



PLANNING STATEMENT

Site: Rhencullen Farm, Chivery, Tring, Hertfordshire, HP23 6LD

For: Mr and Mrs Richardson

Project Ref: 21009

Date: March 2024



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1.0 **Introduction**

1.1 This Planning Statement accompanies a planning application submitted on behalf of Mr and Mrs Richardson for extensions and alterations to their home, Rhencullen Farm.

1.2 The Applicants purchased Rhencullen Farm in early 2021. They have been involved with and kept horses for over 40 years but, whilst in full-time employment, the horses were kept at livery remote from their house. Now retired, they were looking for a new property where their horses could be kept on site as opposed to at livery. Rhencullen Farm attracted them because it had been previously developed and run as a stud and consequently it had sufficient accommodation and, importantly, grazing for several horses.

1.3 In 2018, prior to the time of the purchase, it had been established that the original equestrian/agriculture tie imposed upon the dwelling had been breached for more than ten years and a Lawful Development Certificate (LDC) was issued to that effect. This meant that the Applicants, like previous occupants and owners, could lawfully occupy the house once they had purchased it. The tie condition has now been removed and there is now unfettered residential use of the house.

1.4 The Applicant's search also revealed that, whilst the house and stables and the older barn had a recorded planning approval, none was apparent for the larger/west barn, the mobile home or indeed the manege. The manege predated the house but the barn and mobile home were erected/sited more recently. The Applicants submitted LDC applications and certificates establishing all as being lawful were issued during 2021.

1.5 Historically, the use of the site beyond equestrianism has also resulted in involvement with the Local Planning Authority with regard to unauthorised

tipping. The Applicants are keen to improve the property both in terms of its appearance and also careful reparations to and re-greening of the property.

1.6 With regard to this application, parts of the house are in poor condition, for example, most of the roof tiles are spalling and the equestrian accommodation (stables and east barn) are also in a poor state of repair. The west barn, whilst relatively modern, is constructed of previously used materials and is in an extremely poor state of repair. It overshadows the group of buildings and dominates the northerly aspect from the house, blocking views to the adjoining woodland and the valley beyond.

1.7 In the following sections there is a description of the site and surroundings, a review of the planning history and relevant policy followed by an assessment of the proposals. It is demonstrated that the proposals are policy compliant, and, as a consequence, there are no planning reasons not to grant approval.

2.0 **Description of the Site and Surroundings**

2.1 Rhencullen Farm is a 2.43 hectare (6 acre) site situated on the north-facing Chiltern scarp. It lies north-west of the tiny hamlet of Chivery, due east of Wendover/Halton, south-east of Aston Clinton village, the parish within which it is situated, and south-west of Tring, the town of its postal address.

2.2 Chivery is one of the string of Chiltern hill top villages which run south-eastwards to Chesham and owe their origins to grazing, forestry and brick-making and once being along a drovers route. The area including, and around, Rhencullen Farm is within the Chiltern Dip Slope Landscape Classification Area (LCA 12.1).

2.3 This is described thus:

"Gently sloping chalk downland enclosed by extensive mature woodland. Small farmsteads, regular sized fields set out in geometric pattern predominantly used for grazing. At Ivinghoe Common woodland in National Trust ownership is managed for public access and provides car parking, recreational facilities and interpretation.

At Chivery larger mature woodland occurs to the north and more fragmented woodland to the south. Small farmsteads and dispersed houses. Winding lanes between smaller sized irregular shaped field parcels and some large arable fields to the east. There is a higher proportion of woodland cover in the west with mixed deciduous/coniferous woodland. Archaeologically important earthworks (Grim's Ditch) cross the area."

2.4 The land use and settlement is described as follows:

"The LCA is predominantly woodland cover and grass pasture. Ivinghoe Common fits with this pattern. At Chivery Top the grassland areas follow the narrow promontory of land that is surrounded by the scarp LCA. However, further south where the LCA extends beyond the District boundary there are arable fields of varying sizes. Settlement is restricted to a few dispersed dwellings and farmsteads which follow the network of local lanes and which occasionally produce a small scale fragmented ribbon development pattern."

2.5 The historic environment is summarised thus:

"The landscape of each of the areas contrast in their composition, to the east the landscape is dominated by woodland cover; ancient woodland at Sallow copse and Ringshill Coppice, although half of the woodland is secondary woodland which has grown over the last 150 years, this has colonised much of Ivinghoe and Pitstone commons. The surrounding landscape is made up of pre 18th century fields. Small pockets of 19th century enclosure at Chivery with more recent 20th century enclosure around Meadow farm. In comparison, the landscape of the western area is mixed, with different types of enclosure, and woodland. There are well preserved examples of pre 18th century enclosures around Chivery and Leylands farm but the largest proportion of fields date to the twentieth century, including paddocks around Chivery Hall farm and prairie fields to the south of Northill Wood.

The historic settlement pattern of these areas is dispersed, comprising a number of isolated farmsteads of local interest. There are no known historic buildings of note in this area.

The area contains some important archaeological monuments, perhaps the most visible and extensive is the scheduled ancient monument of Grim's ditch. This linear bank and ditch system that divides the landscape into territorial boundaries and probably dates to the Iron Age, it runs across the

western section of the LCA. Other notable sites found in the east are the prehistoric bowl barrow and Roman site on Pitstone common. The archaeology in this area has been shown to be extensive as a survey by the National Trust of Ivinghoe common revealed the area to contain preserved banks of former fields systems which could date as early as the Bronze Age.

This landscape has a high amenity value, being within the Chiltern AONB. The landscape contains the Ridgeway long distance track and a number of other rights of way which are actively promoted." (our underlining).

2.6 Rhencullen Farm is a largely modern creation. The open site bound mostly by trees can be seen on O/S maps dating from the 1980s and 90s and on Google Earth images of that vintage, but most of the buildings and structures are relatively modern as can be seen from the planning history summarised in the next section of this Statement. Indeed, the largest building is a barn erected in 2014 and the house dates from 2002-03 so it is a modern farmstead.

2.7 Below is a Google Earth aerial image dated July 2021. Rhencullen Farm is arrowed and its triangular site is clear to see as is the narrower adjoining site of 'Langlands'; a similar farmstead. To the immediate west is 'Tats Wood', another large plot with buildings to the rear but with more tree cover. Chivery hamlet is to the south and to the west is the Wendover Woods Car Park and part of RAF Halton.



2.8 Below is a larger image showing the farmsteads on the north of the road and development to the south which is a mixture of commercial and residential. These include (west to east); the recently redeveloped Chilterns Dog Rescue Society at Bromley Heights, the progressively extended Highcroft House and Chesham Fencing Supplies. The former are discussed in the next section of this Statement. For comparative purposes, over is the same image from 2011 showing how the scale of built development has changed on the opposite side of the road to Rhencullen Farm and its neighbours.





2.9 Finally, below is a further close up which shows Tats Wood, Rhencullen Farm and Langlands. In all cases, the buildings are set at the rear (north) of the plots against a backdrop of trees and approached by long driveways which drop down from the public highway. The woodland to the rear of the properties includes the Dancersend SSSI and it, along with other natural habitats, are assessed and discussed in the accompanying ecology statement.



2.10 The plans and aerial images give no indication of the fall of the land northwards from the hilltop villages and down to the vale. Below is a series of images taken recently at various points along the access drive down to the house. The house has a ridge height of a circa 6.75m and the chimney rises to circa 7.0m above the local ground level. Images 1-4 below are taken looking north with the fourth about three quarters of the way down the drive. Only at about this point can the ground floor of the dwelling be seen. In image 1, taken just inside the gate at the roadside, the top of the roof and the chimney is just visible at fence height.



Image 1



Image 2



Image 3



Image 4

2.11 Images 5-8 are taken dropping down to and at house level. As can be seen from images 6-8, the land within the site continues to fall with the mobile home situated lower than the house and the outbuildings all at the lowest level within the site. All these buildings can be seen on the topographical survey along with spot heights and contours. The manege is at more or less the same level as the house. The house is may what best be described as a dormer or chalet bungalow in the cottage style with a brown materials colour pallet, which helps it blend into the landscape, as does its low maximum height of 6.75m.



Image 5



Image 6



Image 7



Image 8

2.12 Finally, images 9, 10, 11 and 12 show respectively the large (west barn), the stables and small (east) barn and mobile home (noting again levels differences) and the rear (northern) boundary of the site (adjoining Dancersend SSSI) and the views of the large barn, stables and small barn.

Most of the boundary trees are outside the applicants' ownership and are not affected by this proposal.



Image 9



Image 10



Image 11



Image 12

2.13 As is clear from these images, whilst the farmstead does have two adjoining neighbours, even in winter any evidence of neighbouring buildings is difficult to see from within the site and vice versa. It is noted that the leylandii tree belt between the Application Site and Langlands has been removed, but this is proposed to be replaced by native tree planting

3.0 **Relevant Planning History**

Rhencullen Farm

00/02974/AOP

3.1 In June 2001, an outline planning approval was given for an “agricultural dwelling”. It was conditional and these included the following restrictions:

8 The dwelling hereby approved shall not exceed 130 sq m gross floor space.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, other than those expressly authorised by this permission.

10 The occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in horse-related activities, agriculture or forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person."

3.2 The final condition is self-explanatory as the approval of a permanent dwelling was the culmination of 20 years of horse-related development at the site, including temporary approvals for the siting of mobile homes. Condition 8 was given context by the (then) PPG7 and the functional needs of an owner/manager translating to a typical three-bedroom house of 130m². Both condition 8 and 9 were, however, imposed in the interests of the “visual amenities” of the area.

01/02634/ADP

- 3.3 A details pursuant application was submitted and approved shortly afterwards. The case officer observed that the details showed *"an internal floor area of 130m². This is in accordance with ADAS advice for a farmhouse and less than the dwelling at Hill Farm, Chivery which was 150m². The main issues are size, design, impact on MGB and AONB. This small scale chalet style dwelling is of a scale and design which is in keeping with the appearance and character of the area..."*.

08/02298/APP

- 3.4 In 2008, an application was submitted and approved for a 7.2m x 3m ground floor single storey extension on the west side of the house to be accessed from the kitchen and living room. The existing house was assessed as being 130m² and the 21.6m² extension was calculated to be a 27% increase (it is, in fact, 17%) and, on this basis, the case officer commented thus:

"In considering the outline permission in 2001, ADAS advised on the application and considered that a property around 130 sq.m would be expected to meet the functional need of the applicant. The resulting house built at this site measures 130 sq.m therefore the proposed extension would exceed the size of building considered to meet the needs of the family. The applicants require the space for reason that the ground floor space is insufficient for their needs and whilst the extension is an addition over 130 sq.m, it is considered the extension is a minimal increase to the footprint and is an increase of only 27%. On balance it is considered that additional floorspace and the additional footprint is acceptable and would not result in a disproportionate or excessive extension having regard to the special circumstances in which the original building was permitted."

3.5 It is clear that in 2008, a 27% increase to an already 130m² tied dwelling was deemed acceptable. The footings for that extension were put in but, as extensions in the Green Belt are judged against the original and not the existing dwelling, it has not been factored into calculations. As a matter of fact though, a 27% increase to a tied dwelling was found to be acceptable.

18/02466/ACL

3.6 In 2018, the previous owner of the property sought a lawful development certificate to confirm that the tie (Condition 10 of the 2001 outline – above) had been breached for ten years or more. The Council was satisfied that this was the case and a certificate to that effect issued on 10 October 2019. This was the situation when the current applicants were considering the property and it gave them sufficient comfort to purchase it and move in.

21/01013/AOP

3.7 Having done so, the next logical step was to apply to have Condition 10 removed. An application was submitted and approved and the dwelling has, in planning terms, become a normal dwelling which may be occupied by anybody.

3.8 Reference has been made in the Introduction to applications also submitted in 2021 in respect of the manege, large/west barn and the mobile home; each of which had no recorded planning history. Accordingly, certificates of lawfulness were sought and approved for: the manege (21/03311/ACL); the use of land for the siting of a mobile home (21/03310/ACL) and the erection of a barn (21/03328/ACL), such that each was immune from enforcement.

3.9 In respect of the barn, the certificate went on to establish that it was not within the residential curtilage and therefore not ancillary or incidental to the

residential use and that it had not been in residential use for more than ten years. Confirmation of neither was sought and as the barn was vacant, had had various uses but had not been built for ten years, then no permitted or lawful use could be established; which is not to say that none would be acceptable if sought. It is simply a lawful building with no current lawful, permitted or existing use.

22/00596/APP

- 3.10 In 2022, the Applicant sought planning permission for extensions and alterations to the existing dwelling, the demolition/removal of all existing outbuildings (barns and stable block)/mobile home and erection of vehicle shed/replacement stables. The application was refused without any officer engagement (save for requesting information already submitted and making site visit arrangements).
- 3.11 Despite the proposals relating to all existing structures the substantive reasons for refusal related entirely to the altered dwelling. The extensions were considered to be disproportionate and therefore contrary to policy and also poorly designed and prejudicial to the AONB. The third reason cited (incorrectly) insufficient ecological material having been submitted and therefore policy conflict.
- 3.12 The delegated report does not refer to either statutory or third party consultation responses. In this regard these were monitored and there were no third party comments, the proposal was supported by the Aston Clinton Parish Council and the only statutory/technical response came from the Council's own ecology officer who in objecting (lack of information) was clearly not aware of all the material provided either at the time of submission or subsequently.

3.13 The officer calculated the increase in volume of the house to be 64%. This figure did not agree with that submitted and it is a matter of fact that the Applicants were not afforded the opportunity to challenge the calculation. As may be seen within the Officers Report and somewhat bizarrely, the replacement outbuildings were considered not to be compliant with any policy but considered to be acceptable as they would be smaller than the buildings which they would replace. Accordingly, they did not feature in the reason for refusal. The mobile home was excluded from any of the officer's calculations and dismissed as irrelevant.

3.14 As stated above, the case officer failed to take a holistic approach and focussed solely on the dwelling. On the application scheme the increased volume of the house was originally calculated as 46% but later found to be 54% but still not the 64% calculated by the officer.

3.15 The residential mobile home if reasonably counted as habitable accommodation on the site reduced the volume increase of residential accommodation (with the mobile home surrendered as proposed) to 5%. Looking at the site as a whole, surrendering the mobile home and replacing the outbuildings with fewer smaller structures resulted in a decrease in area of 15% and 7.0% in volume.

23/00231/PREMTG

3.16 Following the refusal of the 2022 application, a pre-application request was submitted with a scheme that was a refined version of the refused scheme, seeking to address the design concerns raised and sought to justify the holistic approach.

3.17 This amended proposal was responded to sympathetically at a 'face to face' meeting, but at a later virtual follow up, the size increase of the house in

isolation was considered to be problematic and the recognition of the mobile home in the calculations was again rejected. On the revised pre-app proposals, the house viewed in isolation would increase in size by 58% but only by 13.9% if the mobile home ('lost' residential space) was included. Site-wide the figures gave decreases in area of 20.3% and volume by 10.3%.

3.18 Officers advised that this was not appropriate development and that other considerations including the decreases in size did not constitute very special circumstances warranting an approval. This was despite submitting additional evidence as part of the ongoing pre-app on the permanence of mobile homes and the fact that their siting was in planning terms development. On the back of that evidence the Applicants suggested replacing the outbuildings (still not contentious), maintaining the 58% increase to the house but surrendering the mobile home by revoking the LDC and entering into a Legal Agreement to this effect. This offer was not acknowledged or therefore considered.

3.19 Similarly, the plans for the dwelling were also revised by reducing its size to give a 43% increase in volume. This is less than the volume increase allowed on the site next door (see para. 21 below) but as with the case made for the mobile home, this too was neither acknowledged nor considered by officers.

3.20 Officers have made it quite clear that the revised pre-app scheme is not acceptable and what may be as follows:

Conclusion

In its current pre-application form, I [sic] of the opinion that the application would be refused and the VSC will be difficult to establish. However, it is*

* VSC stands for "Very special circumstances". If these are demonstrated by an applicant to outweigh the harm of inappropriate development then approvals can be forthcoming.

open to your clients to submit an application and they can exercise their right of appeal (as you have alluded to).

Summary of other options

Significantly reduce the proposed extension to the dwelling to be in strict accordance with 25-30% volume increase and apply for demolition of buildings/structures to the north and their replacement of stable/vehicle shed as per earlier, refused application (ie. comply with policy S4(e) and S4(d)/(f) as not 'inappropriate'.

Reduce size of the proposed extension to dwelling to mid-30% region, remove/demolish buildings/structures to north as proposed and propose replacement vehicle shed/stables significantly smaller than proposed under the earlier application and this pre-application, to be accompanied by VSC – this might allow a building slightly larger than would otherwise be permitted by policy, but it will need to be materially smaller than that currently proposed.

Put in for dwelling extension as proposed under this pre-application and remove buildings/structures to the north (no replacement), to be accompanied by VSC."

- 3.21 Reference to mid-30% is relevant in that in discussions this figure was agreed to be compliant with Policy S4 which has the caveat that 'normally' the figure should be in the 25-30% range. That suggestion has now been rescinded. Clearly some of the suggestions above would also result in substantial reductions in built form at the site (notably the last) and yet still a VSC is expected. As the replacement outbuildings are appreciably smaller than what is existing and cannot be pared back further, the only option acceptable to the Council is these outbuildings and a 25-30% increase in volume of the house.

3.22 The pre-app response referred to a need for consistency. In this regard the adjacent property of 'Langlands' had a planning approval in 2020 (assessed against the then well advanced VALP policies) allowing a 46% increase in volume of the dwelling and loss of outbuildings giving a site wide reduction of 25% in volume. The proposal was to replace a small single storey dwelling with a larger 2 storey dwelling combined with the removal of outbuildings. This was accepted as a VSC so a favourable response in the case of Rhencullen would not be inconsistent. The pre-app response did not address 'Langlands'.

3.23 The Council's considered position (via pre-app) in respect of Rhencullen is that any increase in volume above 25-30% is inappropriate and would need to be accompanied by either smaller or no replacement outbuildings. This is not consistent with practice (Langlands) or any reasonable interpretation of policy. The VSC case originally made and elaborated at pre-app remains as follows:

3.24 The policy by use of the word normal recognises and accepts there can be exceptions;

- The reduction in volume of buildings (collectively) at the site;
- The reduction in floorspace at the site;
- The reduction in number of buildings at the site and control via planning conditions;
- Improved design and appearance of buildings at the site;
- No increase in height compared to existing buildings;
- Reduced hard surfacing;
- Improved landscaping; and
- Visual and ecological enhancements within the site and the wider ownership.

Other Nearby Properties

- 3.25 In the preceding section, reference was made to development just across the road at Bromley Heights and Highcroft House.
- 3.26 Bromley Heights was formerly known as Beacon View Kennels and Cattery. In 2009, a change of use was sought and approved (09/01273/APP) to a dog rescue centre and boarding kennels. In 2013, a redevelopment scheme was approved (13/01391) including retention of the existing dwelling and garage. The resultant change at the property is evident on the images contained in Section 2.0 (above).
- 3.27 In considering Green Belt impact (and this was post-publication of the NPPF), the case officer observed as follows with regards to volumes across the site:

"The volume of buildings shown to be removed, which in the main comprise low sheds with flat or shallow-pitched roofs, was calculated to be 1,122m³. The volume of the buildings proposed by the current application is calculated to be 1,800m³.

If the house and garage on the site, which are shown to be retained, are added in, the total existing volume of buildings on the site is 1,864m³. The total volume of buildings on site as now proposed would be 2,542m³. The proposed volume increase (678m³) amounts to an increase of around 36%.

The current proposal, therefore results in no floor space increase and an increase in volume that does exceed the normally recommended 25% maximum, but arguably not by a significant amount, having regard to the circumstances.

The current proposal represents a significant reduction in the scale of development proposed, and it remains a proposal seeking to concentrate the existing scattered pattern of development into a single large building plus a secondary building.....

.....The proposals put forward by the current application represent a significant reduction in the degree of harm to the openness of the Green Belt. The volume increase proposed remains in excess of the level normally considered the appropriate maximum in such areas, but it is considered that having regard to the detail of the proposal and the context, the increase in the scale of development on this already developed site would not amount to harm in the context of the Green Belt, and the openness of the area would be preserved."

3.28 At Hightown House between 1984 and 2019, there have been five planning approvals for: the erection of stables; "extensions and alterations"; a two-storey rear extension, door canopy and replacement garage; a single-storey side extension and finally the extension and conversion of the stables to incidental accommodation.

3.29 In the 2004 application for the two-storey rear extension, the case officer opined, under the heading "Impact on MGB", as follows:

"AVDLP RA18 indicates that extensions and alteration to dwellings within the MGB may be permitted if they are not out of proportion or out of character with the original building and do not materially reduce the openness of the MGB.

The normal interpretation of the requirement that extensions in the MGB should not be out of proportion, or adversely affect the openness of the MGB,

is that they should not exceed 25% of the original dwelling, either in terms of gross floor space or in terms of total volume.

This dwelling has been extended in the past and although it is unclear which part is original and which parts are later extensions, it is likely that the extensions already exceed 25% of the original. It is evident, however, that the proposed garage and porch are replacements for existing structures on an only slightly larger scale, and with no greater visual impact. The proposed 2/S and S/S rear extensions represent an increase in scale but would be in proportion and in scale with the existing dwelling. The dwelling would not materially increase in scale or prominence, and would not appear out of scale in relation to the extensive curtilage in which it is located. The dwelling is well screened from public vantage points."

- 3.30 In late 2012 again, and as with the site next door after the introduction of the NPPF, much the same was said in respect of a further single-storey side extension. Under the heading "Impact on countryside/AONB", the case officer observed:

"Development in the Green Belt is guided by the National Planning Policy Framework in particular Section 9. The guiding principle is that development that reduces openness is by definition inappropriate.

The NPPF makes clear in para 87 that "Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. In view of the presumption against inappropriate development, the SoS will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development".

Paragraph 89 states that limited extension to houses is appropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Extensions that are disproportionate are considered inappropriate development. Policy RA.18 of the adopted Local Plan echoes the advice given in the NPPF and states "Extensions and alterations to dwellings in the Green Belt that are not out of proportion or character with the original building and which do not materially reduce the openness of the Green Belt may be permitted. Generally the Council's approach to extensions in the Green Belt is to permit an increase of 25-30% of the original dwelling. Therefore extensions to dwellings are generally considered appropriate development in the Green Belt but are only permitted where they are not out of proportion or character with the original dwelling and do not materially reduce the openness of the Green Belt.

Dealing with domestic extensions and alterations within areas designated AONB, AVDLP RA18 requires such development to have regard to conservation of natural beauty of the AONB, and protection of important landscape features.

Highcroft is set within a large curtilage and well screened by fencing and existing vegetation. The dwelling is barely visible from the road. The curtilage to Highcroft is bounded to one side by a kennels/cattery operation and on the other by Chesham Fencing – both have significantly greater visual prominence. The dwelling is well separated from the public footpath to the rear and views would be restricted.

This dwelling has been extended in the past and although it is unclear which part is original and which parts are later extensions, is it likely that the extensions already exceed 25% of the original. The proposed dwelling would

not materially increase in scale or prominence, and would not appear out of scale in relation to the extensive curtilage in which it is located. The dwelling is well screened from public vantage points. In addition, the commercial activities to the east, and the semi-commercial appearance of the site to the west, have materially greater visual impact in the countryside setting than Highcroft, even if extended as proposed.

Under these circumstances, it is considered that the proposals would have no adverse impact on the openness of the MGB and that refusal would be hard to justify in this case.

The proposed extension is modest and appropriate in scale in relation to the existing dwelling and would have no significant visual impact. The proposals would have no material adverse impact on the appearance of the countryside or the natural beauty of the AONB."

- 3.31 Whilst each case must be judged on its individual merits, the development allowed on these sites and the interpretation of relevant policies, some of which (NPPF) remain, along with the consideration of other relevant criteria (public visibility, plot size, screening etc) are all pertinent to the consideration of the proposals at Rhencullen Farm.

4.0 **Relevant Planning Policy**

4.1 Relevant planning policy may be found in the National Planning Policy Framework (NPPF), its companion Planning Policy (PPG) and the Development Plan.

The NPPF

4.2 The NPPF was published in 2012 and last revised in December 2023. It is underpinned by seeking to achieve development which is sustainable in an economic, social and environmental dimension. It is to be read and applied as a whole but particularly relevant to this application are the following sections and paragraphs:

- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt Land

The PPG

4.3 Mindful that clause g (although not c and d) of paragraph 154 of the NPPF refers to openness, then paragraph 001 (ID: 64-001-20190722) of the PPG is relevant. It is set out below:

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?”

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters

which may need to be taken into account in making this assessment. These include, but are not limited to:

openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation.

Paragraph: 001 Reference ID: 64-001-20190722

Revision date: 22 07 2019'

The Development Plan

- 4.4 The Development Plan of relevance to this application is the **Vale of Aylesbury Local Plan (VALP) 2013-2033** and the **Aston Clinton Parish Council Neighbourhood Plan (ACPNP)**.
- 4.5 **VALP** was adopted in September 2021. In this latter respect, the accompanying Ecology Report referenced the submission version (and also the 2019 NPPF) wherein what is now Policy NE1 was contained in NE1 and NE2. The letter and certainly the content and spirit of the text has remained unaltered – it is largely a matter of formatting and presentation.
- 4.6 The most relevant VALP policies against which the proposals are to be assessed are as follows:

S4 Green Belt

4.7 This is a six-clause policy which is set out in full below:

"Within the Green Belt (as defined on the Policies Map), land will be protected from inappropriate development in accordance with national policy. Small-scale development as set out below will be supported providing that their provision preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it:

- a. for the purposes of agriculture, forestry, appropriate facilities for outdoor sport and outdoor recreation or cemeteries*
- b. if within the existing developed footprint of settlements within the Green Belt, residential infilling of small gaps in developed frontages with one or two dwellings will be permitted if it is in keeping with the scale and spacing of nearby dwellings and the character of the surroundings*
- c. for the conversion of buildings of permanent and substantial construction where there is no greater impact on the openness of the Green Belt and the form, bulk and design of any conversion is in keeping with the surroundings and does not involve major or complete reconstruction. Permission for the conversion of such buildings may include conditions regulating further building extensions, and the use of land associated with the building*
- d. replacement of existing buildings in the Green Belt by new buildings that are not significantly larger in volume, normally by no more than 25-30% as measured externally of the original building (as it was first built or stood on 1 July 1948)*
- e. extensions and alterations to buildings in the Green Belt that are not out of proportion with the original building, normally no more than 25-30% volume increase of the original building*
- f. the redevelopment of previously developed sites where the gross floorspace of the new building(s) is not out of proportion to the original*

building(s), normally by no more than 25-30% increase of the original building (as measured externally), and the buildings are positioned on land previously built on.

Measures to improve public access to the Green Belt areas will be encouraged."

H3 Rural workers dwellings

- 4.8 The relevance of this policy is the size of such dwellings. The Council now considers 180m² as a threshold not normally to be exceeded for the first tied dwelling at a site. Some 20 years later, this is 50m² (38%) larger than what was considered 'normal' in 2001 and must represent what would now be allowed at Rhencullen Farm in similar circumstances i.e. were the need for a tied dwelling to be justified.

NE1 Biodiversity and Geodiversity

- 4.9 This has been summarised, albeit when contained in two separate policies in an earlier iteration of the Plan, in the Ecology Statement.

NE3 The Chilterns AONB and its setting

- 4.10 *"The Chilterns Area of Outstanding Natural Beauty (AONB) is a nationally designated landscape and as such permission for major developments will be refused unless exceptional circumstances prevail as defined by national planning policy.*
- Proposals for any major development affecting the AONB must demonstrate they:*
- a. conserve and enhance, in accordance with criteria f-m below, the Chiltern AONB's special qualities, distinctive character, tranquillity and remoteness*

- in accordance with national planning policy and the overall purpose of the AONB designation*
- b. are appropriate to the economic, social and environmental wellbeing of the area or is desirable for its understanding and enjoyment*
 - c. within the AONB areas, meet the aims of the statutory Chilterns AONB Management Plan³⁷, making practical and financial contributions as appropriate;*
 - d. within the AONB area, have had regard to the Chilterns Building Design Guide and technical notes by being of high quality design which respects the natural beauty of the Chilterns, its traditional built character and reinforces the sense of place and local character, and*
 - e. avoid adverse impacts from individual proposals (including their cumulative effects), unless these can be satisfactorily mitigated.*

In the case of major developments, actions to conserve and enhance the AONB shall be informed by landscape and visual impact assessment, having considered all relevant landscape character assessments, and shall focus upon:

- f. the Chilterns AONB's special qualities which 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, chalk streams and a rich historic environment of hillforts and chalk figures*
- g. the scope for enhancing and restoring those parts of the landscape which are degraded or subject to existing intrusive developments, utilities or infrastructure*
- h. locally distinctive patterns and species composition of natural features such as chalk downland, trees, hedgerows, woodland, field boundaries, rivers and chalk streams*

- i. the locally distinctive character of settlements and their landscape settings, including the transition between man-made and natural landscapes at the edge of settlements;*
- j. visually sensitive skylines, geological and topographical features*
- k. landscapes of cultural, historic and heritage value*
- l. important views and visual amenity from public vantage points, including key views from the steep north-west facing chalk escarpment overlooking the low clay vale, and foreground views back to the AONB, and*
- m. tranquillity, remoteness and the need to avoid intrusion from light pollution, noise, and transport.*

Any other (non-major) development can also have an impact on the AONB and its setting and will be required to meet criteria a., d. and e. above. Any development likely to impact on the AONB should provide a Landscape and Visual Impact Assessment (LVIA) in line with the Guidelines for Landscape and Visual Impact Assessment - version 3 or as amended."

4.11 The **ACP**NP was made in May 2018. It tends to focus on the built up parts of the parish in the form of Aston Clinton village. It contains general parish-wide policies but there are no specific designations which apply to either Rhencullen Farm or the hamlet of Chivery itself.

5.0 Planning Analysis

Introduction

- 5.1 As established in Section 1.0 of this Statement, the Applicants purchased Rhencullen Farm because it met their essential list of requirements. These being to combine a home with sufficient grounds to enable them to keep their horses on the property rather than at livery as has been the case for the last 40 years.
- 5.2 Their diligence prior to purchase included checking the planning history and establishing that the dwelling was in its original form and, therefore, capable of extension. They also satisfied themselves that the occupational tie had been breached sufficiently long and made lawful, allowing them to occupy the property and that Council Tax had been paid on a mobile home providing ancillary accommodation for almost 30 years.
- 5.3 The land also provided sufficient acreage to keep four or five horses and there was a range of utilitarian outbuildings with mostly equestrian-related origins which, again, afforded potential for extension or replacement. Two of these structures, the larger/west barn and the mobile home, did not benefit from any recorded express approval, but post-purchase both these and the manege were the subject of successful applications for Lawful Development Certificates. The agricultural/equestrian tie condition has also been removed.
- 5.4 In addition to the unauthorised development now regularised, their search also revealed enforcement history relating to tipping at the property quite unrelated to the equestrian use. Some evidence of this remains and it is their intention not only to invest in the buildings but also repair and re-green the whole property, some of which features in this application.

- 5.5 As set out above and within the application form, the Applicants are seeking to extend the existing dwelling to enable it to be more suitable for modern living and to provide adequately sized accommodation. Unlike the previous submissions, as a result of the Council's position regarding the removal of other outbuildings and structures to offset against the proposed extensions, the application relates solely to an extension to the dwelling.
- 5.6 Owing to the location, it is necessary for an objective (or "numeric") assessment of the proposal vis a vis local and national Green Belt policy but there are also the more subjective and aesthetic consideration of visual impact, both in terms of the Green Belt and the AONB. With regard to the latter the proposals are clearly not 'major'.
- 5.7 Local Plan Policy S4 Green Belt is not, despite its recent adoption, reflective of the NPPF. This allows proportionate extensions and alterations relative to the original building. Neither the NPPF nor the PPG attempt to quantify this and nor do they suggest or imply that LPAs should when formulating their policies.
- 5.8 This point notwithstanding, the old 'policy' as referenced in the planning history (above) has transferred to the new local policy which normally will allow no more than a 25-30% increase in volume. The use of '*normally*' clearly allows some license as was demonstrated by the decisions in respect of High Croft House, the last of which was made in the context of the NPPF.
- 5.9 The existing and original dwelling has a floorspace of 130m². This was fixed on the deemed norm for a tied dwelling when it was approved almost 21 years ago. In 2008, an extension was allowed which was calculated to be a 27% increase, although it was 17%. On the basis that 27% was found acceptable, then an increased floorspace of 165m² would have resulted. As it is, the extension of 21.6m² was begun and not finished. The proposed

extension that forms part of this application would render this extant permission as void and unimplementable.

5.10 The current norm for a tied dwelling is 180m². All else being equal, that would now be allowed at Rhencullen, if permission for a tied dwelling were to be approved today. If so, then a policy compliant 25-35% increase (albeit floorspace not volume) would yield a house with between 225 and 234m² floorspace. This would result in a materially larger dwelling than is being proposed as part of this application.

5.11 This application seeks permission for a modest single storey side, front and rear extensions to facilitate improved facilities both at ground and first floor. The proposals do not seek to increase the number of bedrooms provided but allow an improved configuration at ground floor and a larger master bedroom and family bathroom at first floor. These alterations are reflective of modern standards of accommodation and ensuring the highest quality design is proposed.

5.12 The proposed extensions constitute a 33% increase in volume over the size of the existing dwelling. Whilst the resultant square meterage remains some 32sqm smaller than an extension on what is now considered to be an appropriate minimum size for an agricultural-tied property.

Existing Volume	497.8m ³
Proposed Volume	663.7m ³

5.13 The scale of the proposals are lessened when considering the size of the properties that have been approved in relatively close proximity to Rhencullen, whilst the design is of an exceptionally high quality that provides a light airy feel to the overall scheme and seeks to alleviate the dominance of the roof slope.

- 5.14 The proposals are in accordance with Local Plan policy in that it is not out of proportion with the scale of the host property and offers a modest extension that is in keeping with the character and appearance of the area.
- 5.15 Moreover, the proposals accord with National Planning Policy. They do not affect the openness of the site in visual, spatial or functional terms, whilst representing beautiful design that makes the most efficient use of the space available.
- 5.16 It is not considered that the proposal impacts on the openness of the Green Belt.
- 5.17 The application is supported by an updated Preliminary Ecology Assessment and a bat survey, informed by winter hibernation survey and two emergence and re-entry surveys. The plans show the inclusion of 2no. bat boxes within the roof slope to ensure that there is sufficient long term accommodation for the bats identified in and around the site.

6.0 **Summary and Conclusions**

6.1 The scheme has been amended following a previous refusal of permission and feedback from the pre-application submission.

6.2 The proposed extensions and alterations to the dwelling are considered to be modest in their form and of a high-quality design, informed by the Chilterns Design Guide that reflects the character of the area.

6.3 The proposal constitutes a 33% increase in volume over and above the existing form of the property. The existing property is smaller than would be allowed today for an agricultural tied property by some 50sqm. And would remain smaller than a modern agricultural tied property with a minimum 25% increase in floor area.

6.4 The design of the proposals is of a form that ensures there is no visual, spatial or functional impact on the openness of the Green Belt and is of a design that can be classed as beautiful, such that the proposal accords with the National Planning Policy Framework.

6.5 The 33% increase in volume is a small increase over the 25-30% normally permitted by Policy S4 of the Local Plan, however, the property itself is significantly smaller than what would otherwise be permitted, that at 3% to enable a high-quality design and property that meets modern living requirements is an entirely reasonable exception to the "normally" permitted position, that would enable this proposal to be supported.

6.6 The proposal makes provision for the identified bat population in the area.

6.7 We would welcome support for this scheme to enable the Applicant to adapt this property to meet their needs.