



## Directorate for Planning, Growth and Sustainability

King George V House, King George V Road, Amersham, Bucks HP6 5AW

planning.csb@buckinghamshire.gov.uk

01494 732950 | 01895 837210

www.buckinghamshire.gov.uk

Mr Matthew Noades  
Noades Architects  
4 Penn Way  
Chorleywood  
WD3 5HQ

## BUCKINGHAMSHIRE COUNCIL DECISION NOTICE

Application no. PL/22/1321/FA

### TOWN AND COUNTRY PLANNING ACT 1990

### Town and Country Planning (Development Management Procedure)(England) Order 2015

In pursuance of their powers under the above-mentioned Act and Order, Buckinghamshire Council as Local Planning Authority, **HEREBY PERMITS** the following:

**Applicant:** Mr Charles Moore

**Location:** Holmdale , Cokes Lane, Little Chalfont, Buckinghamshire, HP8 4TX

**Proposal:** Demolition of existing single storey rear extensions. Construction of single storey rear extension, conversion of garage with front bay window, 2 front and 2 rear dormer windows, side and rear rooflights and changes to windows and doors

in accordance with your application received on **12 April 2022** and the plans and particulars accompanying it subject to the following conditions and reasons set out on the following page(s).

**Steve Bambrick**  
**Service Director of Planning and Environment**  
On behalf of the Council

Date: 10 June 2022

### **SCHEDULE OF CONDITIONS AND REASONS RELATING TO THIS PERMISSION**

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2. The exterior of the development hereby permitted shall only be constructed in the materials specified on the application form and plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.

Reason : To ensure that the external appearance of the development is not detrimental to the character of the locality.

3. The new window at first floor level in the north eastern elevation serving an en-suite shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

Reason: To protect the amenities and privacy of the adjoining property.

4. The development hereby permitted shall incorporate biodiversity features of 1 bat or bird box into the buildings or mature trees within the site. The biodiversity features, which shall have been installed prior to the first occupation of the development, shall be retained thereafter and only replaced with similar features.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy CS24: Biodiversity of the Chiltern District.

5. This permission relates to the details shown on the approved plans as listed below:

**Drawing No.(s): P-001 Location Plan** received on 12 April 2022, **P-002 Existing Drawings** received on 12 April 2022, **P-003E Proposed Drawings** received on 12 April 2022,

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

### **INFORMATIVES**

1. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.chiltern.gov.uk/CIL-implementation> or contact 01494 475679 or [planning.cil.csb@buckinghamshire.gov.uk](mailto:planning.cil.csb@buckinghamshire.gov.uk) for more information.

2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution

under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

3. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

### **GENERAL NOTES**

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See the attached Appeal Notes for details of appealing this decision

1. This permission does not operate for the purpose of the Building Regulations or exempt you from obtaining any approval that may be required under those Regulations or compliance with any other statutory requirements. For advice please visit the Building Control pages on the Council's website or telephone 01895 837296.
2. There must be no departure from the approved application, particulars and plans without the written consent of the Council.
3. If this Decision Notice includes conditions that require the submission of details for the written approval of the Local Planning Authority, then you must formally apply to the Local Planning Authority to discharge the condition(s). To apply, complete and submit forms that are available on the Council's website, together with the appropriate fee. A fee is payable per new request, not per condition and any applications submitted without the appropriate fee will not be dealt with, until the correct fee is paid.
4. Please be aware that pre-commencement conditions must be discharged prior to works starting on site. The Development Management Section will not normally approve details required by a pre-commencement condition retrospectively. Failure to comply with the requirements of such conditions may mean that the planning permission itself cannot be implemented and a new application will be required.

## **APPEAL NOTES**

The applicant may appeal to the Secretary of State if aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. Guidance can be found on their website including how to complete your appeal form.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

### **• Householder Applications(\*)**

If you want to appeal against the **refusal of planning permission** on a 'Householder Application' then you must do so within **12 weeks** of the date of this notice. However, if you want to appeal **against the granting of planning permission subject to conditions** on a 'Householder Application' then you must do so within **6 months** of the date of this notice.

(\*) A householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. It includes an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development. Please note, this does not include development in the boundary of, or to an existing flat or maisonette.

### **• Other Planning Applications (Non Householder)**

You may wish to appeal against the:

- (1) Refusal of a planning, listed building consent, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning or listed building consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The correct form must be used to appeal – Planning: Listed Building Consent; or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An **advertisement application** must be made within **8 weeks**
  - (2) If development is a **shop front or other minor commercial development** must be made within **12 weeks**
  - (3) All other **non-householder application types** or development types must be made within **6 months**
5. The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay
  6. The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
  7. In practise, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

### **Important information in relation to an enforcement notice**

Different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is within: **28 days from the date of refusal or the date of determination**. If an enforcement notice is served after the application's decision date or date for determination, the time limit is **28 days from the enforcement notice date**, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice. (This does not apply to Advertisement Consent Applications)

### **Purchase Notices**

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
9. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.