

**The Chilterns  
Conservation Board**  
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Chairman:	Cllr Ian Reay
Vice Chairman:	Helen Tuffs
Chief Officer:	Sue Holden

5<sup>th</sup> June 2018

Emma Showan,  
Senior Planning Officer,  
Chiltern District Council.

**By E-mail only to:** [planningconsultations@chiltern.gov.uk](mailto:planningconsultations@chiltern.gov.uk)

**Outline planning application for the development of site to provide up to 99 dwellings (matters to be considered at this stage: access)  
Land South West of Asheridge Road (adjacent to Darvell Drive, Chesham  
Planning Application CH/2018/0659/OA**

Dear Emma,

### **Objection**

The Chilterns Conservation Board objects to this planning application.

### **Major development test**

This is a greenfield site in the Chilterns AONB, a nationally protected landscape. Given the large scale of development proposed (up to 99 dwellings) and the landscape and topography of the location, we consider this to be major development in the AONB, which under paragraph 116 of the NPPF should be refused unless the tests of exceptional circumstances and public interest are met:

*“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.” (NPPF para 116)*

Looking first at the three tests for exceptional circumstances:

(i) the Chilterns Conservation Board does not consider that meeting housing numbers constitutes need in the context of national considerations and there is no local economy argument in favour of this site for housing above others;

(ii) there is scope to meet the need elsewhere outside the AONB and the setting of the AONB in the wider housing market area (see emerging local plan);

(iii) the proposal would be positively harmful to the environment and the landscape, it would not conserve and enhance the AONB and there is no reasonable case that the detrimental effects could be moderated.

Next, looking at whether the development is in the public interest, this is a greenfield site in the AONB where the primary objective is to conserve and enhance the natural beauty of the landscape, and the application does not involve proposals for local community infrastructure, job creation etc to balance in favour of the scheme.

The Chilterns Conservation Board's view is that this is not a reasonable site for development. The application is submitted in advance of the Chiltern and South Bucks Local Plan and is not a site proposed for allocation in that emerging plan.

### **Chilterns AONB Management Plan**

The [Chilterns AONB Management Plan](#) is a statutory document prepared under the Countryside and Rights of Way Act 2000. The application proposal fails to meet the following policies:

- Policy L5      Developments which detract from the Chilterns' special character should be resisted.
  
- Policy L8      Landscapes close to existing and new areas of development should be maintained and enhanced to conserve, enhance and extend: natural capital; green infrastructure; character and amenity; biodiversity; and opportunities for recreation.
  
- Policy D6      Where new housing development is proposed this should only be permitted if its scale, massing and density reflect the local context and have regard to the special qualities of the AONB.

### **Landscape and visual impact**

The LVIA explains that Lockhart Garratt (LG) were commissioned to 'undertake a Landscape and Visual Impact Assessment of these proposals'. However the Chilterns Conservation Board considers their assessment focusses far more on the visual impact than on the landscape assessment part of that commission.

The site sits in open countryside within the AONB and Green Belt (GB) to the north west of Chesham. Both designations would make most landscape architects assume the default position that the landscape should remain free from major development. Open countryside has intrinsic character and beauty which is recognised in the NPPF and should be recognised by proposals. Although LG appear to make a tentative argument for de-facto de-designation of this part of the AONB and GB, the boundary of the AONB is a matter for the Secretary of State through Natural England, and Green Belt review is for the local plan process. A planning application is not the correct arena for considering either suggestion.

In the Chiltern Landscape Character Assessment the site falls within Landscape Character Area 17.2 BELLINGDON DIPSLOPE WITH DRY VALLEYS with a defining characteristic of 'A rolling and undulating topography, with steep slopes contrasting with flatter valley ridges. A smooth and sweeping landform.' The strategy/ vision for this landscape is "Conserve and manage Bellingdon Dipslope with Dry Valleys as a peaceful landscape of mixed farmland and woodland areas. Maintain the quiet and rural character, the visual unity of the landscape and the open panoramic views." The proposed housing development is contrary to this strategy/ vision.

The Chilterns Conservation Board agrees with LG that 'the application site is in a highly sensitive location on account of its inclusion within the Chilterns AONB' and that 'the application site shares a strong relationship with the facing valley slopes' (Summary para 2).

We do not agree with LG that the site 'shares a strong relationship with ...the adjacent settlement of Chesham, but a limited relationship with the rural landscape to the north-west'. Further we do not agree that the 'presence of an area of light industry to the east' exerts an influence that is particularly strong. The argument that housing adjacent to the site is not well screened from the site nor the AONB could, if the application were approved, easily be applied to land surrounding the Chess Vale bowling club to the north-east. Approval would not only be contrary to the NPPF but would set a dangerous precedent.

Whilst the proposed new perimeter path could ensure 'ownership' of the woodland by local residents, the new relationship of the woodland to the development and to the new footpath would also ensure more intense management and a pressing need to remove trees that area dangerous. The relationship between the proposed new housing is in places very tight and will almost certainly result in removal of trees to accommodate this density of development.

The NW boundary of Chesham at this point is slightly more abrupt than is to be hoped, a failure of development and planning of the past. However this could be easily and simply addressed by changes in management on the farmland which is currently the land use of the site. Grants for woodland planting, for example would address this issue and there is no need for a major application to address this. Even a hedgerow or narrow belt of trees or perhaps enhancements to the boundary treatments on rear gardens would improve the situation. There is no need for a development of 99 dwellings to address this problem. The improvements could be made cheaply and simply through tree and hedgerow planting at limited cost. There is no public benefit to this 'highest status' landscape from these proposals, and no very special circumstances.

Large housing development brings far wider impacts than just the visual, for example more water abstraction from chalk streams, traffic generation through the AONB, habitat fragmentation, increased recreation pressures, noise, air and light pollution. It is about far more than whether a development would be seen.

## Conclusion

1. The AONB is a location where development should be restricted and the presumption in favour of sustainable development does not apply (NPPF para 14 footnote 9).
2. Great weight should be given to conserving and enhancing the natural beauty of the AONB (NPPF para 115).
3. This is major development in the AONB and does not pass the major development tests. There are no exceptional circumstances and it is not in the public interest (NPPF para 116).
4. The proposal is contrary to adopted policy on the Chilterns AONB in Chiltern Local Plan Policy LSQ1 and Core Strategy policy CS22, and the emerging Chiltern and South Bucks Local Plan and it was not a site proposed in the Green Belt preferred options consultation.
5. The proposal does not comply with policies in statutory Chilterns AONB Management Plan.
6. There is a statutory of duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB in Section 85 of the [Countryside and Rights of Way Act 2000](#), and the local planning authority should refer to this in making and recording a decision.

The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB. It is made up of representatives nominated by the organisations listed in Appendix 1.

Yours sincerely,

*Lucy Murfett*

**Lucy Murfett, MRTPI**  
**Planning Officer**  
**For and on behalf of the Chilterns Conservation Board**



**The Chilterns Area of Outstanding Natural Beauty**

The Chilterns AONB was designated in 1965 for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, 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.

**Chilterns Conservation Board**

The Chilterns Conservation Board is a statutory independent corporate body set up by Parliamentary Order in 2004 under the provisions of Section 86 of the Countryside and Rights of Way (CRoW) Act 2000.

The Board has two statutory purposes under section 87 of the CRoW Act:

- a) To conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment by the public of the special qualities of the AONB.

In fulfilling these roles, if it appears that there is a conflict between those purposes, Conservation Boards are to attach greater weight to (a). The Board also has a duty to seek to foster the economic and social well-being of local communities within the AONB.

**Statutory duties on Public Bodies regarding the AONB**

All public bodies, including ministers of the Crown, local planning authorities, parish councils and Conservation Boards are subject to Section 85 of the CRoW Act which states under "General duty of public bodies etc"

"(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

**List of Organisations providing Nominees to the Chilterns AONB Conservation Board**

The Chilterns Conservation Board has 27 board members, all drawn from local communities:

- Buckinghamshire, Hertfordshire and Oxfordshire County Councils
- Central Bedfordshire and Luton Borough Councils (unitary authorities)
- Aylesbury Vale, Chiltern, North Hertfordshire, South Buckinghamshire, South Oxfordshire, Three Rivers and Wycombe District Councils, Dacorum Borough Council
- The Central Bedfordshire, Buckinghamshire, Hertfordshire and Oxfordshire Parish Councils (6 elected in total), and
- DEFRA (8 in total).