



**Planning Committee**

**2 pm, Thursday 25<sup>th</sup> January 2024**

**At the offices of the Chilterns Conservation Board, The Lodge, 90 Station Road, Chinnor, OX39 4HA commencing at 2.00pm in the meeting room.**

Members of the Planning Committee of the Chilterns Conservation Board are hereby summoned to attend meeting at the above date, time and venue. Access to the meeting from 1.45pm. Voting (Board) members are encouraged to attend in person to ensure the meeting is quorate; voting is not permitted for remote attendees. Remote access will be available for non-voting members.

**Agenda**

1. Apologies
2. Declarations of interest
3. Minutes of the meeting 18<sup>th</sup> October 2023
4. Matters arising
5. Public question time
6. Planning Committee work programme
7. Policy Casework update
8. Development Management Casework update
9. Urgent Business
10. Dates of next and future meetings

**Thursday 25<sup>th</sup> April 2024 @10am**

**Thursday 25<sup>th</sup> July 2024 @5pm**

**Thursday 17<sup>th</sup> October 2024 @2pm**

Dr E. King, CEO



**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE CHILTERN  
CONSERVATION BOARD**

**held on Wednesday 18<sup>th</sup> October 2023 at CCB offices, The Lodge, 90 Station  
Road, Chinnor OX39 4HA commencing at 10.00 AM**

Present:

Cllr Charles Hussey	Board Member
John Nicholls	Board Member
Cllr Sue Rowland	Board Member - Chair
Cllr Jon Tankard	Board Member
Cllr Adrian Watney	Board Member - Deputy Chair

In attendance:

Deirdre Hansen	Clerk to the Board & minute taker
Elaine King	Chief Executive Officer
Mike Stubbs	Planning Advisor
Matt Thomson	Head of Strategy & Planning

Chris Hannington	Co-opted member attended remotely
Paul Hayes	Co-opted member attended remotely

No public present.

The Chair welcomed all present and introductions were made.

**23/24.11. Apologies for absence**

Apologies were received and accepted from Board members Cllr Paula Hiscocks, Cllr Jane MacBean and Cllr Sally Symington.

**23/24.12. Declarations of Interest**

None.

**23/24.13. Minutes of the meeting 26<sup>th</sup> July 2023**

The minutes of the meeting held 26<sup>th</sup> July 2023 were approved as a true record and signed by the Chair.

**23/24.14. Matters Arising from the minutes**

All items covered on the agenda.

**23/24.15. Public Questions**

No public present.

**Agenda item 6 National Trust “Protecting Our Roots” programme at the Ashridge Estate was moved further down the agenda as they were due to attend the meeting at 10.30.****23/24.16 The Planning Committee Work Programme**

The Head of Strategy and Planning, Matt Thomson, had provided an update for the Committee on progress with the work programme.

1. **Recruitment:** the Executive Committee has agreed the release of additional funding to employ a part-time Planning Officer to backfill for the Head of Strategy and Planning while he is spending time on Strategy and the Management Plan. It is a struggle to find a suitable applicant. Members were asked if they had any contacts, a job pack can be circulated.
2. **Lighting Position Statement:** the Peer Review with technical appendix has been completed, the CCB officers are reviewing this. They expect to circulate it by email to the Planning Committee members for comment the first week of November. Comments to be returned by mid-November with the intention to take the Position Statement to the Board in December.
3. **Real-Time System:** the Microsoft Teams platform for the Real-Time System is in place and Committee members have been given access to it. Some members have been having problems accessing the system. Officers have lacked capacity to add material and there are some issues with handling databases. The user instructions for accessing and interpreting data have not yet been completed. Members were asked to provide feedback on their attempts on interacting with the system.
4. **HS2:** following the Prime Minister’s decision to cancel the remaining section of HS2 north of Birmingham to Manchester and rumours that the planned connection to Euston Station in Central London might be cancelled terminating the line at Old Oak Common the reduced connectivity undermines the business case to continue the line to Birmingham. Much damage to the environment in the Chilterns AONB has already been done, probably irreversible. It is noted that the issues are extremely complex. Concern was expressed about mitigation for the harm to the Chilterns AONB. The CCB has a formal position on HS2 mitigation approved by the Board. It was agreed that the Head of Strategy and Planning, Matt Thomson would present a draft statement to the Board in December. He will circulate it to the Planning Committee members first for comment.  
Agenda item 7 was halted.

**23/24.17 Chris Miller, National Trust General Manager Bedfordshire and Hertfordshire, and David White, National Trust Project Manager for the Ashridge Gateway project joined the meeting online and agenda item 6 was introduced.**

They jointly gave a presentation on Protecting Our Roots at the Ashridge Estate, a landscape scale strategy plan for the Ashridge Estate.

Members had to opportunity to ask questions and make comments.

Chris Miller and David White were thanked for their presentation and left the meeting.

Agenda item 7 was resumed.

**5. Levelling-Up and Regeneration Bill:**

The Levelling Up and Regeneration Bill is expected to come into effect in the New Year. Officer will report in greater deal to the Board now there is more certainty. Some last minutes amendments to the Bill may prove to have significant effect for protected landscapes.

- a. It changes the “duty of regard” in S85 of the CRoW Act to “duty to seek to further the purpose of conserving and enhancing ..” etc.

- b. It empowers the Secretary of State to issue regulations requiring public bodies to contribute to the “preparation, implementation and review” of the Management Plans and to define how they must do this.

Defra is rushing to get guidance out and has asked the CCB for support and help with this. The Head of Strategy and Planning will provide more information at the next Board meeting.

#### **6. Chilterns AONB Boundary Review**

Natural England have completed their field evaluation of the area of search for the potential extension on the Chilterns AONB. The report is still confidential. It is intended to commence engagement with stakeholders next month and public engagement summer 2024.

- 1. The Committee AGREED that officers will circulate the latest draft of the Lighting Position Statements electronically and SEEK comments from Committee Members by email.**
- 2. The Committee AUTHORISES the Chair to approve a final draft to be referred to the Board’s December meeting for approval.**
- 3. The Committee NOTED the updates and review.**

**Agenda item 8. Policy Update was moved further down the agenda.**

#### **23/24.18. Development Management response and updates**

The Planning Advisor, Mike Stubbs, advised the Committee of 12 new comments/objections/responses that had been made. Since July three applications were granted to which the CCB had made supportive comments, two applications were refused to which the CCB had raised objections. Two appeals were dismissed to which the CCB had objected and one granted to which the CCB had raised objection.

Particular note was made of the following Appeals/Planning Applications:

- 21/040008/MFA Berkhamsted Golf Driving Range Spring Garden Lane, Northchurch, Berkhamsted. CCB comments/holding objection. The buildings don’t meet the Chilterns Building design guide.
- 23/02077/APP Land to the south of Bishopstone off Kimblewick Road, Dinton. CCB comments on the setting and cumulative assessment similar as for 22/00986/APP Callie’s Solar Farm, Ford. Refused by AVDC. CCB comments on setting and cumulative assessment.
- 23/01894/FUL. Frithsden Vineyard, Frithsden Lane, Frithsden. CCB holding objection on the visual impacts.
- 23/07332/FUL. Hutton Farm Estate, OS parcel 5940 Main Road, Rotten Row, Hambleden. Demolition of existing farm buildings and the erection of a shooting lodge. The CCB had objected to an earlier planning application which had been withdrawn. Cllr Charles Hussey made a declaration of interest as a Hambleden Parish Councillor and withdrew from the discussion. The meeting discussed this application and agreed to continue the objection. The application is contrary to DM44.
- Case reference AS-057, an NISP, Luton Rising- Luton Airport expansion plan. The Planning Advisor had attended the examination. The Secretary of State had allowed the appeal to increase the passenger flow from 18m p.a. to 19m p.a. with several conditions. Luton is looking to increase the number even further. It is felt that the need and the economic case for this increased passenger through put has not been proven. Further comment can be made up to the deadline of 1<sup>st</sup> November 2023. The Planning Advisor will keep the Planning committee updated.
- Planning appeal 3323268 Land West of Thame Road, Chinnor. This appeal is ongoing and evolving.

- Appeal 3296251 Papist Way, Cholsey. The appeal has been dismissed. The CCB had objected, but the inspector had dismissed the appeal on other grounds. It was noted that SODC no longer have a 5-year housing supply.
- 22/06443/ULEA land adjacent south side Marlow Road and A404 junction Westhorpe Park, Little Marlow. The CCB objected, the development is harmful to the setting of the AONB.

**1. The Committee NOTED and ENDORSES the responses made in connection with the applications as listed.**

Agenda item 8.

**23/24.19. Policy Update**

The Head of Strategy and Planning, Matt Thomson, gave a report on policy developments and consultations since the July Planning Committee meeting.

Since the July meeting the CCB has responded to:

1. **DLUHC consultation** on “additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons: and a call for evidence on nature-based solutions, farm efficiency projects and diversification (mainly relating to permitted development rights). The proposed reforms will weaken current planning controls over the conversion of agricultural buildings and some existing tourist accommodation to residential use in the AONB. Councils already have appropriate controls in place. The proposed planning reforms could lead to development harmful to the rural and tourist economy of the Chilterns.
2. **DLUHC consultation** on operational reforms to the Nationally Significant Infrastructure Project (NSIP) consenting process. Reforms to the rules and processes that govern decisions on NSIPs. The CCB as a conservation board is deemed a statutory consultee. The CCB has put the case that all other AONBs and partnerships should be given equal status and given statutory consultee status in the NSIP application process.
3. **Changes to the National Planning Policy Framework (NPPF)**  
DLUHC issued a revised edition of the NPPF including changes to policy for onshore wind development. The CCB had fed into the consultation through a response from the National Association of AONBs. The main changes are:
  - a. A new footnote noting that wind energy development can be delivered through Local, Neighbourhood and Community Right to Build Development Orders. Community led support is required and restrictions that should apply in the AONB are still relevant.
  - b. Emphasising the benefits of reusing existing renewable energy sites to increase capacity or extend life has been added. This still includes a reference to the impacts of the proposals being acceptable.

**1. The Committee NOTED the contents of this report and ENDORSED the responses made on the two consultations above.**

**23/24.20 Urgent Business**

1. The CEO, Elaine King thanked the Head of Strategy and Planning, Matt Thomson and the Planning Advisor, Mike Stubbs for all the work they do not only the Planning work, but the extra work for staff, NAAONB and Defra.
2. The Planning Advisor thanked Katie Miller, Planner Kent Downs AONB for her work on appeal 3307648 by Vineyard Farms Ltd. The development proposed is construction of a new winery building including café/restaurant and visitor centre with energy centre, car park, access road and landscaping. This appeal was dismissed and the case could be used in future appeals.

**23/24.21 The next meeting was agreed as Thursday 25<sup>th</sup> January 2024 @2pm.**

**Future dates:**

**Thursday 25<sup>th</sup> April 2024 @10am**

**Thursday 25<sup>th</sup> July 2024 @5pm**

**Thursday 17<sup>th</sup> October 2024 @2pm**

**The Chair.....**

**Date.....**

**Item 6                    Planning Committee work programme****Author:** Matt Thomson, head of strategy & planning; Mike Stubbs, planning adviser**Purpose and Summary:** Provides an update on progress with the work programme, for noting and discussion.**Capacity**

1. Capacity in the planning function continues to be an issue. Following the lack of success with recruitment of a temporary part-time planning officer, officers explored options with contacts in their networks, and contacted specialist temporary staff agencies, still without success. We are currently exploring whether we have the resources to undertake a second formal recruitment, perhaps with different selection criteria, and/or exploring whether officers in local authorities (including those currently outside the designated area) might be interested in a 6-month to 1-year secondment.
2. Capacity has been further undermined with the head of strategy and planning needing to focus more on strategic matters like the Management Plan review, alongside addressing some health issues. This is one of the reasons for a less full Committee agenda for this meeting. Fortunately, our consultant planning adviser has some flexibility to provide additional capacity at this time.

**Lighting Position Statement**

3. At the October 2023 meeting, the Committee agreed to a process of finalising the content of the draft Lighting Position Statement by email, with the Chair approving a draft to be taken to the December Board meeting for approval. A combination of capacity and an already full Board agenda has resulted in further delay, so it is now proposed to extend the agreed approach with a view to approval at the next Board meeting in March.

**Attendance, Membership and Future Meeting Dates**

4. **Membership** of the Committee continues not to strictly meet the statutory requirements of our Establishment Order, and discussions are ongoing to identify and recruit additional members from Board volunteers appointed by the Secretary of State. (The Committee has sufficient membership from those representing local authorities, and technically one too many parish council representatives.)
5. One of the problems with having reduced representation on the Committee is that it is harder to ensure that meetings are quorate. To be quorate there must be at least one member from each nominating category (local authority, Secretary of State or parish council) physically present. More pressure is put on (for example) the single Secretary of State representative to attend in person to achieve quorum.
6. The risk of not being quorate is increased when members opt to attend remotely, which is why we have amended the wording of the meeting summons (at the top of the agenda). If the meeting is not quorate, then it is not technically a “meeting” of the Committee, and it cannot make formal decisions. Those members not physically present at the meeting, when it is quorate, are also not entitled to vote. Hence, while we are keen to encourage all members to attend, and would prefer remote attendance over non-attendance, in order for the Committee to function effectively, we would **encourage all voting members to physically attend meetings if at all possible** and we will try to

help you to liaise amongst yourselves to ensure that at least one member from each nominating category is able to be present.

7. One of the actions that has been taken to facilitate different members' attendance is to vary the day and time of meetings throughout the year, following earlier discussions at the Committee and the Board which had concluded that having more variety might facilitate attendance. The Committee meeting dates for the rest of 2024, as previously published in the Board papers, have now been circulated to members as calendar invitations.

**Recommendations:**

- a. **That the Committee NOTES the content of this paper and makes any suggestions or resolutions as it determines to make.**



**Item 7            Policy Casework update**

**Author:** Mike Stubbs, planning adviser; Matt Thomson, head of strategy & planning

**Purpose and Summary:** To update the Committee on responses submitted on policy casework consultations under delegated authority and seek their endorsement; and to update the Committee on wider developments relating to planning policy.

**National planning policy developments**

1. As previously noted, the Levelling-Up and Regeneration Act 2023 received Royal Assent in September, and most of the new legislation came into effect on Boxing Day, including the strengthening of the AONB duty of section 85 of the Countryside and Rights of Way Act 2000.
2. Although the provisions are now in force, there are transitional arrangements in place, meaning that the full impacts of the planning reforms may take a while to become embedded and have impacts in practice, particularly with regard to the preparation of development plans.
3. The Act's planning system reforms are beginning to be explained by DLUHC officials and understood by the wider sector. We have so far avoided attempting to summarise the impacts of the changes, but with some changes to the NPPF published in December, and further advice emerging and discussion among practitioners, we expect to be able to provide Committee members with informed briefings in the next few weeks. Briefings will be circulated, as resources allow, by email, and we anticipate a strategic discussion of the impacts of the reform at the July Committee meeting.
4. Please note that the national rebranding of AONBs as "National Landscapes" has now taken place, and will take effect in the Chilterns during February (CCB's Communications Manager, Vicki Pearce is the point of contact for any queries). There will inevitably be a period of confusion while legislation and policy continue to refer to AONBs.

**Development Plan Casework**

5. Since the October 2023 meeting, we have responded to two Local Plan consultations at Dacorum BC and Three Rivers DC. Both address housing demand issues when confronted by local circumstances, including the need to protect and positively manage each area's AONB and Green Belt assets.

**Dacorum Local Plan - Revised Strategy for Growth Survey (Oct-Dec 2023)**

6. **Background:** Progress with Dacorum's local plan has been delayed since the last round of consultation in the winter of 2020/21, which had generated significant local concern around the amount of development proposed in the plan and the plan's spatial strategy. CCB's response at that time recognised the efforts that DBC had put into the conservation and enhancement of the Chilterns AONB, avoiding allocating development within the protected landscape and seeking to address environmental issues around the Chilterns Beechwoods SAC at Ashridge and Tring Park, including efforts to identify and support 'suitable alternative natural greenspace' (SANGs). Nonetheless, we had raised serious concerns about the plan's ambitions for growth, which did not account for the

existence of AONB (and Green Belt) assets, and necessitated significant development in the setting of the AONB.

7. The local plan currently being prepared is strongly linked with a strategy for the regeneration and growth of Hemel Hempstead, being developed jointly with neighbouring St Albans City and District Council under the government's '[garden communities](#)' programme<sup>1</sup>, parallel with the planning process. DBC and SACDC are engaging with us on that programme. It also worth noting that DBC (and SACDC, along with TRDC, see below) are part of an emerging South West Herts joint strategic plan, which is anticipated to shape the *next* iteration of Dacorum's local plan (as reported to PC in July 2023).
8. **CCB's key points in relation to the latest consultation**, in summary, were that:
  - a. The Sustainability Appraisal (SA) needs to address the development implications arising from the **setting** of the AONB. This needs to be denoted in graphic representation and inform the landscape content and the cumulative assessment of impacts. The AONB boundary review project (as sponsored by Natural England) is mentioned in the SA. We recommend that this be acknowledged as a matter that will run parallel with the plan's progression and potentially influence its content. The SA acknowledges the positive benefits of the AONB (National Landscapes) to health, well-being, place identity, biodiversity and ecological connectivity. The Chilterns AONB national landscape designation covers just over one-third of the district's land area.
  - b. Greater clarification is required on the spatial arrangement of the proposed development areas within the Hemel Garden Communities (HGC) area, which in the 2020 consultation was divided into two parcels. A 2020 and 2023 comparison in graphic form would be beneficial, denoting both spatial extent and numbers proposed. Alongside this, greater discussion of the SANG (**sites of alternative natural greenspace**) area to be associated with the HGC proposal. Greater consideration as to how these proposed land uses overlap with the setting of the AONB.
  - c. Greater discussion and consideration of the forthcoming land **east of Tring decision**, which has implications for the plan, whether allowed or dismissed. That decision is expected soon after the close of this consultation in January 2024.
  - d. The deployment of the landscape assessment work to inform the HGC position statement. This work constitutes key evidence in the consideration of spatial development options. The setting implications for the AONB is a key area of interest. The design and layout of SANGs and related green infrastructure networks are matters closely allied to this.
  - e. The CCB supports the **LPA's reappraisal** of housing numbers and their distribution, when local considerations and constraints are taken into effect. Clearly, we are hopeful that revisions to national policy assist in balancing need against constraints, the latter of which adds so much to the cherished character of this district. That said, the current National Planning Policy Statement disapplies the '**tilted balance**' where land is AONB or is within its setting. The new section 245 of the Levelling Up and Regeneration Act 2023 (LURA)

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<sup>1</sup> <https://www.gov.uk/government/news/garden-communities-set-to-flourish-across-england>

considerably bolsters the legal duty to conserve and enhance the AONB (National Landscape).

- f. We could not find a specific strategy or future policy reassurance on **Chalk Streams** and their protection within section 41 of the Natural Environment and Rural Communities Act 2006 and as dealt with in the AONB Management Plan 2019-2024.
  - g. The Special Area of Conservation (SAC) and its mitigation strategy are wholly supported, and the LPA is commended for its delivery. The Council's adherence, indeed, exceedance, to these sites of alternative SANGs mitigation is also commended and will apply to this local plan.
  - h. Our immediate review of the proposed site allocations is caveated against **the future need for more detailed landscape evidence**. Initially, we acknowledge that Dursley Farm Tring (TR01), as amended, has the potential to avoid any negative impact on the AONB and that land south of Berkhamsted (BK01) sits away from the AONB on the northern side of the town, albeit care is required. The Hemel Garden Communities (HH01 and HH02) requires greater work and the **increase by 1,000 dwellings** presents potential problems to both the **setting of the AONB** and the delivery of the higher number than in 2020, alongside the delivery of a high yielding SANG. The AONB boundary review is also relevant, and it is germane that a large part of the northern boundary of HH01 / HH02 falls within the setting of the AONB. Greater work is required to resolve these issues.
9. The CCB would propose to comment on detailed development management policy wording at subsequent stages as such detail is anticipated.

### **Three Rivers District Council Regulation 18 Consultation Part 4 Preferred Local Plan – Lower Housing Growth Options – Protecting More Green Belt Land (Oct-Dec 2023).**

10. **Background:** This consultation follows an earlier consultation in the summer of 2021 (reported to PC in October 2021). We have also been engaged in correspondence with TRDC officers about their interpretation of the housing delivery policies of the NPPF. Along with DBC (see above) TRDC are part of the South West Herts joint strategic plan, which is anticipated to shape the *next* iteration of TRDC's local plan (as reported to PC in July 2023).
11. In summary, **our response to the latest consultation** is as follows:
- a. Three Rivers District Council contains around 650 hectares of the designated Chilterns AONB, amounting to around 7.3% of the total land area. This includes land around the Chorleywood area and land within the M25, including historic land uses associated with market gardening to serve London (watercress beds, notably) and a part of the historic Metro-land as celebrated by the Metropolitan Railway in the inter-war years. The AONB is currently the subject of **a boundary extension project**. Natural England is leading this project, and we anticipate potential candidate land will be in the public domain during the first half of 2024. That will be highly germane to the evidence base of the Local Plan.
  - b. The Green Belt status of much land within Three Rivers is also relevant to the AONB, where such land either overlaps the AONB and/or borders it. These policies enjoy a different provenance, with AONB protection as a landscape protection and Green Belt as a spatial land-use buffer. However, the setting of the AONB in Three Rivers is influenced by the Green Belt protections that

maintain an open, predominantly rural context. This relationship can, therefore, be symbiotic in a relatively small local authority, such as in Three Rivers.

- c. We support the **strategic approach** taken by the Council in this consultation. We agree with the stance taken with respect to policy constraint, especially the disapplication of the '*tilted balance*' in the National Planning Policy Framework (NPPF) at footnote 7 (noted at 1.4 of the Sustainability Appraisal). The '*balanced provision*' as set out in the Sustainability Appraisal (2.1) requires that '*great weight*' is given to the Conservation and Enhancement of the AONB (NPPF), which is a **nationally designated landscape** (Landscape Institute's GLVIA 3<sup>rd</sup> edition at para 5.1, page 82). We agree with this attribution of planning weight.

12. No **Neighbourhood Plan** responses have been submitted since the October 2023 planning committee.

### **Recommendation**

1. That the Committee **NOTES** the contents of this report, and **ENDORSES** the responses made on the two consultations in paragraphs 8 and 11 above.

**Item 8                    Development Management casework update****Author:** Mike Stubbs, planning adviser**Purpose and Summary:** To inform the Committee about, and seek retrospective endorsement of, the responses made under delegated powers in connection with the planning applications as listed and to update the Committee on any outcomes.**Background**

1. Since the October Committee meeting:

- We have made **12** new comments/objections/representations.
- **3** applications were granted on which CCB made supportive comments and **1** granted on which we had raised objections.
- **5 appeals** were determined, with 3 dismissed and 2 granted (allowed). CCB had raised objections to all these appeals.

<b>Summary.</b>	<b>Outcomes and Updates since October Planning Committee.</b>
Applications granted & CCB Comments = <b>3</b>	Callies Solar Farm, Kimblewick (AONB setting), Change of Use to dog exercising nr Tring revisions to Waste Management facility, High Heavens nr Wycombe.
Applications withdrawn = <b>1</b>	Newland Park nr Chalfont (sports leisure centre).
Applications refused = <b>0</b>	n/a
Applications granted to which CCB had objected = <b>1</b>	Shepherd's Crook PH Crowell (loss of PH to residential).
Planning appeal decisions issued = <b>5</b>	To report/update at the January planning committee
Planning appeal decisions outstanding = <b>3</b>	Land East of Tring decision for 1,400 homes (in AONB setting) anticipated Jan 2024 + Latimer Rd Chenies chicken farm and a caravan proposal in the Hughenden Valley. + 3 new appeals (as reported below)
New applications/appeals since October's planning committee = <b>12</b> .	<b>3</b> fresh appeal representations. <b>1</b> NSIP/DCO evidence submission (Luton Airport). <b>3</b> Comments on applications. <b>4</b> Objections. <b>1</b> in Support.

2. As reported to the last Committee, the CCB awaited outstanding decisions on several appeal cases.
3. 5 decisions were all issued in October/November 2023, with 3 dismissed (Papist Way, Berkhamsted and Chinnor) and 2 granted (allowed) (Luton 19 mppa condition variation and HS2 schedule 17 details at Bowood Lane near Wendover).
4. At **Papist Way** Cholsey 350 dwellings were dismissed by the Secretary of State (Oct 2023). The Inspector did not consider that the proposal would harm the setting of the AONB; however, when considering such major schemes that were not allocated in the Local Plan, he made the point that *'There is also an elephant in the room which has not been hitherto discussed. That is, the effect on public faith in the plan-led system were this appeal to be allowed. NPPF paragraph 15 advises that the planning system should be genuinely plan-led. South Oxfordshire has an up-to-date Local Plan in which considerable public involvement has been invested.* (paragraph 394 and PINS reference 3296251).
5. At land to the **east of Berkhamsted** (Little Heath Lane), a 25 MW solar array abutting the AONB was dismissed (Nov 2023) with the Inspector agreeing with the CCB's stance that *'There is no definition of the setting of the AONB in the development plan. The Chilterns Conservation Board (CCB), to whom the Council deferred in this respect, clearly considered that the appeal site forms part of the setting of the AONB. Indeed given the fact that the AONB and the appeal site are contiguous or virtually contiguous, it would be surprising if that were not the case.* (paragraph 47 and PINS reference 3317818).
6. The appeal on land to the **west of the Thame Road Chinnor** was also dismissed (Nov 2023) and the panoramic setting of the Chilterns escarpment was key, with the Inspector concluding that *'Although there would be no physical effects on the AONB itself, the perceptual sense of a settlement in harmony with its landscape surroundings, and the pre-eminence of the escarpment, would be seriously compromised. However, it would not harm the AONB itself'* (paragraph 72 of PINS reference 3323268).
7. At **Luton Airport** (PINS reference 3296455 – not the current NSIP examination proposal), the Secretary of State agreed with the appointed Inspectors to vary the passenger traffic volumes from 18 mppa to 19 mppa, concluding that *'Although the Chilterns AONB is close to Luton, increases in noise there from additional flights to and from the airport are expected to be imperceptible, and an increase in noise above LOAEL (lowest observed adverse effect level) would be both limited and temporary'*.(paragraph 15.207).
8. At **Bowood Lane** near Wendover, HS2 appealed the refusal by Buckinghamshire of their section 17 (details) application for a new overbridge and landscaping, deemed harmful to the historic hollow way (sunken lane) and its special qualities. In allowing the appeal, the Inspector commented that *'The Council, taking into account the representations made by the Chilterns Conservation Board [AD10.2], considers the design of the Bowood Lane overbridge should be modified. However, I consider the modifications sought by the Council would largely be cosmetic and in practice would do very little to soften and/or improve the proposed overbridge's appearance or contribute meaningfully to the Bowood lane overbridge's integration into the holloway.* (paragraph 42). CCB supported Buckinghamshire in its refusal and at the appeal. This decision is disappointing, particularly because a design solution was possible with greater dialogue between the parties. Subsequently, the Buckinghamshire's Council Leader wrote to the Chief Planning Inspector, raising concern and criticism of the Inspector's logic in granting

planning permission. CCB maintains its position that this design is harmful and unnecessarily urbanises this historic Holloway of Bowood Lane.

9. Land to the **east of Tring** (1,400 dwellings which impacts the AONB's setting from the Ridgeway and Pitstone Hill, within the AONB) is awaited, and the committee will be updated if a decision is issued.
10. CCB continues to be engaged in the **Nationally Significant Infrastructure Project** (NSIP), at Luton Airport and appeared again on the 29th of November 2023 issues specific hearing which included a discussion on the impact upon the relative tranquillity of the AONB. The Examining Authority (ExA) of independent Planning Inspectors sought a bespoke study on how the proposed expansion impacts the special qualities of the AONB. CCB has been heavily engaged in this work and commented on the first and second drafts. We anticipate the ExA will consider our further points ahead of the February 2024 conclusion of the examination, with the final decision 6 months after that.
11. The appeal at **OS Field 7141, Latimer Road, Chenies** (unauthorised chicken farm) (PINS reference 3312263) is still listed for an appeal date, with no date set yet.
12. **New CCB Responses** on planning applications since October's planning committee are listed in Appendix 1 and **current live casework** is listed in Appendix 2. Applications of note within Appendix 1 and to be presented to the committee include current appeals/applications at Hampden Farm Barns (PINS 3329852), Isle of Wight Lane (CB/23/03398/FUL), Luton Airport NSIP/DCO (AS-505) and some reporting back on the recent decisions at Berkhamsted, Chinnor, Luton Airport and Bowood Lane/HS2. Details from the Luton NSIP tranquillity study will be displayed. Discussion of Luton also links with agenda item 10 from the October 2023 planning committee (DM item – Special Report. Luton Airport Examination).
13. The Planning Adviser will provide reflections on the outcomes of CCB representations.

### **Recommendations**

**That the Committee notes and approves the responses made in connection with the applications listed in Appendix 1, and 2.**

**APPENDIX 1****New CCB Responses on Planning Applications since Last Planning Committee**

Location	LPA & References	Development	Status	Summary of the Board's Response	Date
Gomm Valley, Ashwells Reserve Site & Pimms Grove Cock Lane High Wycombe	Buckinghamshire (Wycombe)  APP/KO425/W/23/3332257 PINS  22/06485/OUTEA Buckinghamshire	Planning appeal by Taylor Wimpey UK Limited (West London) against the non-determination of the planning application for, Hybrid planning application (110 dwellings) and outline (489 dwellings).	Pending	CCB's Written Representations  CCB raised an objection that the outline nature of phase two makes it impossible to arrive at a design judgment on the required (in Local Plan policy) bespoke nature of development.  The sensitivity of this site requires the discharge of such details at the most fundamental stage, i.e., when outline permission is determined, or full permission is discharged. The reserved matters or conditions stage would miss the opportunity to assess a high-quality design approach. This site is within the setting of the AONB, benefitting from views 'out' towards the surrounding dip slope to the south of High Wycombe.	25 <sup>th</sup> November 2023
Land Adjacent to Hampden Farm Barn Greenlands Lane Prestwood Bucks	Buckinghamshire (South Bucks & Chiltern)  Reference: PL/23/0377/OA. Planning Inspectorate Reference: APP/X0415/W/23/3329852	Planning Appeal by Mr Kirby against the refusal of planning permission for Outline application for the erection of 4 detached dwellings and garaging (matter to be considered at this stage: access)	Pending	CCB's Written Representations  This case raises the same issues as the recently dismissed appeals. That decision is up-to-date and relevant. Further, section 245 of the Levelling Up and Regeneration Act (which comes into effect on Boxing Day 2023) is	12 <sup>th</sup> Dec 2023



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				<p>relevant. It bolsters the existing duty under section 85 of the CROW Act. Taking forward the October 2022 Inspector's decision to dismiss the 10 and 12 dwellings scheme and giving due weight to this, the Inspector's judgment on AONB matters alone was that the 10-dwelling proposal would result in a '<i>strongly urbanising</i>' form of development (paragraph 16) and the 12 dwellings scheme an '<i>even greater adverse effect</i>' (paragraph 17). The Great Missenden appeal scheme, on which the current appeal still relies, was deemed different in its merits from this proposal (paragraph 19). The Inspector encapsulated the harm to the AONB and the Green Belt as '<i>collectively overwhelming</i>' (paragraph 45).</p>	
<p>Grove Farm Patemore Lane Pishill, Nr Henley.</p>	<p>SODC  LPA reference: P22/S3363/FUL  Planning Inspectorate (PINS) reference: APP/Q31115/W/23/3327205</p>	<p>Appeal by Country Snugs Ltd against the refusal of planning permission by South Oxfordshire District Council seeking the conversion of existing barn into single 4-bedroom dwelling, construction of new car port and renovation of existing stables. Demolition of all other site buildings and upgrade of existing vehicular entrance.</p>	<p>Pending</p>	<p>CCB's Written Representations</p> <p>We could not find a structural report, but we do accept that the existing buildings are predominantly in a poor state of some disrepair. The proposed new dwelling will, therefore, need to be determined on its own design merits. The site is not previously developed (brownfield) land, due to its</p>	<p>12<sup>th</sup> December 2023</p>

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				<p>agricultural status and the applicant's desire for a <i>'timeless building sitting in the rural street scene without standing out as a recent development'</i>, the yardstick against which this is assessed, subject to the planning principle being accepted. As submitted, it does appear to be a bold design and could be readily changed to a more modest part single and part two storey to reflect the existing buildings. We accept this is a judgment to make but notwithstanding the proposed materials, which are to some degree recessive, it will appear as a newly built modern dwelling and not part of a complex of former agricultural buildings within their setting.</p>	
<p>Land Between Wendover Road And Aston Clinton Road Weston Turville Bucks</p>	<p>Buckinghamshire Council (Aylesbury Vale) 23/01876/ADP</p>	<p>Submission of Reserved Matters (access, landscaping, appearance, scale and layout) for the Southern Link Road (West) comprising access from Wendover Road/SEALR roundabout to include access into Phase 1, infrastructure works and associated drainage and landscape features pursuant to Outline Planning Permission 16/00424/AOP</p>	<p>Pending</p>	<p>CCB's Comments  The Chilterns AONB is between 2.9 and 4.5 km from the application area, at the closest points. The AONB is a highly valued landscape, and the submitted ES accepts that the view from Coombe Hill is a constituent part of the special qualities of the AONB and a panoramic view of regional significance (see submitted ES chapter 7 and AONB Management Plan 2019-2024) Key</p>	<p>5th October 2023</p>

Location	LPA & References	Development	Status	Summary of the Board's Response	Date
				Recommendations. To mitigate against an eye-catching linear strip of lighting in the wider panorama, we seek a greater screening to the southern boundary, promoting mixed planting in a designed 'belt' instead of the currently proposed linear 'strip'. We promote a review of lighting design to secure a low-impact alternative.	
Field Adjacent to Burial Ground Driveway off B4526 Reading Road Goring on Thames	SODC P23/S3743/FUL	Application proposing the material change of use of land for mixed use of Equestrian and Residential, through the formation of a Gypsy/Traveller pitch providing 1 Static caravan/Mobile Home and 1 Touring Caravan, alongside ancillary development.	Pending	CCB's Objection  The proposed development is the subject of enforcement action, and two appeals are scheduled to commence on 9 <sup>th</sup> April 2024. Considering the merits here, the proposal harms the AONB's landscape and the acknowledged special qualities of these nationally protected landscapes. Those special qualities are set out in the 2019-2024 Management Plan. We would draw attention to the ' <i>relative tranquillity, dark skies, unspoilt countryside, secret corners and a surprising sense of remoteness</i> '. The applicant's submitted supporting planning statement (at its page 15) acknowledges that there will be ' <i>some harm</i> '.	14 <sup>th</sup> December 2023
Isle of Wight Lane, near	Central Beds Council	Demolition of Water Tower, Isle of Wight	Pending	CCB's Comments	6 <sup>th</sup> November

Location	LPA & References	Development	Status	Summary of the Board's Response	Date
Dunstable.	CB/23/03398/FUL	Lane, Dunstable and erection of a 5-storey residential tower in replacement		The CCB objected to the earlier 2020 application on this site (subsequently withdrawn). This application must be considered against the same policy environment. We cannot see that the planning merits are materially changed by proposing a new structure that seeks to copy the existing form in a location where such new development would ordinarily be resisted. The structure, no matter how elegant the use of materials may strive to be, would be a 'lightbox' at dusk/evening time and a visual detractor in the daytime within this nationally protected landscape. The location is highly visible when travelling southeast from the Dunstable Downs Gateway Centre. The applicants in their supporting statement, describe the location as ' <i>sensitive</i> ' and we agree.	2023
OS Parcel 5940 Main Road Rotten Row Hambleton Bucks	BC, Wycombe area  23/07332/FUL	Demolition of redundant buildings/structures, and erection of a shooting lodge facility to serve Huttons Farm Estate, with associated car-parking and improvements to driveway, access via Main Road, Hambleton,	Pending	CCB's Objection  This application is wholly located within the Chilterns AONB. The CCB is content to repeat our previously submitted comments in objection. The current application is reported by the applicants as a ' <i>tightening up</i> ' of the footprint and design form.	23 <sup>rd</sup> Oct 2023

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				<p>The design revisions are clearly explained. The principle of development is, as previously reported, not established. This site is undeveloped Chilterns AONB, following the definition of previously developed (brownfield) land in the National Planning Policy Framework (NPPF) glossary.</p> <p>The starting point for the determination of this application must be the special qualities of the AONB. In this case that is the, <i>'relative tranquillity and peace on the doorstep of ten million people,</i> (please see pages 10 and 11 of the 2019-2024 Management Plan). The design revisions do not and cannot address this more fundamental concern, whereby new buildings are introduced into the countryside.</p>	
Luton Airport Expansion (Luton Rising)	<p>Sec of State following Examining Authority's recommendation (ExA).</p> <p>AS-505 (CCB's reference)</p>	Application by London Luton Airport Limited for an Order Granting Development Consent for the London Luton Airport Expansion project.	Pending – closes on 10 <sup>th</sup> Feb and decision within 6 months of the close	<p>CCB's Oral and Written Evidence to the NSIP/DCO:</p> <p>3 actions have been set by the ExA, as affect the CCB:</p> <p>Action 25. (Luton Airport) to liaise with the Chilterns Conservation Board and councils on the content of further assessment being</p>	29 <sup>th</sup> November 2023

Location	LPA & References	Development	Status	Summary of the Board's Response	Date
				<p>undertaken on the Chilterns Area of Outstanding Natural Beauty (AONB).</p> <p>Action 26. (Luton Airport) to confirm how achievable the proposed increase in flights is to avoid the AONB.</p> <p>Action Point 42. (Luton Airport) to submit a draft of the assessment on the special qualities of the Chilterns National Landscape.</p> <p>The outcome of these actions will be reported to the planning committee.</p> <p>The special qualities (SQ) study seeks a new methodology for assessing tranquillity. The CCB has been working to influence this methodology. Currently, we diverge from the applicants on the likely impact upon the relative tranquillity experienced by people recreating in the landscape. We continue to question some of the conclusions drawn, especially the applicant's internal differences between their submitted Environmental Statement (concludes a <i>significant effect</i> will impact the perceptual and aesthetic qualities of the AONB) and the draft emerging</p>	

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				special qualities/tranquillity study (concludes the impact upon the SQs as <i>a minor</i> one).	
Plot 101 Gaddesden Row Great Gaddesden.	Dacorum BC  23/02334/FUL	Small Barn and 2 Polytunnels, Plot 101 Gaddesden Row, Great Gaddesden.	Pending	CCB Objection  We have seen the LPA's conservation and landscape internal consultation. We fully support this analysis and share the officer's view that the siting of polytunnels in this location does not comply with the Chilterns Buildings Design Guide (see its section 4.35, Polytunnels - <i>From a landscape point of view, however, such structures are often inappropriate, particularly in sensitive settings</i> ).  Further, failure to satisfy AONB policy, including AONB Management Plan DP6. In its reasoned text it states that, types of developments most likely to benefit from the AONB, and in return bring benefits to the AONB, are those that are most compatible with conserving and enhancing its character and supporting public appreciation.	23 <sup>rd</sup> November 2023
81 - 83 High Street and 4-6 Whealers Yard Great Missenden Bucks	BC, Wycombe area  PL/23/3484/FA	Alterations and extensions to the existing Grade II Listed Roald Dahl Museum buildings, demolition of existing office/residential building (4-6 Wheelers Yard) and construction of single-storey front	Pending	CCB's Support  There is much to commend in this application, and the principle of development (use and function) is supported by the delivery of the	14 <sup>th</sup> November 2023

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		courtyard extension, link extension and single-storey rear/side extension, internal alterations including opening up and enclosing spaces, courtyard resurfacing and landscaping		<p>secondary duty (s 87 (2) CROW Act 2000). The Board recognises the contribution made by the museum to the economic and social well-being of local communities. This also aligns with chapter 9 of the AONB Management Plan 2019-2024, which includes policy SP1, to, <i>'Develop the visitor economy and increase its economic impact'</i>, and SP3 to <i>'Promote historic market towns as gateways to the countryside'</i>.</p> <p>We noted in the papers that the additional works and alterations result in an anticipated increase in the income expended into the local economy. Allied with the duties in CROW and the policies in the AONB Management Plan, these are positive consequences that can be given weight in the planning balance and the decision-making process.</p>	
Land Between Wendover Road and Aston Clinton Road Weston Turville Buckinghamshire	BC, Aylesbury area  23/02569/ADP	Submission of Reserved Matters (access, landscaping, appearance, scale and layout) for Parcels WN1 WN2 & WN3 (378 Dwellings) pursuant to Outline Planning permission 16/00424/AOP and approval of condition 9 (details), condition 12	Pending	CCB's Comments  Our comments on the original application, dealing with the principle (16/00424/AOP), dealt with proposed mitigation, addressing matters of lighting and landscaping. We	12 <sup>th</sup> October 2023



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		<p>(design code compliance), conditions 16 and 17 (landscape scheme), condition 19 (trees and hedgerow protection), conditions 20 and 21 (ecology), condition 22 (badger mitigation), conditions 24 and 25 (drainage and Suds), condition 31 (sustainability), condition 38 (slab levels), conditions 40 and 43 (highways transport and parking) and condition 45 (noise).</p>		<p>consider it is material that these matters will assist in helping to meld the visual impacts of the development into the background view, when viewed from within panoramic views within the AONB, such as at Coombe Hill. The original outline application and its accompanying Environmental Statement promoted appropriate mitigation. These panoramic views are noted as acknowledged special qualities in the AONB Management Plan 2019.</p> <p>The lighting details show a series of top-lit columns for internal roads and pavements. We would welcome a commentary on this to establish the best practice set out by the Institution of Lighting Professionals (ILP) guidance. The use of low-level bollards, various smart technologies, and commentary on the colour-coordinated temperature (CCT) levels will assist. Again, we promote best practices to assist the assimilation of this new development when viewed from elevated panorama positions, such as Coombe Hill.</p>	
Rumbolds Pit, Eyres Lane,	OCC	Application for Certificate of Lawful	Pending	CCB Objection	28 <sup>th</sup> December

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Ewelme Wallingford	MW.0171/23	Existing Use and Development (CLEUD) for the retention of a Waste Transfer Station		<p>This application lacks the necessary <i>'precision and clarity'</i> (in Planning Practice Guidance) to proceed. It purports to replicate an existing CLEUD, which is already enforceable and understood. To progress two CLEUDs on the same site, purporting to establish the same existing levels of use and development, renders future enforcement complex and potentially futile. This is a sensitive site on the very boundary of the AONB (now National Landscape). We fully accept that planning merits are irrelevant in such a matter.</p> <p>The submitted papers mention an extant CLEUD and state that the current uses <i>'are believed to conform with the extant CLEUD'</i>. This renders the current application void.</p>	2023

APPENDIX 2**Current Live CCB Planning Application Casework.**

Location	LPA	Ref number	Development	Deadline
Mile Barn Farm Dagnall, Beds	CBC	CB/04134/FUL	9 dwellings, further amended plans (layout and design)	11 <sup>th</sup> Jan 2024
Luton Airport (Luton Rising) Nationally Significant Infrastructure Project /Development Consent Order	Sec of State/PINS	AS-055 (CCB's reference)	London Luton Airport expansion project (18 to 32 MPPA)	9 <sup>th</sup> Jan 2024 (deadline 7) Comments on Special Qualities impact study.
Westfield Farm, Medmenham nr Marlow	BC, Wycombe area	23/08030/FUL	Two-storey office and 5 new residential units within the existing complex.	18 <sup>th</sup> Jan 2024
Cedar Wood House Goring-on-Thames	SODC	P23/S4299/FUL	Replacement dwelling	14 <sup>th</sup> Jan 2024