



PLANNING STATEMENT

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

For: Mr and Mrs Richardson

Project Ref: 21009

Date: April 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 (the Applicant) for the demolition of the existing barns and stables and erection of a replacement structure at 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, 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 pre-dated 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 further improve the property both in terms of its appearance and with careful reparations to the property.



1.6 With regard to this application, the existing barns and stable building are in poor condition. 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 Site Context

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.

2.2 Chivery is one of the string of Chiltern hilltop 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 are 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.



Figure 1 Google Earth image dating from 2021 showing the Application Site

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, below 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.



Figure 2 Google Earth image dating from 2021 showing the Application Site

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.



Figure 3 Google Earth image dating from 2021 showing closer view of the Application Site

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 **Planning History**

00/02974/AOP

3.1 In June 2001, an outline planning approval was given for an “agricultural dwelling”.

01/02634/ADP

3.2 A details pursuant application was submitted and approved shortly afterwards.

18/02466/ACL

3.3 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

3.4 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.

3.5 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.

- 3.6 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

- 3.7 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).

24/00920/APP

- 3.8 In March 2024, the Applicant submitted an application for the construction of front porch extension, single storey side extension, front and rear two storey extensions and fenestration alterations. This is currently pending consideration with the Local Planning Authority.

4.0 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.

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."*

C2 Equestrian Development

- 4.8 The first two parts of the policy are relevant to this application and are set out below.



"General criteria

When considering proposals for horse-related development the council will have particular regard to:

- a. site being suitable for the keeping of horses and capable of supporting the number of animals proposed, having taken account of the arrangements for site management*
 - b. Adequate provision made for the exercising of horses without causing harm to rights of way, other equestrian routes, or other areas such as open land, that will be used for exercise*
 - c. Vehicular access to the site and the road network in the vicinity are capable of accommodating horse-related transport in a safe manner*
 - d. The impact on land of high agricultural or ecological value, or the fragmentation of farm units and the effect on the viability of farm units*
 - e. The environmental effects of the development in terms of noise, smell, light pollution or other disturbances*
 - f. The cumulative impacts of equestrian developments in the locality on the character of the countryside, appearance of the surrounding area, maintenance of the open nature and rural character of the land or on highway safety, and*
 - g. The scale, construction and appearance of the proposed development including the entrance and boundary treatment should be designed to minimise adverse impact on the immediate locality, landscape character and residential amenity.*
- Private recreation and leisure uses*
- h. In the case of a new field shelter or stable used for private recreation or leisure use:*

- i. *It will be for the exclusive use of the horses that are grazed or kept on site It should be of a scale that reflects the number of horses to be kept or grazed on site*
- j. *It should be built of material that is capable of being easily removed if the equestrian use ceases, and*
- k. *It should be sited, where possible, adjacent to existing buildings or natural features such as trees or hedgerows, be of a design and constructed of such materials as are appropriate to the locality and proposed use, and be landscaped or screened so as to minimise any visual intrusion."*

NE3 The Chilterns AONB and its setting

4.9 *"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."



- 4.10 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 Assessment**

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 replace the existing barns and stable building with a purpose built

structure to meet their needs. Unlike previous submissions, as a result of the Council's position regarding the removal of other outbuildings and structures to offset against the proposed extensions, this application relates solely to the existing barns and stables on site. The below paragraphs will discuss in detail the planning merits of the proposed development.

Principle of Development

- 5.6 The Application Site is located in the Green Belt. Local Plan Policy S4, part (d) supports the provision of replacement buildings in the Green Belt subject to them not being significantly larger in volume than the original building.
- 5.7 This is reflected in Paragraph 154 of the National Planning Policy Framework. Paragraph 154 states that *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt."* One of the exceptions set out in Paragraph 154 is d) *"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"*.
- 5.8 The existing outbuildings comprising of the east and west barns and the stables have a combined floor area of 415.79 square metres and volume of 1336.58 cubic metres. The proposed structures would have a floor area of 330.40 square metres and volume of 1028.25 cubic metres: a reduction of - 20.5 percent and 23 percent respectively. As can be seen from the submitted drawings, none of the new buildings would be higher than the existing buildings; and the reduction in footprint is combined with the three buildings linked via overhead . That being the case, it is not considered there can be any concerns regarding openness, which would be improved both numerically, spatially and visually, were the proposal to be allowed. In this instance, both the volume, area and number of buildings would markedly improve impact upon the Green Belt and indeed the AONB.

5.9 In regard to the AONB, the removal of the existing poorly designed buildings and the introduction of well-designed buildings, in-lieu of the hotch-potch of existing structures currently visible on site, one of which (the large barn) was the subject of no planning control being unauthorised until last year. Leaving aside the reductions outlined, the new buildings would also occupy the most hidden part of the site, being at the lowest level and set against a well-wooded backdrop.

5.10 Therefore, it is considered that the proposed development would fall under exceptions to inappropriate development as outlined in part d) of Paragraph 154 of the NPPF and part (d) of Local Plan Policy S4. It is therefore not considered to be harmful to the Green Belt or indeed the AONB.

Other Matters

Design

5.11 The existing barns and stables are of a poor-quality design and are not considered to contribute positively to the surrounding area. The replacement structure would be purpose built and characteristic of other outbuildings located in the AONB and associated with horses and agriculture. It is considered the proposed outbuildings would improve the character and appearance of the Application Site and wider Chilterns Area of Outstanding National Beauty in accordance with Local Plan Policy requirements.

Equestrian Development

5.12 As existing, Rhencullen Farm benefits from 5 stables. The proposed development would replace these existing 5 stables, for the recreational use of the Applicants only. Local Plan Policy C2 states that development for equestrian purposes should usually re-use existing buildings, although an

element of new buildings built alongside existing buildings may be acceptable.

- 5.13 This application seeks to consolidate the existing buildings which are in a poor state of repair. The loss of the existing buildings and construction of replacements were accepted as part of the previous application 22/00596/APP. As discussed above, the scale of the development is comparable to existing and there would be no change to the number of stables on site. It is therefore considered to comply with the intentions of Local Plan Policy C2.

Residential Amenity

- 5.14 There is currently significant screening on the eastern boundary shared with East Longlands. The proposed stables and barns would have a reduced footprint and height when compared to the existing buildings. The proposed development would have less of an impact than existing and would not result in an increase in overbearingness or a loss of privacy or outlook.

Ecology and Biodiversity

- 5.15 In accordance with the Biodiversity Net Gains Requirements (Exemptions) Regulations 2024, Regulation 4, the proposed development meets the criteria of the De minimis as no habitats affected by the proposals have a biodiversity value of greater than zero.
(<https://www.legislation.gov.uk/uksi/2024/47/regulation/4/made>)
- 5.16 An ecological preliminary assessment of the entire site has been undertaken and it demonstrates that the existing buildings have no potential for bat roosts and no signs of any bat activity.

Noise

- 5.17 The proposed development would not result in an increase in the number of stables at the site. It is therefore not considered the proposal would result in an increase in noise.



6.0 **Summary and Conclusions**

6.1 The proposal includes the demolition and erection of replacement barns and stables which would be no higher, better looking and would result in a significant reduction in floor space and volume when compared to existing.

6.2 The proposed development is not considered inappropriate within the Green Belt and would fall under exceptions as outlined in part d) of Paragraph 154 and part (d) of Local Plan Policy S4.

6.3 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 or the character of the AONB and is of a design that can be classed as beautiful, such that the proposal accords with the National Planning Policy Framework.

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