



Directorate for Planning, Growth and Sustainability

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BUCKINGHAMSHIRE COUNCIL DECISION NOTICE

Application no. PL/22/0927/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:** Ms & Mr Jane & Simon Davies
- Location:** Shercot , Rignall Road, Great Missenden, Buckinghamshire, HP16 9PE
- Proposal:** Demolition of existing dwelling and erection of detached dwelling with part basement, outdoor swimming pool, driveway, new vehicular access and widening of existing vehicular access

in accordance with your application received on **8 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: 19 May 2023

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. Before any construction work commences above slab level, details of the materials to be used for the external construction of the dwelling and hardsurfacing hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

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

3. Prior to the commencement of any works on site, detailed plans, including cross section as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

4. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access Within the Public Highway".

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

5. The scheme for parking, garaging and manoeuvring of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6. No development above ground level shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include trees to be retained showing their species, spread and maturity and include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To help the development integrate with the character of the area and ensure biodiversity net gain on site.

7. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To help the development integrate with the character of the area and ensure biodiversity net gain on site.

8. The development hereby permitted shall not commence until one of the following has been submitted to and approved in writing by the Local Planning Authority:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or

b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation importance.

9. Prior to the commencement of development above ground level, details of biodiversity features of a bat loft, integrated bat boxes, bird boxes on trees and hedgehog pathways in any boundary fences shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy24: Biodiversity of the Chiltern District Core Strategy and to ensure the survival of protected and notable species that may otherwise be affected by the development.

10. Prior to the commencement of any development a construction method statement shall have been submitted to, and approved in writing by the Local Planning Authority. This to include details of reasonable avoidance measures for protected and notable species (nesting birds, amphibians, reptiles, badger and hedgehog) and measures to protect the adjacent ancient woodland. The development shall proceed in accordance with the approved measures, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the survival of protected/notable species and habitats of conservation importance that may otherwise be affected by the development.

11. The sustainable hardwood louvres shown on the southern elevation of the dwelling hereby permitted shall be installed prior to the first occupation of the dwelling hereby permitted and thereafter retained.

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

12. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A-E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site, unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals would be detrimental to the openness of the Green Belt, character of the AONB and the neighbouring properties.

13. The dwelling hereby approved shall be constructed to meet, as a minimum, the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policies CS4 and CS26 of the Core Strategy for Chiltern District (adopted November 2011) and Section 14 of the National Planning Policy Framework, 2021.

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

Drawing No.(s): 2103 EX 00 received on 1 April 2022, **2103 PA 01 L** received on 10 May 2023, **2103 PA 02 E** received on 10 May 2023, **2103 PA 03 E** received on 10 May 2023, **2103 PA 04 E** received on 10 May 2023, **2103 PA 05 D** received on 10 May 2023, **2103 PA 06 C** received on 10 May 2023, **2103 PA 07 D** received on 10 May 2023, **2103 PA 08 C** received on 10 May 2023, **2103 PA 09 C** received on 10 May 2023, **2103 PA 10 C** received on 10 May 2023, **2103 PA 11 C** received on 10 May 2023,

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 for more information.

2. This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall remain open and available unless legally stopped up or diverted under Section 257 of the Town and Country Planning Act 1990 or temporarily closed by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984.

3. The applicant is advised that, depending on the Category of dwelling agreed, the minimum requirement for a visitable dwelling is that it will need to comply with Part M of the Building Regulations, and it will need level/ramped access from the site plot parking area to a compliant width front door with firm even surface finishes. The dwelling will need an accessible WC on the entrance story to domestic Part M requirements.

4. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Buckinghamshire Highways at the following address for information.

Buckinghamshire Highways (Streetworks)
10th Floor,
Walton Street Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416

GENERAL NOTES

Application no. PL/22/0927/FA

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) 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.