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## **PLANNING, DESIGN & ACCESS STATEMENT**

**For: CHANGE OF USE, FROM AGRICULTURAL BARN TO LIVE/WORK UNIT,  
UNDER LOCAL PLAN POLICY DM45**

**At: THE BARN, ORCHARD COTTAGE, RADNAGE COMMON ROAD, RADNAGE  
HP14 4DH**

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## **1.0 BACKGROUND AND DESCRIPTION OF THE PROPOSALS**

- 1.1** This proposal seeks to utilise the requirements of Local Plan Policy DM45 – *Conversion of Existing Buildings in the Green Belt and Other Rural Areas*. As per LP paragraph 6.234; '*Policy DM45 sets out a framework to inform developments proposing the conversion of existing buildings within the Green Belt, the Area of Outstanding Natural Beauty, and elsewhere in the countryside*'.
- 1.2** Local Plan paragraphs; 6.235, 6.236, and 6.237 very clearly explain the requirements of the Policy, which have been very closely adhered to in preparing these proposals.
- 1.3** As the Council states in Local Plan paragraph 6.235, over the last several years the Government has introduced a range of Permitted Development Rights for the conversion of agricultural buildings to a range of other uses.
- 1.4** As the Council correctly states, and as in this case, not all locations benefit from these permitted changes. As it states, perhaps most significantly for the District, the deemed change of use of an agricultural building to a dwelling does not apply in the Chilterns Area of Outstanding Natural Beauty, in which this site is located.
- 1.5** However, as stated in paragraph 6.236, the Council considers that barn conversions in the AONB, and other similar projects, are acceptable in principle subject to the two basic criteria:
  - that the building has existed for at least 10 years prior to its conversion and
  - that the proposed use will be a benefit to the community by providing homes or jobs or services, as the case may be.
- 1.6** In paragraph 6.237, the Council goes on to accept that building works to facilitate the conversion will normally be acceptable along with the change of use. It defines that the extent of building works required to facilitate the conversion should be fully described in any planning applications. Further, that the detail of proposed conversions may be subject to other policies in the Plan.
- 1.7** The subject building (see **SD2** to **SD6**) was originally constructed as a very substantial agricultural 'standalone', within this substantial country estate, and benefits from an existing hardstanding access and parking and turning area, distinct from any other part of the estate, sharing the Highway access with the main house (**SD12**). As can be seen later herein, there are no Highway issues associated with the proposals (a Highway Report can be provided if required).
- 1.8** The building is very significantly more than 10 years old. **SD10** is an aerial view from 2010. It has remained in use until recent times, but due to a change in agricultural management of agricultural and horticultural land in the area, to a more centralised basis, it is no longer required for its original purpose.
- 1.9** The proposal is to convert the building into a separate live/work unit. The owners are both very senior professionals, within major businesses, currently commuting, and they wish to work from home, within a dedicated, purpose-designed, base. This proposal demonstrates a rare opportunity to provide such a unit.
- 1.10** As can be seen from the Structural Engineer's Report, **SD8** and **SD9**, the building is of very sound construction, with no repairs or structural works required in order to convert, and to comply with current Building Regulations standards. The same can be said for the hardstanding and access track.

- 1.11** Although self-evident from the drawings herewith, if required, a report on the conversion requirements can be produced by the Chartered Architect who has prepared the conversion proposals at **SD5**.
- 1.12** The design principle is that the structure is essentially unaltered, save for provision of windows, new doors, etc. The internal construction is altered in order to be suitable for its Use. The building is currently uninsulated, and therefore insulation will be provided to all elements, to the new Building Regulations standards. It is already part-serviced.
- 1.13** It is reiterated that the building is already fully enclosed, and that no structural works or works of structural repair are required in order to facilitate the conversion (see **SD8** and **SD9**). Should the Council so require, the Applicant would provide a further Structure and Fabric Report, from an independent Chartered Construction Manager.
- 1.14** Aside from the specifics of Local Plan Policy DM45, the Applicant is aware that the Council's focus will most predominantly be in terms of Green Belt and AONB Policies. Critical to this will be a consideration of NPPF 2021. In addition, the Chilterns Building Design Guide, whilst of non-Statutory status, will be a material consideration. This submission contains the full information in respect of the substantiation of the acceptability of the proposals, in this context.
- 1.15** Included in this Application is an analysis of the site in its context, and which effectively contains a number of points for consideration by the Council. It also involves in considerable detail several points from Policy, which have been the subject of legal cases. It is assumed that this will inform the Council's considerations of the proposals.
- 1.16** Critically, the proposals will not increase impact upon nor will it reduce openness within the Green Belt and AONB. The building has been in commercial Use, and this must be weighed against the Use within the proposals. It is a relatively small, low eaves, building, and there are no other buildings nearby.
- 1.17** The drawings submitted herewith very clearly present both the existing single storey building, its setting, and the totality of the proposals, including the key elevations, plans, and a very clear explanation of them, not purely in their own right, but in their context, which is a critical factor in relation to Local Plan Policies, which the proposals seek to address.
- 1.18** I have provided herein the deep contextual background necessary in this matter, citing the Applicants' objectives, and how they are intended to be met in the context of current Planning Policy.
- 1.19** The information herewith demonstrates that the proposals are entirely legitimate in terms of Local Plan Policy DM45. They do not increase the impact upon the Green Belt, nor do they compromise the AONB in any way. They are clear in demonstrating that the proposals are in no way cramped in terms of boundaries. The proposals are also demonstrated herein as meeting all relevant Policy criteria.
- 1.20** This submission has been specifically prepared as a written demonstration of the acceptability of the proposals both in their own right and in their context. It details the design and how and why it was developed.

- 1.21** The context of the site, in comparative form, is discussed in this document. The proposals consider nearby and adjacent properties in terms of their site area / rear garden depth and separating distances to boundaries. This is a consideration in Policy terms.
- 1.22** Ecology is very important, and there are no issues, as can be seen from **SD6** and **SD7**, in respect of Ecology or Bats.
- 1.23** The following documents form this Planning Application:
- Planning Portal Planning Application Form
  - Buckinghamshire Council Ecology and Trees Checklist
  - **SD1**: Planning, Design and Access Statement
  - **SD2**: Drawing PD01 Location and Site Plans
  - **SD3**: Drawing PD02 Existing Topographical Survey
  - **SD4**: Drawing PD03A Existing Barn Plans and Elevations
  - **SD5**: Drawing PD04B: Proposed Barn Plans and Elevations
  - **SD6**: Full Bat Survey Report
  - **SD7**: Preliminary Ecology and Bat Roost Report
  - **SD8**: Structural Engineer Report
  - **SD9**: Structural Engineer Report Appendix A - Photograph
  - **SD10**: Aerial View of Orchard Cottage in 2010
  - **SD11**: Flood Risk
  - **SD12**: Drawing PD05: Proposed Block Plan.

#### Site Context

- 1.24** Orchard Cottage consists of an estate of Residential and Agricultural property, towards the rural edge of Radnage. Its full extent is indicated by the Blue and Red lines in **SD2**. It slopes significantly (see **SD3**).
- 1.25** The property is accessed via a private driveway leading off Radnage Common Road. It can be seen that the access road branches-off, with a separate hardstanding road serving the subject Barn and its (also hardstanding) yard area.
- 1.26** The overall estate is dominated by Orchard Cottage, and its immediately surrounding buildings and very large garden. The extent of the landscaped garden to the south-west and be seen, and beyond it lie two paddocks also owned by the Applicant, as part of the domestic curtilage. In the Case Officer Report to a previous Planning Application on the property (08/05373/FUL), the Council's Case Officer described it thus: *'The dwelling is within a large residential plot and is tucked away from the main road aspect, being behind 'The Farmhouse'*.
- 1.27** The landscaped garden has a broadly rectangular shape with Orchard Cottage located to the North-East corner. The site has a significant gradient running North-East to South-West, with the lowest part of the garden 11.5m lower than the highest part. Orchard Cottage is located towards the top of this slope, with the front door threshold 7.5m above the lowest part of the garden.
- 1.28** The perimeter of the land is generally lined with trees and hedges and as such the building and gardens are not visible from the surrounding roads or paths, and are hidden from neighbouring houses and gardens. The overall garden includes much mature landscaping and a cluster of apple trees which give the building its name. There are several outbuildings within the garden; a garage of 58m<sup>2</sup>, two former catteries of 7m<sup>2</sup> respectively, a barn of 45m<sup>2</sup>, a pool house of 18m<sup>2</sup> and the agricultural building of 93m<sup>2</sup>.

### The Subject Building and Land

- 1.29** The subject building is reached via the road, as indicated within the Red line, on **SD2**. It is served by the metalled Yard area to the front. The road, yard and building are already segregated by fences on banking.
- 1.30** It can be seen that, as part of the proposals, a small garden is proposed to be formed to the rear of the building, within what is already garden.
- 1.31** The subject building is rectangular, low-eaves, single storey, and is constructed as described in **SD8**, the Structural Engineer's Report. **SD9** illustrates the building's main elevation. The building is very substantial, and is watertight. It was self-evidently constructed in order to be permanent in construction terms.

### Planning History

- 1.32** There is limited information on the Council's website in relation to Planning History for the overall site, and the Council did not provide the microfiches with previous pre Application Responses.
- 1.33** However, the Case Officer Report for the 2008 application for the 'Construction of a freestanding conservatory' (ref: 08/05373/FUL) identifies the following permissions:
- WR/284/62 – Permission for the erection of extensions & alterations to dwelling.
  - W/6697/79 – Permission for the erection of extensions and alterations.
  - W/87/6701 – Permission for the erection of a two-storey rear extension.
  - W/88/6385 – Permission for a first-floor side extension.
- 1.34** The extent and scale of the above extensions and alterations, and whether the Permissions were all implemented, and whether they represent all development on the site, is not clear, but the detail should be contained on the Council's microfiches.
- 1.35** There is a current Non-Determination Planning Appeal in process, in respect of Planning Application to alter / extend Orchard Cottage. It bears no relationship to these proposals.

### Planning Policy Context

- 1.36** The site sits within the Green Belt and the Chilterns AONB (CAONB).
- 1.37** The Development Plan for the Wycombe area consists of the Delivery and Site Allocations Plan for Town Centres and Managing Development (DSA Plan) July 2013 and the Wycombe District Local Plan August 2019.
- 1.38** The proposals have also been prepared with respect to The Chilterns AONB Buildings Design Guide & technical notes and the Wycombe Residential Design Guidance SPD.
- 1.39** The NPPF 2021 clearly supports the re-use of buildings of substantial nature in the Green Belt.

## Design Principles

- 1.40 The property is sited on the perimeter of the village, within an extremely large, landscaped garden, with the adjacent agricultural land extending into the countryside.
- 1.41 The subject building cannot be seen from the surrounding roads and paths and as such does not form part of any public views of either the landscape or the village.
- 1.42 The primary views of the building in its setting are experienced by visitors approaching it down the driveway and when looking back towards the building from its near-surroundings.
- 1.43 When viewed from these perspectives the subject building is seen with a backdrop formed of garden, trees and hedges and set-down levels, rather than other buildings, and as such it appears as a building set within the landscape, a typological condition recognised in the AONB technical guidance.
- 1.44 The design ambition for the proposals is to retain the existing building in its structural entirety, and also retaining the external fabric, except where it needs to be altered as part of the conversion works (as indicated in the differences between **SD4** and **SD5**).
- 1.45 There is a clear, natural, connection between the subject building and the surrounding landscape in terms of spatial and material relationships, resulting in a building that appears well-grounded and appropriately situated in its context. Because the external changes are minimal, the changes in impact are equally minimal.
- 1.46 The changes to the internal layout of the building is again illustrated by the differences between **SD4** and **SD5**. Quite obviously, substantial internal works of subdivision, servicing and finishes are required in order to facilitate the conversion. It is emphasised that none of the work involved is in any way structural.
- 1.47 In summary, the Applicant considers that these Application proposals are acceptable in all material respects, and invites the Council to find likewise. He considers that suitable and sufficient information is included, but if anything further is required, I should be informed by the Council at the earliest opportunity.

## **2.0 DISCUSSION OF KEY APPLICABLE LOCAL PLANNING POLICY**

**2.1** The 'starting point' in consideration of the proposals is Wycombe District Local Plan. In recent similar proposals, the Council cites, inter alia, the Policies which it considers most applicable. I can therefore initially consider these individually.

### ***Policy CP1 – Sustainable Development***

**2.2** This Policy states that:

*1. The Plan delivers the vision and objectives, and principles for the main places in the District and thereby delivers sustainable development.*

*2. The Council will require all new development to contribute towards delivering sustainable development by contributing to achieving both objectives of this Plan and the principles for the main places in the District.*

**2.3** The proposals deliver all that is required of them in terms of this Policy.

### ***Policy CP3 – Settlement Strategy***

**2.4** This Policy states the Tier areas.

**2.5** There are no issues in respect of the location of the site relative to the Settlement Strategy.

### ***Policy CP8 – Protecting The Green Belt***

**2.6** This generalised Policy is simply designed to extend from the National Planning Policy Framework. It states that:

*The Council will:*

*1. Remove limited areas of land from the Green Belt, as set out in this Plan, where there are exceptional circumstances for doing so;*

*2. Not propose or permit any other changes to the Green Belt boundary;*

*3. Protect the Green Belt identified on the Policies Map from inappropriate development.*

**2.7** The critical Policy in this matter, DM45, is partially based upon Policy CP8. The proposals are clearly and demonstrably intended to convert and internally remodel an existing barn into a live/work unit, within a cohesive solution.

**2.8** In the generalised terms of this Policy, the current status of the site in terms of Green Belt protection must be considered in its context.

**2.9** Here, we would ask the Council to consider the site and the proposals in their overall context. The supporting documents are important in terms of describing the existing buildings and the proposals in terms of the Applicants' intent.

**2.10** The overall approach to this Policy in current legal terms is discussed later herein. The interpretation of Policy by the courts and in Planning Appeals is fundamental.

**2.11** The conclusion of the cases cited herein is that the Council is not in a position to cite 'inappropriate development' on an other than fully considered manner, or as

a result of a 'tick box approach'. Conversely, it must have reasons which are both sound, and are capable of being defended against the full range of considerations.

***Policy DM13 – Conservation and Enhancement of Sites, Habitats and Species of Biodiversity and Geodiversity Importance***

**2.12** This Policy states that:

*1. The highest level of protection will be given to sites and species of international and national importance; development affecting them will not normally be permitted.*

*2. Development proposals which would harm directly or indirectly other designated sites of nature conservation or geological interest or protected species including those shown on the Policies Map will only be permitted where it has been demonstrated that:*

*a. there is no suitable alternative site for the proposed development, and*

*b. the impact can be mitigated or compensated to achieve a net overall gain in biodiversity or geodiversity, and*

*c. it has been clearly demonstrated that the benefits of the development outweigh the harm to the biodiversity or geological conservation interests.*

*3. Development proposals in or potentially affecting a designated site, important habitat or protected species will be required to be accompanied by reports relevant to the impacts of the development on the species or features of interest on the site.*

**2.13** The proposals are in respect of a substantial, existing, building, which is in excellent condition.

**2.14** The proposals, inter alia, involve the continued use of the dedicated access, parking and turning areas (see **SD12**), and the creation of a rear garden, within an area which is already part of the garden of Orchard Cottage (see **SD12**).

**2.15** The Application proposals require an Ecology Report and Bat Survey. These are at **SD6** and **SD7**, and they cover the building, as part of the wider Estate. On have inspection there are no issues involved such as would prevent the proposals from being implemented in their intended form

**2.16** The clear conclusion is that there are no issues whatsoever associated with the proposals in interests of Policy DM13. There are also possibilities for enhancement, which can be taken via Condition.

***Policy DM14 – Biodiversity in Development***

**2.17** This Policy states that:

*1. All development proposals should be designed to maximise biodiversity by conserving, enhancing or extending existing resources or creating new areas or features.*

*2. Where potential biodiversity interest is identified on a site or the development creates an opportunity to increase biodiversity, the Council will require an*



*ecological survey and report to be submitted which demonstrates how this will be addressed.*

- 2.18** The proposals disturb nothing in terms of existing biodiversity, as illustrated by **SD6** and **SD7**. The existing building supports no wildlife. I consider that there are possibilities for some minor enhancements, which can be taken via Condition.

***Policy DM30 – The Chilterns Area of Outstanding Natural Beauty***

- 2.19** This Policy states that:

*1. The Council will require development within the Chilterns Area of Outstanding Natural Beauty to:*

*a) Conserve, and where possible enhance, the natural beauty of the Chilterns AONB;*

*b) Be appropriate to the economic and social wellbeing of the local communities within the AONB, or to promote the understanding or enjoyment of the AONB;*

*c) Deliver the highest quality design which respects the natural beauty and built heritage of the Chilterns and enhances the sense of place and local character.*

*2. Planning permission for proposals which constitute major development within the Chilterns Area of Outstanding Natural Beauty will only be permitted in accordance with national policy, and will otherwise be refused.*

*3. Development in the setting of the Area of Outstanding Natural Beauty must not have a significant adverse impact on the natural beauty of the Chilterns Area of Outstanding Natural Beauty*

- 2.20** The proposals are specifically designed in terms of the Council's own stated considerations of the AONB, and the Chiltern Building Design Guide, as discussed in detail herein, at section 7.

- 2.21** The design has been prepared by a team, including a Chartered Architect, with Decades of relevant experience.

- 2.22** The proposals have been designed to achieve the Council's own Policy objectives, with no specific budgetary constraints.

- 2.23** The proposals retain the existing building, and virtually all of the external fabric, except where changes are required in facilitation of the conversion. The proposals are in no way considered 'major'. The principle of the wholesale replacement of buildings in this situation is not therefore an issue for the Council in terms of Policy.

- 2.24** The proposals are set apart from other residential development, and set against a backdrop of trees, within an edge of Village environment. They are set prominently, as discussed in section 7, and they are conspicuous in that context, in respect of the direct valley views.

- 2.25** The proposals do not, and could not, have a significant adverse impact on the natural beauty of the AONB.

## **Policy DM30 – Supporting Paragraphs**

- 2.26** In this particular Policy, some of the supporting paragraphs are in many ways as important as the Policy itself, and therefore warrant discussion in their own right.
- 2.27** Para: **6.102** states: *Areas of Outstanding Natural Beauty (AONB) represent areas of the highest scenic quality, and, in landscape terms, are intended to enjoy equal status with National Parks. The primary purpose of Area of Outstanding Natural Beauty designation is the conservation of the natural beauty of the landscape.*
- 2.28** This is a legitimate consideration, and the proposals are designed in terms of the Council's own stated considerations of the AONB, set in this context.
- 2.29** Para: **6.103** states: *The Chilterns Area of Outstanding Natural Beauty is a living landscape encompassing a variety of character areas and a range of settlements types. The Chilterns Area of Outstanding Natural Beauty's special qualities include the steep chalk escarpment with areas of flower-rich downland, broadleaved woodlands (especially beech), commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, globally rare chalk streams and a rich historic environment of hillforts and chalk figures. The Chilterns has areas of tranquillity and remoteness along with visually sensitive skylines, geological and topographical features as which contribute towards making this a special landscape.*
- 2.30** This paragraph emphasises the range of settlement types and contexts which are encountered within the AONB. Whilst the paragraph's description presents as somewhat unrealistically bucolic in nature (and simply incorrect in terms of 'brick and flint' as a predominant material), the site is recognised as being previously developed, and an existing substantial property in its own right. The proposals have been designed to present very attractive and low-key elevations to the open AONB.
- 2.31** Para: **6.104** states: *The Chilterns Area of Outstanding Natural Beauty covers 13 local authorities and the Councils work together to safeguard the future of this shared nationally protected area through the Chilterns Conservation Board. The Chilterns Conservation Board produces a range of documents including a statutory 5 year management plan, a series of position statements, and the Chiltern Buildings Design Guide which is supported by a number of specific technical notes; these can be used to as a material consideration in in the determination of planning applications and should be used to inform the formulation of planning proposals.*
- 2.32** The proposals are fully supported by the design documentation. Section 7 herein indicates that the proposals meet with each element of Section 5 of the Chilterns Building Design Guide. Much Chartered professional team effort is the key component of the proposals and the results are obvious in terms of their quality.
- 2.33** Para: **6.105** states: *The Council will therefore consider all proposals for development within the Chilterns Area of Outstanding Natural Beauty very carefully, and will not permit any development that would unacceptably harm its natural beauty. In applying this policy, the Council will require developers to provide a Landscape and Visual Impact Assessment for any significant proposals within the Area of Outstanding Natural Beauty or its setting. The Council will advise on a case-by-case basis whether this is required.*

- 2.34** The proposals possess the positive attributes discussed herein. Due to the setting of the property, and its siting in its context, there is no requirement to provide a Landscape and Visual Impact Assessment. The proposals result from an assessment made by the Chartered Architect and Chartered Town Planner who have developed the proposals to accord with Policy.
- 2.35** Para: **6.107** states: *The National Planning Policy Framework advises that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty” but also that due regard is had to the economic and social well-being of all rural communities.*
- 2.36** The proposals in no way offend any provision of the NPPF 2021 (see section 3 herein). They also have an economic context in providing a house which is remodelled from an existing substantial low-eaves Barn, in a modern, family, context, in an area where the provision of such conversions is a fairly common occurrence.
- 2.37** Para: **6.108** states: *This policy is drafted to reflect the strategic objectives of Policy CP10 and this legal framework, giving priority to the natural beauty of the Area of Outstanding Natural Beauty. Policy CP10 embeds the enhancement of natural beauty as a strategic objective of the plan. Part 1 of this Policy draws together the NPPF guidance on Areas of Outstanding Natural Beauty with other issues arising from the CROW duties. All development should, as a minimum, conserve the natural beauty of the Chilterns AONB. Development should also, wherever possible, provide for positive enhancement to the natural beauty of the Chilterns AONB. The Council recognises that not all development can enhance natural beauty, but where there are opportunities to do so, then permission may be refused if these opportunities are not taken.*
- 2.38** The final part of this paragraph is particularly relevant, not least since, by definition, there is an obvious tension between built development and natural beauty. However, the proposals take the opportunity to preserve the existing situation, where the building is both substantial, and possesses quite a long history of Agricultural Use.
- 2.39** The key Policy consideration is important in respect of compliance with Policy DM45. The design intent is to avoid demonstrable harm to the AONB, having regard to the significance of the position of the site within the landscape. The nature, size, scale, siting, materials and design have been considered.

***Policy DM33 – Managing Carbon Emissions: Transport and Energy Generation***

- 2.40** This Policy states:

*1. Development is required to:*

*a) Be located to provide safe, direct and convenient access to jobs, services and facilities via sustainable transport modes;*

*b) Be provided with safe and convenient access to the local highway network for all modes and appropriate access for servicing;*

- c) *Make provision for alternative vehicle types and fuels;*
- d) *Include measures to reduce reliance on single occupancy car trips and to increase the use of sustainable transport modes;*
- e) *Provide for parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking;*
- f) *Ensure that any material adverse impacts on existing and forecast traffic conditions are mitigated;*
- g) *Integrate renewable technologies into developments;*
- h) *Investigate, and where feasible implement, district wide energy or heating schemes, for larger scale developments.*

**2.41** There are no issues associated with this Policy. There are no Highways issues as regards the use of the existing access. Whilst the conversion Use would generate around 4 movements per day, this is less than was generated by the previous Agricultural Use.

***Policy DM34 – Delivering Green Infrastructure and Biodiversity in Development***

**2.42** This Policy states:

*1. All development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site for the lifetime of the development.*

*2. Developments proposals are required to evidence a thorough understanding of context through the preparation of a proportionate assessment of existing and planned green infrastructure, biodiversity and ecological features and networks both on the site and in the locality, and demonstrate how:*

*a) Through physical alterations and a management plan for the lifetime of the development:*

*i. Existing green infrastructure and biodiversity assets will be maximised;*

*ii. Opportunities to enhance existing and provide new green infrastructure and biodiversity assets will be maximised;*

*iii. Development will deliver long lasting measurable net gains in biodiversity;*

*iv. Where appropriate, a monitoring plan will be put in place to review delivery of i - iii.*

*b) The mitigation hierarchy has been applied by following a sequential approach to avoid, minimise, mitigate, and finally compensate for (on then off-site) any harm to biodiversity. If significant harm cannot be avoided in this way, development will not be permitted.*

*3. Development (excluding householder applications) is required as a minimum to:*

*a) Secure adequate buffers to valuable habitats;*

*b) Achieve a future canopy cover of 25% of the site area on sites outside of the town centres and 0.5 ha or more. This will principally be achieved through*

*retention and planting of trees, but where it can be demonstrated that this is impractical the use of other green infrastructure (e.g. green roofs and walls) can be used to deliver equivalent benefit;*

*c) Within town centres and on sites below 0.5 ha development is required to maximise the opportunities available for canopy cover (including not only tree planting but also the use of green roofs and green walls);*

*d) Make provision for the long term management and maintenance of green infrastructure and biodiversity assets;*

*e) Protect trees to be retained through site layout and during construction.*

**2.43** The Applicant has commissioned an Ecology Report and Bat Survey (suitably timed). These are at **SD6** and **SD7**, and they indicate no issues.

**2.44** The clear conclusion from initial surveys is that there are no issues whatsoever associated with the interests of Policy DM34. There are possibilities for enhancement, which can be taken via Condition.

### ***Policy DM35 – Placemaking and Design Quality***

**2.45** This Policy states:

*1. All development is required to improve the character of the area and the way it functions.*

*2. Development is required to evidence a thorough and holistic understanding of the functions, qualities, and character of the proposed development's natural and built context and demonstrate a positive response to this context including how:*

*a) Existing positive characteristics will be retained;*

*b) Opportunities for improvements and enhancements have been maximised;*

*c) A sequential approach has been taken to avoid, minimise and mitigate any harm.*

*3. Development is required to:*

*a) Create positive and attractive buildings and spaces;*

*b) Take a comprehensive approach to site layout and design including adjacent sites where these are suitable for redevelopment;*

*c) Provide a robust and legible structure of public realm and private spaces;*

*d) Direct most activity to the public realm;*

*e) Provide good surveillance of the public realm through layout and building design;*

*f) Provide a level of privacy and amenity for future occupants appropriate to the proposed use;*

*g) Prevent significant adverse impacts on the amenities of neighbouring land and property;*

*h) Demonstrate attractive and high quality design, and appropriate character in the scale, form, layout and detailed design of buildings, and the structures and spaces around them;*

*i) Demonstrate the efficient use of land through the scale and height of buildings.*

*4. Where the scale of development in its context provides the opportunity to do so, development will also be required to provide a robust and legible network of connected green infrastructure, streets and other spaces which is integrated both within and beyond the site.*

*5. Streets and off-site highway improvements should be designed to strike an appropriate balance between all of the five principle functions of a street: place, movement, access, parking, and utilities.*

**2.46** This Policy is a 'catch-all', designed to 'cover' the Council in all applicable circumstances. The proposals clearly improve the character of the area and the way in which it functions. The proposals demonstrate a clear understanding of the wider and closer context of the site.

**2.47** The proposals demonstrably provide everything that is relevant and is required by this Policy, as applicable. Opportunities for improvements and enhancements are maximised. Existing positive characteristics are retained. A positive and attractive building and spaces are created.

**2.47** There is a clear visual relationship with the public realm. There are no adverse impacts on the amenities of neighbouring land and property. The Architect demonstrates attractive and very high quality design, with appropriate character in all respects. This is born of a high level of experience of very similar situations throughout Buckinghamshire.

### ***Policy DM42 – Managing Development in the Green Belt***

**2.48** This Policy, which underpins Policy DM45, states:

*1. Development in the Green Belt is inappropriate. Exceptions to this in Wycombe District comprise:*

*a) Development that accords with a made Neighbourhood Plan, or;*

*b) Development that the NPPF classifies as not inappropriate, but only when subject to the following clarifications:*

*i Development for agriculture and forestry only when it is reasonably necessary for an existing agricultural trade or business;*

*ii Essential rural workers dwellings in accordance with DM27;*

*iii The replacement or extension of dwellings only when they accord with DM43;*

*iv. Limited infilling only within the built-up villages identified on the Policies Map and in accordance with the definition in paragraph 6.222 below;*

*v Limited affordable housing for local community needs only in accordance with DM25.*

*2. Inappropriate development will be refused unless there are very special circumstances. Very special circumstances will exist when the harm to the Green*

*Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

- 2.49** The proposal is considered by the Applicant to be the remodelling of an existing Barn as a live/work unit, clearly according with the Council's own assessments of Policy DM45. By this definition the proposals are considered acceptable.
- 2.50** No aspect of the proposals is considered 'inappropriate', and none of it would demand consideration of 'very special circumstances'.

***Policy DM42 – Supporting Paragraphs***

- 2.51** In this particular Policy, one of the supporting paragraphs is in many ways as important as the Policy itself, and therefore warrants discussion in its own right.
- 2.52** Para: **6.219** states: *Whilst in many instances National Policy provides sufficient detail to determine whether a proposal is appropriate development in the Green Belt there are instances which require clarification in the interests of certainty and consistency. These are set out in the Policy above and include, for example, our benchmark approach to determining the degree to which a house can be extended without resulting in disproportionate additions. However it is also important that we allow Neighbourhood Plans to adopt a local approach to these same issues of detail. Hence the inclusion of 1(a) in this Policy. Note, a Neighbourhood Plan still has to accord with the strategic policies of the Local Plan.*
- 2.53** The proposals include numerous references as to why it represents appropriate development in the Green Belt.
- 2.54** The proposals are physically unchanged in respect of the impact of the existing building. The reformat it internally, and provide it with a new Use. There is no residual additional built impact as between the existing and the proposed development. This document in particular explains the concept, together with the relative development scales and other salient factors.

***Policy DM45 – Conversion of Existing Buildings in the Green Belt and other rural areas.***

- 2.55** This key Policy in support of the proposals states:
- 1. The conversion of existing buildings to new uses in the Green Belt, the Area of Outstanding Natural Beauty, and elsewhere in the countryside is acceptable where:*
    - a) The existing foundations, floors, walls and roof of the building are of sound and permanent construction suitable for the proposed use;*
    - b) The building is not a building that was erected within the preceding 10 years;*
    - c) The proposed use will support the vitality and sustainability of the local rural community, the rural economy, or local services.*
- 2.56** The building is sited in the Green Belt and AONB, within an existing Estate which comprises Residential and Agricultural land and accommodation.
- 2.57** **SD8** states that the existing foundations, floors, walls and roof of the building are of sound and permanent construction suitable for the proposed use.

- 2.58** From the records (and as indicated in **SD10**) the building is very significantly older than 10 years.
- 2.59** The proposed Use is for a live/work unit, reflecting the needs of the owners to provide a base for their businesses and to avoid them commuting. There are very few opportunities for new housing within the Green Belt and AONB, and the conversion of existing buildings, when correctly carried out, meets a defined need.
- 2.60** It is also pertinent to quote the main supporting paragraphs of this Policy:

*6.234 Policy DM45 sets out a framework to inform developments proposing the conversion of existing buildings within the Green Belt, the Area of Outstanding Natural Beauty, and elsewhere in the countryside.*

*6.235 Over the last several years the Government has introduced a range of Permitted Development Rights for the conversion of agricultural buildings to a range of other uses. However, not all locations benefit from these permitted changes. Perhaps most significantly for our District, the deemed change of use of an agricultural building to a dwelling does not apply in the Chilterns Area of Outstanding Natural Beauty. (Schedule 2 Section Q.1.j of the Town and Country Planning (General Permitted Development) (England) Order 2015).*

*6.236 The Council considers that barn conversions in the Area of Outstanding Natural Beauty, and other similar projects, are acceptable in principle subject to the two basic criteria that the building has existed for at least 10 years prior to its conversion and that the proposed use will be a benefit to the community by providing homes or jobs or services as the case may be.*

*6.237 Building works to facilitate the conversion will normally be acceptable along with the change of use. The extent of building works required to facilitate the conversion should be fully described in any planning applications. The detail of proposed conversions may be subject to other policies in the Plan.*

- 2.61** The proposals meet with the requirements of the supporting paragraphs. They represent a genuine conversion of a building which has been maintained in excellent condition, and is well beyond 10 years old. The conversion provides a live/work unit, and is a rare opportunity, and is already fully serviced. It is in a sustainable location.
- 2.62** The works required to facilitate the conversion are as indicated on the drawings, in particular taking the differences between **SD4** and **SD5**. Aside from external elevational changes to facilitate the doors and windows, the full internal insulation of the building is required, together with new internal layout, internal finishings and services, and bathroom and kitchen facilities.
- 2.63** The proposals in this case are entirely logical, and totally inoffensive in Green Belt and AONB and in other terms, both in their own right, and in their context.
- 2.64** The proposals would not have a greater impact on the openness of the Green Belt than the existing development on the site. It is not necessary for a case of very special circumstances to be submitted with this proposal in order to justify the development. It is not contrary to the NPPF 2021, nor to any local Policies. The proposals are considered by the Applicant to meet all relevant local Policies.



### **3. THE NATIONAL PLANNING POLICY FRAMEWORK**

- 3.1** NPPF 2021 is the current version, and its latest changes are not represented in the Adopted Local Plan. In all material respects the NPPF supersedes the Council's Policies, where they are in conflict with the NPPF. The NPPF is undoubtedly relevant to the proposals. The following paragraphs from the NPPF are considered to be relevant to the proposals.

#### Introduction

- 3.2** 2. *The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning Policies and decisions must also reflect relevant international obligations and statutory requirements.*

#### Achieving Sustainable Development

- 3.3** 7. *The purpose of the planning system is to contribute to the achievement of sustainable development.....*
- 3.4** 8.b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- 3.5** 8.c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

#### The Presumption in favour of Sustainable Development

- 3.6** *For decision-taking this means: 11. ....c) approving development proposals that accord with an up-to-date development plan without delay; or...*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 3.7** 12. *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take*

*decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

- 3.8** 13. *The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.*

#### Decision-making

- 3.9** 38. *Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

#### Pre-application Engagement and Front-Loading

- 3.10** 41. *The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, proactive approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.*
- 3.11** 42. *The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.*
- 3.12** 43. *The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.*
- 3.13** 44. *Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.*

(No pre-Application has been possible).

### Determining Applications

- 3.14** 47. *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.*

### Planning Conditions and Obligations

- 3.15** 55. *Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*
- 3.16** 56. *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. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Note: When in force, sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.*

### Delivering a Sufficient Supply of Homes

- 3.17** 60. *To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*

### Rural Housing

- 3.18** 78. *In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*
- 3.19** 79. *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*
- 3.20** 80. *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:.....*  
c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*

## Making Effective Use of Land

- 3.21** 119. Planning policies and decisions should:
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
  
  - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.....*

## Achieving Well-Designed Places

- 3.22** 126. *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
- 3.23** 127. *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
- 3.24** 128. *To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.*
- 3.25** 130. *Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

**3.26** *134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

#### Protecting Green Belt Land

**3.27** *137. The Government attaches great importance to Green Belts. 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.*

**3.28** *138. Green Belt serves five purposes:*

*a) to check the unrestricted sprawl of large built-up areas;*

*b) to prevent neighbouring towns merging into one another;*

*c) to assist in safeguarding the countryside from encroachment;*

*d) to preserve the setting and special character of historic towns; and*

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

#### Proposals Affecting the Green Belt

**3.29** *147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

**3.30** *148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

**3.31** *150. This is the key Policy to be considered by the Council in this instance, and its interpretation relative to Policy is critical.*

The Council and the Applicant are in clear agreement that 150 d) is the critical element of Policy, where it states:

*Certain other forms of development are also inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:.....*

*d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*

**3.32** The Council's Policy DM45 is partially based upon *NPPF 150 c)*. However, the NPPF does not define 'buildings'. tell us how to judge what are '*inappropriate additions*' and what specifically defines '*size*'.

**3.33** The Applicant wishes to provide further information in respect of the Green Belt.

**3.34** As discussed above, NPPF para 138 states that; Green Belt serves five purposes:

*a) to check the unrestricted sprawl of large built-up areas;*

*b) to prevent neighbouring towns merging into one another;*

*c) to assist in safeguarding the countryside from encroachment;*

*d) to preserve the setting and special character of historic towns; and*

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

**3.35** The Applicant in this matter states that the proposals are so insignificant as to offend none of these purposes. Thus, Policy is devised in order to judge proposals via their effect upon the concepts of '*impact*' and '*openness*' to this end.

**3.36** What is clear is that the considerations cannot be taken in a narrow, simplistic, manner in which the critical concepts of '*impact*' and '*openness*' are considered by LPAs in a formulative manner.

**3.37** Taking into account the Court of Appeal judgement (May 2016) in the case of *Turner v SSCLG and East Dorset Council* [EWCA Civ 466] Lady Justice Arden, Lord Justice Floyd and Lord Justice Sale agreed in paragraph 14 that:

*The concept of: 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by Mr Rudd. The word "openness" is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.'* (My underlining).

**3.38** In respect of this, the Applicant suggests that the Council, in taking a view, must take into consideration matters such as visual amenity, appearance, topography, visual perception and others relevant to correctly determining the potential impact of the development upon the '*openness*' of the Green Belt. To this is to be added personal circumstances and other factors, examined herein.

**3.39** The correct approach to considering '*openness*' within the Green Belt is further amplified and strengthened through the judgement of Mr Justice Holgate in the High Court given in respect of the case of *Goodman Logistics Developments (UK) v SSCLG and Slough BC* [2017] EWHC 947 (Admin). In paragraph 25 of the judgment it is stated that:

*'I conclude that there is nothing in Mr Buley's analysis of the case law to justify the proposition that on a true interpretation of Green Belt policy, the visual effect of a development cannot be taken into account as reducing the spatial or physical harm that a development would cause to the openness of the Green Belt. Instead, I agree with Goodman that the principles on Green Belt policy laid down in Turner support their contention that it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt.'*

- 3.40** The approach in the Goodman case was recently highlighted in the RTPI Bulletin, in Appeal APP/C1950/W/19/3227024, where Inspector Eleni Randle stated the following, in a case where the sole issue was whether the proposal would be inappropriate development in the Green Belt.
- 3.41** At Para 8: *'.....Paragraph 134 of the Framework outlines the five purposes of including land within the Green Belt. The proposal would not conflict with these purposes and does not represent encroachment into the countryside given the site footprint and occupation already discussed above. It therefore falls to consider the actual (my underlining) effect on openness as an essential characteristic of the Green Belt.'*
- 3.42** Para 9 states: *'Whether any change would cause harm to the openness can depend on factors such as locational context, its spatial or visual implications, as well as scale. In considering the scale of the proposal in its locational context it would be viewed within the same context as a substantial equestrian set-up, as described above, and is a short distance to the North East of Warrenwood Manor itself which is a dwelling which is very substantial in size. The Western boundary of the appeal site is lined with trees along its length.'*
- 3.43** Para 10 states: *'I find the scale of the proposal, and the changes as a result of it, would impact upon the openness of the Green Belt in spatial terms due to the introduction of a building which is of considerable scale where no such building is currently in place. Despite this consideration of scale, or a volumetric approach, alone is not sufficient to support that the development would cause harm to Green Belt openness.'*
- 3.44** Para 11 states: *'Despite there being impact upon the site's openness, in spatial terms, the case of Goodman Logistics Developments (UK) Ltd v Secretary of State for Communities and Local Government and another [2017] EWHC 947 (Goodman Logistics Case) concluded that it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt. Other considerations include those relevant to how built up the Green Belt currently is as well as factors relevant to the visual impact of the development. The visual dimension of the Green Belt is an important part of designating land as Green Belt. The perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site. (my underlining).'*
- 3.45** In that instance, the Inspector opined: *'Overall visibility beyond the immediate site is very limited but the proposal would be visible from Hornbeam Lane which would have some limited implications for the openness of the Green Belt in visual terms. Despite this, given the location of the proposal, I do not find that this would erode or cause harm to the openness of the site or the wider Green Belt. In*

*the case of this appeal the location of the proposal is within an extensive equestrian complex with very limited visibility beyond the immediate area'.*

- 3.46** As regards the matter of impact on openness, the Euro Garages judgement (*Euro Garages Ltd v SSCLG & Anor [2018] EWHC 1753 (Admin)*) found that the context for this should relate to the Green Belt generally rather than be confined to the development site itself. The decision ruled that a greater impact on openness than the existing development must be assessed on the basis of a consideration of 'harm', rather than simply of 'change'. In this case, there is no material harm.
- 3.47** On 5th February 2020, the Supreme Court Judgement in; *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents v North Yorkshire County Council (Appellant))* provides a directions on the subjects of assessing 'openness' and 'impact'.
- 3.48** Speaking on behalf of all five justices, Lord Carnwarth said that the relatively limited visual impact (i.e. in that particular case) "*fell far short of being so obviously material that failure to address it expressly was an error of law, as did the fact that the proposed development was an extension to the quarry. Openness is not necessarily a statement about the visual qualities of the land, nor does it imply freedom from all forms of development*". It was stated that 'openness' is a counterpart of protecting against urban sprawl and is not necessarily a statement about the visual qualities of the land, nor does it imply freedom from all forms of development.
- 3.49** Whilst in such assessments, the Development Plan should always be the 'starting point'. In this case, it is of critical importance that the Council considers the proposals 'in the round' relevant to provisions of its Policies. Here, I base the rationale for this matter upon experience of the methodology utilised by Planning Inspectors in the advice that is given to them by the Planning Inspectorate.
- 3.50** I note that one such point of advice (para 15 in 5 of 29) reads: '*Carry out the 'Green Belt balancing exercise'. Balance the combined weight of any 'other considerations' against the totality of the harm (both Green Belt and other). Does the weight of the 'other considerations' 'clearly outweigh' the totality of the harm? There is no 'formula' for doing this. The balancing is one of judgement.*
- 3.51** Where matters relevant to this proposal have been recently and thoroughly interrogated, it is clear that when using the correct interpretation of policy, as handed down, and looking at the proposals in a wider holistic manner, balancing the harm against the benefits, that the proposals, in their context, would have no impact or cause no harm to either the openness or perceived openness or any of the purposes that the Green Belt is intended to serve.
- 3.52** Further, the Planning Inspectors' Training Manual also makes reference to what might be considered as an 'other consideration' (Green Belt Considerations – step 3). This includes the personal circumstances of the Appellant, and the interests of the Appellant's family life, relative to the proposals. These (para 50) include; '*personal circumstances (e.g. relating to accommodation, health, education, family life)*' as discussed herein.
- 3.53** In summary, I consider that the proposals meet with the requirements of the NPPF.



## **4.0 ADDITIONAL PLANNING POLICY ANALYSIS**

**4.1** In addition to the key Planning Policies mentioned at Section 2 herein, the Applicant offers the following brief analysis of further Policies, which could have a bearing on this matter.

**4.2** It has been suggested that a summary of Policies cited in the Advice Matrix would be of assistance to the Council in assessing the proposals. The following are in the same format and order as the Matrix.

**4.3 A1:** Location & Land Use Zoning:

*DSA DM1: Presumption in Favour of Sustainable Development:* For the reasons stated herein, I am content that the proposals are entirely sustainable.

*WDLP CP2: Overall Spatial Strategy:* For the reasons stated herein, I am content that the proposals are entirely acceptable relative to the Spatial Strategy.

*WDLP CP3: Settlement Strategy:* The proposals accord with the Settlement Strategy.

*WDLP CP4: Delivering Homes:* The proposals would deliver a relatively small new live/work unit.

*WDLP DM21: The Location of New Housing:* The proposals, as a conversion, are sustainable.

*WDLP DM32: Landscape Character & Settlement Patterns:* The proposals are so insignificant relative to the existing development as to have no effect upon Policy considerations.

**4.4 A3:** Flood Risk:

*WDLP DM39 Managing Flood Risk...and Drainage:* There are no issues in terms of the Environment Agency's Flood Maps. **See SD11.** Drainage will be SuDS.

**4.5 B2:** Landscape Character & Visual Impact

*WDLP CP10: Green Infrastructure & Natural Environment:* The proposals are not harmful, for the many and various reasons cited herein.

**4.6 C1:** Design – Character

*RDG – Section 1:* The proposals entirely comply with all section of the RDG

*WDLP DM32: Landscape Character & Settlement Patterns:* The proposals are so insignificant relative to the existing development as to have no effect upon Policy considerations.

**4.7 C1.1:** Reinforce/improve existing character and sense of place

*WDLP CP9: Sense of Place:* As discussed herein, the proposals clearly conserve the natural and historic environment and achieve a very high quality of design, and making the best use of the built area of the site, whilst making its best use.

**4.8 C2:** Connections & Movement

*RDG Section 2:* This is not relevant in the context of such small proposals.

#### **4.9 C3: Green Infrastructure**

*RDG Section 3:* To the limited extent that it is relevant, the proposals comply

*WDLP CP10: Green Infrastructure & Natural Environment:* The proposals are not harmful, for the many and various reasons cited herein.

*WDLP CP12: Climate Change:* Irrelevant in the context of such a small App.

#### **4.10 C3.3: Water and SuDS**

*DSA DM15: Protection & Enhancement of River & Stream..:* (Not relevant).

*WDLP DM39: Managing Flood Risk & SuDS:* Any new drainage will be SuDS.

#### **4.11 C4: Transport & Parking**

*RDG: Section 4:* To the limited extent that it is relevant, the proposals comply. See **SD12**.

#### **4.12 C5: Building Relationships**

*RDG: Section 5:* To the limited extent that it is relevant, the proposals comply

#### **4.13 Other matters:**

**D1:** Contamination - Confirm no issues.

**A1:** Statement of Community Involvement – Not relevant

**A2:** Pre App Publication Event – Not relevant

**B1:** Planning History – Nothing of relevance, beyond previous DC Applications

**C1:** Car Parking – Proposed parking spaces are of suitable size

**D1:** Transport Issues – None. There is no greater impact upon the existing access

**E1:** Waste & Recycling – Provision is made for this within the external area

**F1:** Crime and Design - Proposals designed to Secured by Design standards

**G1:** Noise and Land Contamination - Nothing to resolve

**H1:** Surface Water Flooding - Environment Agency Map indicates no issues

**H2:** Other Forms of Flood Risk - This is not relevant.

**J1:** Renewable Energies: Building Regulations design will be to Parts G and M.  
(Compliance with: DM41.1 and DM41.2)

**L1:** CIL. Not considered relevant

**M1:** Planning Obligations. Not relevant

**N1:** S106 Document – not relevant:

#### **4.14** The proposals are considered to meet the requirements of all relevant Policies, etc.

## **5.0 PLANNING DESIGN STATEMENT**

- 5.1 Use.** The proposal is to convert an existing Barn, of substantial traditional low-eaves appearance and construction, on a very discrete site within the countryside, within Radnage. The property fits very well into the existing pattern of development. How the development fits in with the wider area is explained in detail herein.
- 5.2 Amount of Development.** The proposal is to convert and internally remodel an existing single low-eaves barn, into a small live-work unit, and with all internal spaces meeting current requirements, and including more than suitable and sufficient existing amenity space and car parking (see **SD12**).
- 5.3** In terms of density this is considered to meet both the requirements of Policy and the NPPF 2021. Besides which, the nature of the area demands that densities are controlled.
- 5.4** The proposals are considered as being entirely appropriate, given the character and appearance of the area and its primary characteristics. In this Statement, the position of the development, its appropriateness, the relationship with the site and its surroundings are all discussed in detail, and the relationship of these and various relevant features are considered in detail.
- 5.5 Access.** The site will utilise an existing, Permitted, adequate, vehicular access, at the frontage, and will also be used by pedestrians (although given the location it is unlikely that there will be significant pedestrian traffic) and cyclists. The site is on the lower, flatter, part of the overall property, and the floor level is already set at suitable levels in terms of access. Part M of the Building Regulations.
- 5.6** There is suitable space on site, and around the developed area, to manoeuvre, and suitable existing surfacing ensures that this is capable of being readily utilised. Access to external doors is by suitable means. Inclusive access has been considered in relation to the proposals. Drawings herewith indicate the proposals, and further drawings will be provided in respect of Building Regulations.
- 5.7 Access in the wider context.** The site is in an accessibility area with limited links by public transport. However, the site density remains the same as existing.
- 5.8 Layout - Site.** In this Statement, the logic of the layout is discussed, and therefore this information is provided in addition. The proposals seek to make as few changes as possible from those which exist, in accordance with Policy and other requirements. The building sits well in terms of the existing landscape and topography.
- 5.9** The proposals are suitably sited in respect of the site boundaries, with principle views as indicated. Neighbour amenity is not adversely affected by the proposals. As previously mentioned, the site is on the scarp, and the drawings show how the proposed amenity area will all be readily accessible.
- 5.10 Layout – Street Scene.** There are no other buildings in the street scene, taken from the main access.
- 5.11 Scale.** The scale of the proposals is demonstrated in the drawings. There is no change in terms of the existing scale.

- 5.12 The proposals make efficient use of this site, without appearing in any way cramped or contrived. The proposals are of traditional, broadly compatible, scale to adjacent properties. Aside from the principles of appropriate design, the requirements of the Chilterns Building Design Guide have been at the heart of the designer's thinking in this matter. In this regard, the proposals more closely follow the Guide recommendations for the conversion of an existing building.
- 5.13 **Scale, and relationship to neighbours.** As mentioned in the preceding paragraph, the design of the proposals pays close regard to the relationship of the adjacent properties, in respect of their scale and mass, and their individual roles in the relationship. There is an acceptable transition between neighbouring properties.
- 5.14 **Appearance.** The drawings contain details of the proposed facing materials, which seek to retain the existing.
- 5.15 **Scale, in the Policy Context.** Policy dictates that, inter alia, that proposals for development should normally respect the scale, height and massing of the surrounding residential development and further that the density should be within acceptable bounds, given all Policy Considerations.
- 5.16 The retention of gardens and gaps between buildings are a consideration, especially where these constitute an important element in the character of the area. The proposals meet the accepted design requirements as discussed in the detailed Planning Policy terms.
- 5.17 **Landscaping.** Basically, the proposals intend that the existing natural and planted landscape around the site remain undisturbed, in order that the proposals are readily assimilated into the site. Should there be any further information that is considered to be desirable within Conditions, this will of course be provided.
- 5.18 **Landscape and Amenity Space.** In terms of private amenity space, the property will be adequately provided with private amenity space in the form of gardens, natural treed areas, and more formal amenity space, and provide a sufficient degree of privacy, and without compromising amenities of neighbours.
- 5.19 As explained elsewhere herein existing boundary treatments are retained, except for the establishment of a rear garden area.
- 5.20 **Design – Summary.** This is proposed to be a conversion and internal high-quality remodelling of an existing Barn, which was developed some decades ago. There are no structural changes or extensions proposed. Distances from side boundaries are replicated at numerous points in the area.
- 5.21 **Crime Prevention – the building in context.** The proposals will be designed with community safety in mind. Details have yet to be agreed beyond concept.
- 5.22 **Crime Prevention – internal security.** In the eventual detailed design, this will be in accordance with the Secured By Design initiative. For example, all doors and windows will be fitted with locks designed to BS3621, with limiting devices fitted to the principle entrance door, and a 5-lever deadlock fitted to the secondary entrance doors, with espagnolettes to new single and French doors.

- 5.23** In addition to the above, a means of secure viewing will be provided via a viewing device. Finally, a NACOSS registered installer will fit revised burglar alarms, with full panic system. Windows will have fittings and hinges to ensure that they cannot be opened from the outside. All casements will be fitted with lockable handles.
- 5.24 Design Detailing.** The proposals have been prepared on the basis of the remodelling, in terms of its visual impact and attractiveness, consistent with its Green Belt and AONB location.
- 5.25** The scale, shape, form and massing of the existing building has been very carefully considered in this regard. The building is entirely in kilter with the context of the subject site and its immediate surroundings. The reflective design of elevations and consideration and re-use of traditional materials are considered to be entirely appropriate.

## **6.0 ENVIRONMENTAL CONSIDERATIONS**

- 6.1** Environmental considerations are now an integral part of the Local Plan. The Applicant intends that the requirements of Policy will be taken into consideration. He can demonstrate his initial consideration of such matters as follows;
- 6.2** *Co2 Emission rate:* The proposals will comply with the target emission rate, and in areas significantly improve upon it.
- 6.3** *Thermal performance:* The thermal performance and air tightness of the building are intended to meet the new Building Regulations requirements.
- 6.4** *Building controls and fittings:* They will be designed to reduce energy use, utilising options available both in the UK and in Europe.
- 6.5** *Sustainable transport / discouragement of car use:* The proposals are sited within walking distance of limited public transport. They actually replace commuting.
- 6.6** *Local amenity:* The proposals are fairly close to some local amenities.
- 6.7** *Discouragement of commuting:* The building can very readily accommodate home office working, and the detailed design reflects this.
- 6.8** *Pollution:* Materials, heat sources, decorative finishes and drainage techniques will meet, and indeed exceed, sustainability criteria. The site is not in an area of flood risk. The form of construction will be such that it will be a defensible barrier against noise pollution.
- 6.9** *Potential for materials recycling:* The component parts of the building are all designed to be generally recyclable at the end of their life.
- 6.10** *Water:* The building is serviced. Measures will reduce the internal and external use of potable water. These will be within Regulatory consumption requirements.
- 6.11** *Density:* Given the context of the site, the density of the scheme is within acceptable levels, and in a sustainable location.
- 6.12** *Health & Wellbeing:* All habitable rooms, kitchens and work areas are adequately daylight. The proposals maximise passive solar gain. The level of sound insulation employed will exceed Building Regulations requirements. Private amenity space proposed is consistent with the type and location of the development.
- 6.13** *Management:* The management of the design and construction process is to be carried out on a basis (in accordance with the CDM Regulations 2015) that causes the minimum disruption to neighbours. It will minimise waste and pollution. The building meets accepted conservation criteria.
- 6.14** *Ecology:* There are considered to be no matters of import related to ecology to prevent the devolvement of the proposals, in the manner proposed. Both Ecology Reports and Bat Surveys for the whole Estate are provided as required.
- 6.15** *Suitability for Use:* The proposals are very specifically designed to accommodate live/work, in the context of the Applicant's growing family, including several children, and some older people. The design is based around this objective.

## **7.0 THE CHILTERN BUILDING DESIGN GUIDE (REVISED EDITION)**

**7.1** The Council expresses the importance of this document in all relevant cases within the Chilterns AONB.

**7.2** As it states; *This guide is intended to help conserve and enhance the Chilterns landscape by promoting locally distinctive building traditions. However, this does not mean that there is no place for contemporary and innovative architecture or more interesting designs which demonstrate adherence to the basic principle of being in harmony with their site and the surrounding buildings and countryside....*

**7.3** The proposals comply with Chapter 5 – Conversion of Buildings – of the current Chilterns Building Design Guide, where, at 5.2 it states:

*5.2 It is inevitable that over the years some buildings will become ill-suited or incapable of being used for the purposes for which they were originally built. In the Chilterns, changing agriculture, a dynamic economy, considerable social change and the ever present development pressure has resulted in farm buildings, in particularly changing their use. Other buildings such as mills, schools, and even chapels have also been converted.*

**7.4** I note that the Council fully recognises this paragraph, although its interpretation has often been the subject of considerable disagreement.

**7.5** At paragraph 5.1, the Guide produces a 'Checklist' for the conversion of buildings, which says (with my response in brackets):

- *Do not radically alter the appearance of a building*  
(The appearance of the building is not being radically altered)
- *Ensure extensions reflect the design of the original building*  
(There are no extensions)
- *Undertake appropriate protected species surveys and incorporate bat/bird boxes*  
(These are included herewith. A Condition can be applied in respect of boxes)
- *Retain existing openings and limit the number of new openings*  
(It is seen from the proposals drawing that this has been carefully considered)
- *Where possible ensure materials replicate those of the existing building*  
(The existing materials are being largely retained)
- *Limit the sub-division of both internal and external spaces*  
(Aside from the segregation of the garden to the rear, the layout is unchanged).

**7.6** The Guide, page 59, describes Radnage as; *'a typical valley bottom village'*. This is a general description given in terms of *'Villages by General Landscape Type'*.

**7.7** However, the subject site itself, being substantial and distinctly *'edge of settlement'*, very clearly presents as being; *'scarpfoot'*. This results in the need for proposals to acknowledge and reduce where possible the *'sense of enclosure'* (Guide, page 18).

**7.8** The proposals reflect the acknowledged *'Characteristic qualities'* (Guide, page 18); *'Often nucleated with an obvious centre to the village; relatively compact layout; restricted by rising valley sides; Usually have a backdrop of woodland and*

*valley slopes; Can be visible from elevated viewpoints on the adjacent plateau or scarp; Generally partially hidden by trees and other landscape features; Older buildings are prominent and establish the distinctive character'.*

- 7.9** In this regard, the subject site is a prominent edge of settlement location to the West of Radnage Common Road, which was originally a traditional farm track, serving several land holdings. Although these days it is a cul de sac, it originally joined with a track which emerged in Bricks Lane, Beacons Bottom.
- 7.10** The Guide regards the less attractive qualities as being ribbon development, which can be seen approximately 200m beyond the property, to the North East (Guide, page 21).
- 7.11** The subject property being at the Radnage Western periphery and on the scarp has been the critical consideration in the Architect's proposals, where he seeks to reduce the visual impact from across the countryside, whilst forming a suitable home for a growing and extended family.
- 7.12** Whilst the Guide is not a Statutory document, it is a material Planning consideration. I have sought to explain that, whilst the subject building is eminently suitable for conversion, its appearance can be improved upon, inter alia, in order to increase its aesthetic value, relative to the objectives of the Guide.



## **8. SUMMARY and CONCLUSIONS**

- 8.1** This proposal seeks to utilise the requirements of Local Plan Policy DM45 – *Conversion of Existing Buildings in the Green Belt and Other Rural Areas*. As per LP paragraph 6.234; '*Policy DM45 sets out a framework to inform developments proposing the conversion of existing buildings within the Green Belt, the Area of Outstanding Natural Beauty, and elsewhere in the countryside*'.
- 8.2** LP paragraphs; 6.235, 6.236, and 6.237 very clearly explain the requirements of the Policy.
- 8.3** As the Council states in 6.235, over the last several years the Government has introduced a range of Permitted Development Rights for the conversion of agricultural buildings to a range of other uses.
- 8.4** As the Council correctly states, and as in this case, not all locations benefit from these permitted changes. As it states, perhaps most significantly for the District, the deemed change of use of an agricultural building to a dwelling does not apply in the Chilterns Area of Outstanding Natural Beauty, in which this site is located.
- 8.5** However, as stated in paragraph 6.236, the Council considers that barn conversions in the AONB, and other similar projects, are acceptable in principle subject to the two basic criteria:
- that the building has existed for at least 10 years prior to its conversion and
  - that the proposed use will be a benefit to the community by providing homes or jobs or services, as the case may be.
- 8.6** In paragraph 6.237, the Council goes on to accept that building works to facilitate the conversion will normally be acceptable along with the change of use. It defines that the extent of building works required to facilitate the conversion should be fully described in any planning applications. Further, that the detail of proposed conversions may be subject to other policies in the Plan.
- 8.7** The building was constructed as a very substantial agricultural 'standalone', within this quite large country estate, and benefits from an existing hardstanding access and parking and turning area, quite distinct from any other part of the estate (see **SD12**), although it shares the Highway access with the main house. As can be seen herein, there are no Highway issues.
- 8.8** The building is very significantly more than 10 years old. **SD10** is an aerial view from 2010. It has remained in use until recent times, but due to a change in agricultural management of agricultural and horticultural land in the area, it is no longer required.
- 8.9** The proposal is to convert the building into a separate live/work unit. The owners are both very senior professionals, within major businesses, currently commuting, and they wish to work from home, within a dedicated, purpose-designed, base.
- 8.10** As can be seen from the Structural Engineer's Report, **SD8** and **SD9**, the building is of very sound construction, with no repairs or structural works required in order to convert, and to comply with current Building Regulations standards. The same can be said for the hardstanding and access track.
- 8.11** If required, a report on the conversion requirements can be produced by the Chartered Architect who has prepared the conversion proposals at **SD5**. The

principle is that the structure is essentially unaltered, save for provision of windows, etc. The internal construction is altered in order to be suitable for its Use. The building is currently uninsulated, and therefore insulation will be provided to all elements, to the new Building Regulations standards.

- 8.12** It is reiterated that the building is already fully enclosed, and that no structural works or works of structural repair are required in order to facilitate the conversion. Should the Council so require, the Applicant would provide a further Structure and Fabric Report, from an independent Chartered Construction Manager.
- 8.13** The Applicant is aware that the Council's focus will most predominantly be in terms of Green Belt and AONB Policies. Critical to this will be a consideration of NPPF 2021. In addition, the Chilterns Building Design Guide, whilst of non-Statutory status, will be a material consideration. This submission contains the full information in respect of the substantiation of the acceptability of the proposals, in this context.
- 8.14** Included in this Application is an analysis of the site in its context, and which effectively contains a number of points for consideration by the Council. It also involves in considerable detail several points from Policy, which have been the subject of legal cases. It is assumed that this will inform the Council's considerations of the proposals.
- 8.15** Critically, the proposals will not increase impact nor will it reduce openness within the Green Belt and AONB. The building has been in commercial Use, and this must be weighed against the Use within the proposals. It is a relatively small, low eaves, building, and there are no other buildings nearby.
- 8.16** The drawings submitted herewith very clearly present both the existing building and the totality of the proposals, include the key elevations, plans, and a very clear explanation of them, not purely in their own right, but in their context, which is a critical factor in relation to Local Plan Policies, which the proposals seek to address.
- 8.17** I have provided herein the deep contextual background necessary in this matter, citing the Applicants' objectives, and how they are intended to be met in the context of current Planning Policy.
- 8.18** The information herewith demonstrates that the proposals are entirely legitimate in terms of Local Plan Policy DM45. They do not increase the impact upon the Green Belt, nor do they compromise the AONB in any way. They are clear in demonstrating that the proposals are in no way cramped in terms of boundaries. The proposals are also demonstrated as meeting all other relevant Policy criteria.
- 8.19** This submission has been specifically prepared as a written demonstration of the acceptability of the proposals both in their own right and in their context. It details the design and how and why it was developed.
- 8.20** The context of the site, in comparative form, is discussed in this document. The proposals consider nearby and adjacent properties in terms of their site area / rear garden depth and separating distances to boundaries. This is a consideration in Policy terms.

- 8.21** The Planning Permission may be accompanied by standard Conditions. As can be seen from **SD6** and **SD7**, there are no issues in respect of Ecology or Bats.
- 8.12** Having provided suitable and sufficient evidence of the acceptability of the proposals, the Council is invited to respond positively to this Planning Application.

*Dr. R.J. NEWELL* July 2022