

ITEM NUMBER: 5b

24/00787/FUL	Demolition of existing dwellings and stable/storage buildings and redevelopment with three detached dwellings.	
Site Address:	End Oak, Water Lane, Bovingdon, Hemel Hempstead, Hertfordshire HP3 0NA	
Applicant/Agent:	Mr And Mrs T & S Jones	Ms Adams
Case Officer:	Heather Edey	
Parish/Ward:	Bovingdon Parish Council	Bovingdon / Flaunden / Chipperfield
Referral to Committee:	Contrary View of Parish Council	

1. RECOMMENDATION

1.1 That planning permission be REFUSED.

2. SUMMARY

2.1 The proposed development is unacceptable in principle, noting that the works fail to accord with any of the exceptions for appropriate development in the Green Belt set out under Paragraphs 154 and 155 of the NPPF (2023). Whilst amounting to a number of benefits, it is not considered that these factors are sufficient to warrant the case for very special circumstances required to justify the development and outweigh its harm on the Green Belt. The proposal is therefore unacceptable in principle, failing to accord with Policy CS5 of the Core Strategy (2013) and the NPPF (2023).

2.2 Whilst the design and material finishes of the proposed dwellings have been significantly improved under the current proposal, by reason of its siting, House 3 detracts from the established pattern of development, encroaching into the countryside. The proposal is therefore unacceptable on design/visual amenity grounds, and is contrary to Policies CS5, CS11 and CS12 of the Core Strategy (2013).

2.3 The proposed development is considered to be acceptable on residential amenity grounds, having no adverse impacts on the residential amenity of neighbouring properties and securing high standards of amenity for future occupants. No highway/pedestrian safety concerns are considered to be generated and sufficient off-street car parking provision would be provided for future occupiers of the site. The proposal therefore complies with the NPPF (2023), Policies CS8, CS11, CS12, CS19, CS20 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

2.4 The application does not provide sufficient information to satisfy the Council, as the competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. There are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to Policy CS26 of the Dacorum Borough Core Strategy (2013), Paragraph 175 of the National Planning Policy Framework (2023) and the requirements of the Habitats Regulations (2017 and 2019).

3. SITE DESCRIPTION

3.1 The application site is located to the north east of Water Lane, in a semi-rural location on the outskirts of Bovingdon, in the Metropolitan Green Belt. The site comprises two modest detached bungalows known as End Oak and Oakleigh which front Water Lane, and to the rear, comprises a

number of detached equestrian stable buildings/facilities which formerly served as a horse livery/riding school.

3.2 The site is served by two vehicular accesses off Water Lane and is heavily landscaped along its boundaries. The riding school/horse livery is no longer in operation, with the existing array of stable buildings used by the current site owners for stabling/storage purposes.

4. PROPOSAL

Previous History

4.1 Under application 23/02417/PRDB, pre-application advice was sought to establish whether any concerns would be raised to the proposed redevelopment of the site, (including the demolition of the existing bungalows and stable buildings), to provide four new residential dwellings, (consisting of three one and a half storey dwellings and a bungalow).

4.2 The previous Case Officer raised objection to the above scheme at pre-application stage. Firstly, concerns were raised that the proposal would be unacceptable in principle, noting that the works failed to accord with any of the exceptions for appropriate development in the Green Belt, and that the arguments in favour of the scheme were insufficient to warrant the case for very special circumstances required to justify the development. In support of this argument, the previous Case Officer made reference to the fact that the proposal would result in a greater sprawl of development across the site, a significant intensification of the use of the site and noted that the fourth dwelling, (when considered in connection with its residential curtilage), would amount to the introduction of urban sprawl into rear open land.

4.3 In addition to the above concerns, the previous Case Officer also raised objections to the scheme on design grounds, arguing that the development would detract from the semi-rural character and appearance of the immediate area. In particular, it was argued that the proposed increase in density would detract from the sense of spaciousness on the site, and that the suburban and uniform designs/external appearances of the dwellings would appear incongruous in this semi-rural setting.

Current Proposal

4.4 Under the current application, permission is sought to redevelop the site, with works including the demolition of the existing detached bungalows and stable/storage buildings, and the construction of three detached dwellinghouses with associated garages/carport structures.

4.5 The submitted plans indicate that Houses 1 and 2 would be sited to front Water Lane, (consistent with the existing build line of properties), whilst House 3 would be sited to replace the existing equestrian stables/buildings to the rear. The properties would all comprise a one and a half storey height, (ranging from heights of approximately 7.6m to a maximum height of 8.2m), and would be served by existing vehicular accesses off Water Lane.

4.6 The properties would all be of traditional design/style, featuring half hipped roofs, dormers and oak framed porches, and would be externally finished in a mixture of different materials, including plain clay and slate roof tiles, red multi clay bricks, timber cladding and flint walling.

5. PLANNING HISTORY

Planning Applications (If Any):

4/00979/93/FUL – Use of premises for operation of 3 taxi and minibus.
Granted – 20th August 1993

4/0033/90 – Use of parking and operation of taxis (temporary permission)
Granted - 15th March 1990

W/0251/62 – Dutch Barn.
Granted - 1962

6. CONSTRAINTS

Advert Control: Advert Spec Control
CIL Zone: CIL2
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Bovingdon CP
RAF Halton and Chenies Zone: Green (15.2m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (December 2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Core Strategy (2013)

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainability Design and Construction
CS32 - Air, Soil and Water Quality
CS35 - Developer Contributions

Local Plan (2004)

Policy 18 - The Size of New Dwellings

Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Saved Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Parking Standards Supplementary Planning Document (2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

Policy

9.2 The site falls within the Metropolitan Green Belt, wherein new development is heavily restricted. Whilst Paragraph 154 of the NPPF (2023) states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, this policy proceeds to set out a number of exceptions to this rule. The following exception is deemed of relevance to the current proposal:

'g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

9.3 Policy CS5 of the Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, and that small-scale development will be permitted, (i.e. (e) the redevelopment of previously developed sites), provided the works have no significant impact on the character and appearance of the countryside and that the works support the rural economy and maintenance of the wider countryside.

Assessment

Do the works amount to the redevelopment of previously developed land?

9.4 The NPPF (2023) defines previously developed land as:

'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

9.5 The application site is currently occupied by two residential dwellings and an array of equestrian stables/barns. Given that the site does not fall under any of the exclusions set out above, it is felt that the proposal can reasonably be considered to amount to the redevelopment of previously developed land.

Would the works have a greater impact on the Green Belt's openness than the existing development?

9.6 The application does not propose the construction of any affordable housing and as such, the key issue of consideration to the application relates to whether the works would have a greater impact on the openness of the Green Belt than the existing development.

9.7 Floorspace and volume calculations were included as part of the submitted Planning Statement. During negotiations with the Agent, inaccuracies were highlighted, and as such, the following revised figures were submitted:

Building	Existing Footprint – Gross External Area (m²)	Proposed Footprint – Gross External Area (m²)	Existing Volume (m³)	Proposed Volume (m³)	Permitted Development – Gross External Area (m²)	Permitted Development – Volume (m³)
End Oak (including garage and greenhouse)	135.3	/	/	/	/	/
Oakleigh	104	/	/	/	/	/
House 1 (excluding garage/carport)	/	158	/	/	/	/
House 2 (excluding garage/carport)	/	166	/	/	/	/
House 3 (excluding garage/carport)	/	181	/	/	/	/
Barn 1	83	/	/	/	/	/
Barn 2	86	/	/	/	/	/
Stables 1	83	/	/	/	/	/
Stables 2	71	/	/	/	/	/
Garages/carports	/	318.1	/	/	/	/
Total	545.9	823.1	1,822.8	2,145 (excluding garages/garden stores)	967	3067.47

9.8 Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Whilst amounting to a reduction in the number of buildings on the site, spatially, the above figures indicate that the overall increases in floorspace and volume between the existing development and proposed scheme would be substantial when considered in connection with the existing pattern of development. Furthermore, significant height increases would be made, with modest single storey bungalows End Oak and Oakleigh, (comprising maximum ridge heights of approximately 4.4m and 5.8m, and eaves heights of approximately 2.5m), replaced by bulky, one and a half storey properties, (comprising maximum ridge heights of approximately 8.1m and 8.2m and eaves heights of approximately 3.7m and 3.8m), therein further reducing the spatial openness of the site.

9.9 Whilst House 3 would be sited in a similar location to the existing array of stable buildings and would therefore have limited presence in public views from Water Lane, this property would be subject to views from the public right of way to the North, (i.e. Bovingdon footpath 014), as such, introducing urban sprawl into an existing rural area of the site. Given that there is currently a clear delineation between residential and rural development, (with the existing bungalows fronting Water Lane and the array of equestrian buildings set significantly to the rear into the open countryside), concerns are raised that House 3 would visually erode this character, encroaching into the open countryside.

9.10 Furthermore, whilst positioned to be more consistent with the layout of existing properties along Water Lane, by reason of their siting closer to the Highway, increased footprint, scale and height, Houses 1 and 2 would appear visually prominent additions to the site, significantly reducing and eroding the sense of spaciousness on the site.

9.11 Additional harm to the Green Belt's openness would also be created by way of the intensification of the use of the site, with the works proposed in connection with the development, (i.e. installation of new boundary fencing, creation of new paved patio areas, addition of hardstanding and construction of carport additions), further reducing openness and increasing domestic sprawl across the site.

9.12 Based on the above assessment, it is concluded that the proposed development would have a greater impact on the spatial and visual openness of the Green Belt than the existing development, and would conflict with the purposes of including land within the Green Belt. Given that the proposal therefore fails to accord with any of the exceptions of appropriate development set out under Paragraph 154 of the NPPF (2023), the proposal amounts to inappropriate development in the Green Belt and is therefore unacceptable in principle, contrary to Policy CS5 of the Core Strategy (2013).

Quality of Design / Impact on Visual Amenity

Policy

9.13 The NPPF (2023) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS5, CS11 and CS12 all seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials and is sympathetic to its surroundings.

Assessment

9.14 No objections are raised in principle to the demolition of the existing structures across the site, given that the existing bungalows and equestrian buildings are not considered to be of significant architectural merit or value.

9.15 The proposed new dwellings have been significantly improved in design terms to the scheme originally considered under application 23/02417/PRDB, with the varied forms, heights and material finishes of the three dwellings considered to be more in keeping and consistent with the existing pattern of development along Water Lane.

9.16 The proposed new dwellings would comprise mixed traditional architectural designs/styles, featuring a mix of half hipped roofs, dormers and oak framed porches, and would be externally finished in a mixture of external materials, including plain clay and slate roof tiles, red multi clay bricks, timber cladding and flint walling. The design of the new properties is considered to be acceptable in this context, preserving the spacious and semi-rural character of the site and wider streetscene.

9.17 Concerns are however raised in relation to the siting of house 3. Along Water Lane, there is a clear delineation between residential and rural development, with residential properties typically sited fronting Water Lane and rural buildings set significantly to the rear, in closer proximity to the open countryside.

9.18 Given that house 3 would be sited to replace the existing equestrian buildings, the addition would erode this established character, appearing incongruous with the established and underlying building pattern and detracting from the character and appearance of the area.

9.19 Concerns are therefore raised that House 3 would be unacceptable on design/visual amenity terms, failing to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2023).

Impact on Residential Amenity

Policy

9.20 The NPPF (2023) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy CS12 states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Dacorum Borough Local Plan (2004) states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.

Assessment

Existing Development

9.21 The application site shares boundaries with neighbouring properties Holly End and White Lilacs.

9.22 Given the separation distances retained between the new dwellings and the above neighbouring properties, it is not considered that the development would have any adverse impacts on the residential amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy.

New Residential Units

9.23 Given the relationships between the new residential dwellings and the separation distances retained between these units, it is not considered that the new properties would have any adverse impacts on the residential amenity of the neighbouring units in terms of being visually intrusive or resulting in a significant loss of light. Furthermore, given that no first floor level windows are

proposed to the flank elevations of House 1 and House 2, it is not considered that the proposal would result in a significant loss of privacy.

9.24 All habitable rooms of the new residential properties are served by windows, therein facilitating outlook and daylight.

9.25 Given everything considered above, the proposal is considered to be acceptable on residential amenity grounds, having no adverse impacts on the residential amenity of neighbouring properties and securing high standards of residential amenity for future occupiers of the new residential units. The development is therefore considered to accord with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the NPPF (2023).

Impact on Highway Safety and Parking

Policy

9.26 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.27 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

Assessment

9.28 The current proposal has been designed to utilise the two existing vehicular accesses, with the proposed site plan indicating that house 1 would be served by the first access, and houses 2 and 3 would be served by the second access.

9.29 With the exception of minor landscaping works, (i.e. the trimming back of existing soft landscaping to the southern boundary), to create a formal visibility splay for the second access, no changes or alterations are proposed to the existing site accesses. The development would however result in an intensification of the use of the site, (in particular, the use of the second vehicular access), and as such, the Highways Authority were consulted as part of the application and asked to assess the proposals' impact on the safety and operation of the existing highway network.

9.30 The Highways Authority have not raised any objections to the scheme on highway/pedestrian safety grounds. In light of this, and noting that the previous uses of the site as a premises for the operation of taxis/minibuses and as a riding school would have been likely to have resulted in similar levels of vehicular movements/traffic, it is not felt that any highway/pedestrian safety concerns would be generated.

9.31 The application proposes the construction of three detached dwellinghouses, including two three bed properties and one 2-bed property. Given that the Parking Standards Supplementary Planning Document (2020) states that a two-bed property in this location should provide a minimum of 1.5 spaces and a three bed property in this location should provide a minimum of 2.25 spaces, the development cumulatively generates the requirement for 6 off-street car parking spaces to be provided.

9.32 The submitted plans indicate that each residential unit would be served by an individual carport, therein providing two off-street car parking spaces for each property. Given that six off-street car

parking spaces would be provided, sufficient off-street car parking provision would be provided for future occupiers, according with the Council's parking standards.

9.33 The Highways Authority have raised objection to the scheme on sustainability grounds, noting that the location of the site would fail to promote sustainable forms of travel. In particular, they have noted that the rural location of the site would restrict sustainable forms of travel, (including cycling; walking and public transport), with future site occupants heavily relying on cars to access and leave the site.

9.34 Whilst these concerns are acknowledged, given the nature of existing development and the nature of the proposal, (i.e. noting that the site is currently occupied by two residential properties and the application only proposes the addition of a single further residential unit), it is not felt that the harm created on transport grounds would be sufficient to warrant refusal of the scheme.

9.35 Given everything considered above, the proposal is considered to be acceptable on highway/pedestrian safety grounds and parking grounds, therein according with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) and the NPPF (2023).

Other Material Planning Considerations

Impact on Trees and Landscaping

9.36 A single Ash tree on the south east boundary (T17) would be felled as part of the development. An Arboricultural Report and Impact Assessment by Pyramid Arboricultural Consultancy (dated March 2024) submitted in support of the application does however indicate that this tree is suffering from Ash die back and therefore requires removal.

9.37 In light of the above document, no objections are raised in principle to the removal of this tree. In the event that planning permission were granted, a condition would be attached to the formal planning consent requiring the planting of a replacement tree and requiring the development to be implemented in accordance with the recommendations set out under Paragraph 17 (page 9) of this document, as this would ensure that no trees or landscaping are adversely affected by the proposed development. The hard and soft landscaping details would also be secured by way of planning condition.

Ecology

9.38 Given the semi-rural nature of the site and the nature of the proposed works, the County Ecologist was consulted as part of the application.

9.39 Based on the findings set out in the submitted ecological reports and subject to a precautionary approach being taken once works commence, (i.e. in accordance with the recommended informatives), the County Ecologist has raised no objections to the works, considering the development to have no adverse impacts on wildlife/protected species.

9.40 With respect to Bats, the submitted surveys indicated that no roosting bats were using the existing buildings. A precautionary approach has been advised and is recommended by way of an informative.

Biodiversity Net Gain (BNG)

9.41 Given that the application was submitted prior to the deadline of 2nd April 2024, the proposal meets the criteria for small sites and is therefore exempt from the mandatory BNG requirement. The submitted planning documents do however indicate that the proposal would provide some

biodiversity benefits to the site, including physical enhancement features, (such as bat tiles and swift boxes), and habitat creation/ enhancement through the creation of a pollination garden and new mixed species hedge.

Contamination

9.42 Whilst raising no objections to the development on contaminated land grounds, the DBC Scientific Officer has recommended the inclusion of two conditions, (including a pre-commencement condition), requiring the submission of Environmental Risk Assessment to demonstrate that land contamination has been considered and where necessary remediated. These conditions are considered to meet the six tests, in particular, being necessary to ensure that the proposal has no adverse impacts with respect to land contamination in accordance with Policy CS32 of the Core Strategy (2013) and the NPPF (2023).

Response to Neighbour Comments

9.43 Three neighbours have commented on the application, with two raising support on the grounds that the development would amount to an improvement on the site. A further comment was received with respect to bats, and it is noted that swift boxes and bat tiles would be incorporated into the development in line with these recommendations. These arrangements could be secured by way of planning condition in the event that the application were granted.

Community Infrastructure Levy (CIL)

9.44 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

Chilterns Beechwoods Special Area of Conservation (CBSAC)

9.45 In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), consultants Footprint Ecology, assessed the recreational pressures on the Chilterns Beechwoods Special Area of Conservation (SAC) at Ashridge Estate and Tring Woodlands. The report, published in March 2022, revealed that more action is needed to help protect Ashridge Estate on the Hertfordshire-Buckinghamshire border, and Tring Woodlands, which are under increasing visitor pressure from the borough and surrounding areas.

9.46 In response, the Council's approach to all planning applications involving the construction of new homes has changed, with all development resulting in the net gain of residential development required to provide financial contributions for Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

9.47 Given that the proposal would result in the net increase of a single residential dwelling, the proposal is 'screened in' as affected by the Habitat Regulation Assessment regulation. Mitigation would therefore need to be secured by way of legal agreement in accordance with the Council's Mitigation Strategy.

Green Belt Conclusion

Policy

9.48 As earlier noted, the proposed development is not considered to amount to appropriate development in the Green Belt and is therefore unacceptable in principle. Very special

circumstances are therefore required to justify the development and outweigh its harm to the Green Belt.

9.49 Policy 153 of the NPPF (2023) states, *‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*

Assessment

Applicant’s Argument

9.50 A number of arguments have been put forwards in favour of the development, and it is argued that these factors cumulatively are sufficient to warrant the case for very special circumstances required to justify the development and overcome its harm on the openness of the Green Belt.

9.51 Firstly, it is argued that the proposal would amount to significant visual enhancements to the site, with the works replacing the existing bungalows and associated equestrian buildings with high quality, well-designed energy efficient dwellings and that the scheme would amount to economic benefits, (generating jobs and contributing to the local economy). It is also argued that the proposal would result in significant landscaping improvements, (by way of the removal of large areas of existing hardstanding and the introduction of a wildflower pollination garden and tree planting), and that the proposal would amount to significant biodiversity net gain (BNG), in excess of the requirements of national and local planning policy.

9.52 The Agent has also noted that a permitted development fall-back position exists, arguing that development more harmful to the visual and spatial openness of the Green Belt than the existing proposal could be undertaken without requiring formal planning consent. In support of this argument, a permitted development site layout plan has been submitted, (drawing reference 20105/02), indicating increases that could be undertaken to the existing bungalows under permitted development, utilising Classes AA, A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). (Floorspace and volume figures have also been provided to support this argument – see table set out under Paragraph 9.7 of the report).

9.53 Finally, the Agent has made reference to the ‘tilted balance’, arguing that as the Council are currently unable to demonstrate a five-year supply of deliverable housing sites, the ‘tilted balance’ in favour of granting planning permission, (as set out under Paragraph 11 (d) of the NPPF, 2023), should apply.

Officer’s Response

9.54 Minimal weight is given to the visual enhancements, economic benefits and landscaping improvements earlier mentioned, as it is considered that these benefits could be achieved under a more compact and sympathetic scheme to redevelop the site.

9.55 Case law has clarified that Local Planning Authorities (LPA’s) should consider whether there is a real prospect of a permitted development fall-back position being implemented when considering whether to accept and give weight to this argument. *“In order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice.” Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009].*

9.56 Whilst there is no evidence to suggest that permitted development rights for properties Oakleigh and End Oak have been removed, there are uncertainties with respect to the delivery of the permitted development fall-back scheme, given the heavy reliance on Classes AA and E. Whilst

Class AA allows householders to construct an additional storey to an existing dwelling, in order to exercise these rights, householders are required to submit an application for prior approval to the LPA. Given that no such applications have been submitted, there is no evidence to confirm that future applications utilising permitted development rights under Class AA would be granted, noting that the LPA would need to assess whether the works are considered to be acceptable on design/visual amenity and residential amenity grounds.

9.57 In the event that future applications to construct an additional storey to End Oak and Oakleigh were granted under Class AA, it has not been demonstrated that these permissions could be implemented, noting that no details have been submitted in support of the application to demonstrate that the foundations of both buildings are sufficient structurally to enable these works to proceed.

9.58 In order to utilise permitted development rights to construct detached outbuildings under Class E, the Applicant would need to demonstrate that these buildings would be 'incidental' to the main house, (in terms of their scale and use). As no specific details have been provided with respect to these additions, and no Lawful Development Certificate applications have been submitted to the LPA, there is no guarantee that the detached outbuildings shown on the permitted development site layout plan, (drawing reference 20105/02), could be implemented without requiring formal planning consent.

9.59 With respect to the 'tilted balance', it is not considered that this would apply to the current proposal. Whilst Paragraph 11 (d) of the NPPF (2023) asserts that the balance is tilted in favour of the presumption of sustainable development, this policy proceeds to set out the following exception to this rule: *'i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'*

9.60 The Green Belt is acknowledged as constituting a protected area. Given that the proposal is not considered to amount to appropriate development in the Green Belt in accordance with the NPPF (2023), the 'tilted balance' does not apply.

9.61 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Given that the proposal would result in the creation of an additional dwelling, the proposal would support the Council in the delivery of additional housing and it is therefore considered that modest weight should be given to this.

9.62 In accordance with Paragraph 153 of the NPPF (2023), 'substantial weight' should be given to any harm to the Green Belt when considering planning applications. Whilst it is evident that the scheme would amount to a number of benefits, (including the provision of new housing), and modest weight is given to this, it is not felt that these factors are sufficient to warrant the case for very special circumstances required to justify the development. The benefits of the scheme and permitted development fall-back position earlier outlined are not considered to significantly outweigh the proposals' harm to the visual and spatial openness of the Green Belt, or to overcome the proposals' conflict with the purposes of including land within the Green Belt.

9.63 Insufficient information has also been provided in support of the application to satisfy the Council that the development would not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. Given that substantial weight is attributed to protecting Special Areas of Conservation, it is not considered the benefits of the development outweigh this harm.

9.64 Overall, given everything considered above, it is not considered that the benefits of the scheme clearly outweigh the developments' harm to the Green Belt to allow the development to be granted.

10. CONCLUSION

10.1 The proposed development is unacceptable in principle, noting that the works fail to accord with any of the exceptions for appropriate development in the Green Belt set out under Paragraphs 154 and 155 of the NPPF (2023). Whilst amounting to a number of benefits, it is not considered that these factors are sufficient to warrant the case for very special circumstances required to justify the development and outweigh its harm on the Green Belt. The proposal is therefore unacceptable in principle, failing to accord with Policy CS5 of the Core Strategy (2013) and the NPPF (2023).

10.2 Whilst the design and material finishes of the proposed dwellings have been significantly improved under the current proposal, by reason of its siting, House 3 detracts from the established pattern of development, encroaching into the countryside. The proposal is therefore unacceptable on design/visual amenity grounds, and is contrary to Policies CS5, CS11 and CS12 of the Core Strategy (2013).

10.3 The proposed development is considered to be acceptable on residential amenity grounds, having no adverse impacts on the residential amenity of neighbouring properties and securing high standards of amenity for future occupants. No highway/pedestrian safety concerns are considered to be generated and sufficient off-street car parking provision would be provided for future occupiers of the site. The proposal therefore complies with the NPPF (2023), Policies CS8, CS11, CS12, CS19, CS20 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

10.4 The application does not provide sufficient information to satisfy the Council, as the competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. There are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to Policy CS26 of the Dacorum Borough Core Strategy (2013), Paragraph 175 of the National Planning Policy Framework (2023) and the requirements of the Habitats Regulations (2017 and 2019).

11. RECOMMENDATION

11.1 It is recommended that the application be REFUSED.

Reason(s) for Refusal:

1. By virtue of their increased scale, height, volume and footprint, the proposed replacement dwellings would cause significant harm to the visual and spatial openness of the Green Belt. This harm would be exacerbated by way of the intensification of the use of the site and by way of the siting of the new dwelling house 3, and it is therefore considered that the proposal would have a greater impact on the openness of the Green Belt than existing development, therein failing to accord with exception g), Paragraph 154 of the NPPF (2023). Given that the works fail to accord with any of the other exceptions for appropriate development in the Green Belt and that it is not considered that the arguments in favour of the development are sufficient to constitute the very special circumstances required to justify the development and outweigh its harm on the Green Belt, the works are unacceptable in principle, amounting to inappropriate development in the Green Belt. In light of this, and noting that the works conflict with the purposes of including land within the Green Belt, (by way of encroaching into the countryside), the proposal fails to accord with Policy CS5 of the Core Strategy (2013) and the NPPF (2023).

2. By reason of its siting, House 3 would detract from the established character of the area, appearing at odds with the local pattern of development. Given that the development would appear incongruous with the established and underlying building pattern, the proposal would detract from the character and appearance of the area, therein failing to accord with Policies CS5, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2023).
3. The application does not provide sufficient information to satisfy the Council, as the competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. There are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to Policy CS26 of the Dacorum Borough Core Strategy (2013), Paragraph 175 of the National Planning Policy Framework (2023) and the requirements of the Habitats Regulations (2017 and 2019).

Informatives:

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant at the pre-application stage. Whilst attempts have been made to amend the proposal to overcome the concerns raised at pre-application stage, it is not considered that these concerns have been fully addressed and the Council therefore remain of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	Support
Environmental And Community Protection (DBC)	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p>

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission

vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

CONTAMINATION

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II

environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative:

The above conditions are considered to be in line with paragraphs 180 (e) & (f) and 189 and 190 of the NPPF 2023.

	<p>Guidance on how to assess and manage the risks from land contamination can be found here: https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm and here: https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:</p> <p>1. The potential to support and promote sustainable forms of travel is limited and unsatisfactory and contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire's Local Transport Plan (LTP4) 2018, specifically Policy 1: Transport User Hierarchy and Policy 5 : Development Management.</p> <p>Following consideration of the location of the site, the potential to promote and encourage sustainable forms of travel (including cycling; walking and public transport) to and from the proposed residential development is poor and limited.</p> <p>There are no public footways along Water Lane and therefore no ability to reach the site on foot.</p> <p>Additionally, there is a lack of cycle paths along water lane, the narrow 40mph environment makes it unsuitable for cycle travel.</p> <p>Furthermore, the site is located in a rural location and the distances to any local amenities, facilities and public transport are significantly greater than guidance as laid out in Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure, 2021 and Planning for Walking (CIHT, 2015). In addition, no details on cycling access to and from the site has been provided as part of the proposals. Any cycling provision should be provided in accordance with LTN1/20 Cycle Infrastructure Design, specifically section 4.4, which has not been demonstrated and is unlikely to be able to be provided.</p> <p>Conclusion</p> <p>Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. The sustainable travel options to and from the site are limited and not satisfactory. Whilst there are some existing dwellings, these existed prior to the adoption of the existing LTP, updated NPPF and supporting guidance as referenced in this response. The proposals are considered</p>

	<p>to be contrary to Hertfordshire's LTP4 and the NPPF and therefore HCC is unable to recommend the granting of permission for this application.</p>
<p>Hertfordshire Ecology</p>	<p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections subject to HRA requirements being met (with any conditions/Informatives listed below).</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> - Nesting bird and bat Informatives advised. - Habitat Regulations Assessment Required. <p>Supporting documents:</p> <p>I have made use of the following documents in providing this advice:</p> <ul style="list-style-type: none"> - Preliminary Ecological Appraisal (Ben Lansbury) - March 2024 - Preliminary Roost Assessment (Arbtech) - November 2023 - Ecological Technical Letter (Ben Lansbury) - May 2024 - Arboricultural Report & Impact Assessment (Pyramid Consulting) - March 2024 - Proposed Site Plan - April 2024 <p>Comments:</p> <p>Biodiversity Net Gain & Ecological Enhancement</p> <p>This application is exempt from Mandatory BNG given it was submitted before the 2nd of April and meets the criteria for small sites. Nevertheless, it is noted that a scheme that is sympathetic to ecology has been proposed for the development. The habitat creation/enhancement associated with this scheme is not formally quantified by a metric, but this is not mandatory for this application and so is not a constraint. I have no doubt that the scheme proposed would still provide some biodiversity benefit to the site. The scheme proposes physical enhancement features including bat tiles, and swift boxes within the fabric of the proposed dwellings, as well as habitat creation/enhancement by creating a pollination garden and a mixed species hedge. There is no list of species planting for the new hedging other than that it says it shall match the existing hedge - however, the PEA describes the existing hedge as mixed ornamental. It is recommended that any new species planting should be of native variety opposed to ornamental to maximise benefit for wildlife. Such could include species such as (but not limited to), hawthorn <i>Crataegus</i>, Black thorn <i>Prunus spinosa</i>, privet <i>Ligustrum vulgare</i>, hazel <i>Corylus avellana</i>, or common box <i>Buxus sempervirens</i>. Planting any of these species would be an ideal way of providing food and shelter for a variety of local bird assemblages and mammals, i.e., European Hedgehog.</p>

Protected Species

A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) have been carried out at the site. It is noted that two buildings on site were found to have low potential for roosting bats. I find no reason to dispute the findings of either of these reports and the enhancement and precautionary recommendations made are endorsed. However, it is noted that within the PRA (undertaken by Arbtech) it states that three surveyors would be necessary for B3, and two would be needed for B5 during the emergence surveys to ensure coverage of all potential roost features. It would appear the subsequent emergence surveys (as detailed in Ecology Technical Letter) for both of these buildings were carried out only by a single surveyor, contrary to the recommendations in the PRA. Nevertheless, given that it has been acknowledged that the surveyor did have a view of all potential roost features identified, this does not constrain the results of which concluded that no roosting bats were using the buildings.

However, in the unlikely event that bats are found, given the proposal will involve demolition and removal of existing buildings, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.

"If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed."

It is also noted that a large Ash (T7) is recommended for removal within the Arboricultural Report, and given the described characteristics, this tree has potential to be used by nesting birds. Additionally, the stables were found to offer nesting opportunities for swallows. To reduce the risk of an offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent:

"In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed".

Habitat Regulations Assessment

The proposed development involves the demolition of two dwellings and their replacement with 3 new dwellings. This suggests a net

	<p>increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).</p> <p>This is because we consider there is a credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in combination with other plans or projects) may arise and that likely significant effects cannot be ruled out.</p> <p>If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required.</p> <p>Effective mitigation will be best delivered by adopting the measures set out in the Council's strategic mitigation plan and the payment of the appropriate tariff(s). The latter will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs). As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.</p>
Natural England	<p>NATURAL ENGLAND'S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <p>Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</p> <p>Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the</p>

European Site designated under the Habitats Directive.

Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base¹ carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

Damage: encompassing trampling and vegetation wear, soil compaction and erosion;

Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;

Fire: increased incidence and risk of fire; and

Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 64.

We would like to draw your attention to a recent appeal for St Leonard's Church Hall (Ref: APP/X0415/W/21/3278072) dated 1 March 2022. The appeal relates to net development within 12.6km of Chilterns Beechwoods SAC and was dismissed. The appeal decision is attached in Annex A.

1 Panter. C, Liley. D, Lake. S, Saunders. P & Caals. Z, March 2022, Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan. Available at:
[dacorum-recreation-evidence-base-200322.pdf](#)

Protected Landscapes - Chilterns Beechwoods AONB

The proposed development is located partly within/ within an area which Natural England has assessed as meeting the criterion for designation as an Area of Outstanding Natural Beauty (known as a Proposed Boundary Extension Area) and may be included within a boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB, known as National Landscape). Whilst this assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 180 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 182 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies. In addition, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities to seek to further the statutory purposes of the area in carrying out their functions in relation to, or so as to affect, land in an AONB.

	<p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issuing of the designation Order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Betsy Brown on Consultations@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	3	1	0	2

Neighbour Responses

Address	Comments
Holly End Water Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0NA	I very much support the above planning application and hope the progression of the building work will begin as soon as possible.
White Lilacs Water Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0NA	<p>We are fully supportive of this planning application as an immediate neighbour and have absolutely no objections with the plans that have been submitted as this can only improve what is currently on this site.</p> <p>We hope that the decision will be granted in favour of the applicant for the three dwellings</p>
12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF	<p>This development is suitable for the inclusion of integrated Swift bricks within the walls of the new houses.</p> <p>The Design and Access Statement indicates that bird and bat boxes are proposed as part of the scheme however at the time of this comment no ecological report has been published on the planning portal.</p> <p>Please consider the provisions of the Bovingdon Neighbourhood Plan, which at the time of this comment has finished the examination stage</p>

and is awaiting a referendum. By the time this application is determined, it may well have been adopted.

Draft policy BOV NE4 para 5 states: "All buildings bordering open space should include integrated boxes for swifts and bats. All fencing should be permeable to wildlife, for example, hedgehog highways"

This development borders open space within the meaning of the NP both to the NE and SW.

Swift bricks are universal as they conform to the British Standard for integrated nest boxes, BS42021:2022, and in doing so provide nest cavities for a number of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling, making inclusion a real biodiversity enhancement.

Please consider securing Swift bricks and integrated bat boxes by way of a condition, the wording of which has been used before by the LPA:

"No development shall take place until written details are approved by the LPA of the model and location of 3 integrated Swift bricks and 3 integrated bat boxes, to be fully installed prior to occupation and retained thereafter" in accordance with the NPPF (and if adopted Bovingdon NP policy NE4)