THH001-Site Layout; Location Plan THH002-Location Plan and Preliminary Ecological Appraisal and Biodiversity Metric Assessment undertaken by Arborweald, dated 19 September 2025.
- 5) No construction works, including any demolition or site clearance, shall commence until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the local planning authority. The CEMP shall accord with BS 42020:2013 and shall include:
 - a) identification of biodiversity features that could be affected and potentially damaging activities;
 - b) a timetable for avoidance and mitigation measures, including seasonal constraints;
 - c) method statements for specific activities (e.g. vegetation clearance, hedgerow removal, tree felling, soil stripping, demolition);
 - d) practical measures to avoid impacts (e.g. fencing, protective barriers, sensitive working practices);
 - e) measures to prevent wildlife becoming trapped in excavations or machinery;
 - f) details of responsible persons and lines of communication;
 - g) contingency measures for accidents or unexpected ecological issues
 - h) pollution-prevention procedures;
 - i) arrangements for monitoring and reviewing the CEMP during construction
 - j) biosecurity measures to prevent the spread of non-native species;
 - k) temporary management of retained habitats during construction;The development shall thereafter be carried out in accordance with the approved CEMP.
- 6) Prior to the commencement of development above ground level, an ecological enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) wildlife-beneficial landscape planting;
 - b) integrated bat boxes and swift boxes;
 - c) ground-level gaps in boundary fencing for hedgehog movement;
 - d) reptile hibernacula and log piles;

- e) a timetable for the implementation of all approved enhancement measures.

The approved ecological enhancements shall be installed in accordance with the approved timetable and retained thereafter.

- 7) Prior to the occupation of the development, a Lighting Design Strategy for Biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include:
 - a) identification of areas and features of the site that are sensitive to light spill and important for bats and other nocturnal wildlife, including commuting and foraging routes and any breeding or resting places, and
 - b) details of how and where external lighting will be installed, including lighting contour plans and technical specifications, to demonstrate that sensitive areas will remain dark and undisturbed.

All external lighting shall be installed and maintained in accordance with the approved strategy, and no additional external lighting shall be installed without the prior written approval of the local planning authority.