



15 October 2022

Planning Department (FAO: Adam Smith)
Buckinghamshire Council
By email: planning.comments.csb@buckinghamshire.gov.uk

Dear Mr Smith,

Planning Application Reference: PL/22/2898/OA

We are writing to object to the above referenced Outline Application for the development of up to 975 homes including affordable housing (Use Class C3), up to 75 care accommodation beds (Use Class C2), new primary school provision, local retail and employment provision (Use Class E), reprovision of sport pitches, landscaping, car parking provision and associated works on land at The National Society For Epilepsy Chesham Lane Chalfont St Peter Buckinghamshire SL9 0RJ

Introduction

The Buckinghamshire branch of CPRE, The Countryside Charity, as a long-standing environmental charity, has a role to protect the countryside from developments that do not meet acceptable planning guidelines. We have over 40,000 members and supporters nationally, with over 700 in Buckinghamshire. We would like to register CPRE Bucks' **opposition** to the above planning application for the reasons set out in this letter.

The site is within the London Metropolitan Green Belt

The application itself is for an extremely large development with the site covering approximately 70 hectares of Green Belt land. The bulk of the development involves 975 houses which will result in a clear encroachment on the open countryside. It will also create a large area of urban sprawl, and totally alter the historic form of the village of Chalfont St Peter.

The application runs entirely contrary to all policies relating to Green Belt, and to the expectation of local people that their elected Council will vigorously support those policies. Indeed, this application has given rise to great local concern with already over 400 letters of objection received in just a month since the start of the publicity period. The Parish Council confirms it has "*strong objections*" to this inappropriate development, and two local Councillors, Councillors Darby and Smith,

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who are both very experienced in the planning field, raise objections to this development.

Local and National Planning Policies

The relevant adopted Green Belt policy is Policy GB2. This is in broad conformity with the current NPPF, though this policy has been found, when used on its own, to be out of date at previous appeals. As such, the NPPF carries strong weight in the decision making process, and, to this end, the applicant acknowledges that the proposal constitutes inappropriate development.

Paragraph 147 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Established Case Law has emphasised the *“seriousness of harm to the Green Belt”* arising from inappropriate development.

In this case, it is important to appreciate the fundamental aims and purposes of the Green Belt. As you are aware, the NPPF makes clear (in Section 13), that *“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.

It continues by setting out the five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

This application involves the use of open land and would fail to maintain the openness and permanence of this part of the Green Belt. The applicant acknowledges this in Section 11.19 noting the main effect of the proposal is on *“the openness of the land”*. This immediately highlights the failure to maintain its essential characteristics, namely openness and permanence. These would both be lost. The Planning Statement, Sections 1.31 and 11.20, considers the proposed woodland/tree belt would create a *“strong defensible Green Belt boundary”*. However, Green Belt boundaries can only be altered under very special circumstances through the review of the Development Plan, not as part of a planning application. Further, vegetation does not normally provide the permanency required for such boundaries.

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The applicant acknowledges in Sections 1.31 and 11.18 that the application site makes a “moderate to strong contribution to the Green Belt”, and under Section 11.19 the development would have a “*moderate to major adverse effect on the functions of the Green Belt*”. The proposal clearly breaches purposes a) and c) because it is extending the built-up area of the village of Chalfont St Peter into the countryside, thereby failing to safeguard the importance of this land. This results in significant harm the purposes of the Green Belt.

The applicant plays down the impact of this scale of development on Chalfont St Peter. Purpose (d) seeks to preserve the setting and special character of historic towns. This can be equally applied to a village of the size of Chalfont St Peter. Its historic core runs along Market Street, and over the years there has been a gradual, but small outward expansion. The current scheme for 975 houses would not respect this, and would be at odds with maintaining the village feel that is enjoyed throughout Chalfont St Peter.

The proposal also works against prioritising derelict and urban land (purpose e). This is relevant because the vast majority of the site is not derelict or urban land - and there are many areas of brownfield that should be used first for such development. This approach is supported by Buckinghamshire Council with its policy pledge “*Brown before Green*”. This pledge commits the Council to a very different approach to plan making than was in place when the Chiltern and South Bucks Local Plan failed to be adopted because of initial concerns raised by the appointed Inspector.

As such, the harm to the Green Belt arises not just from definitional harm, but also because spatial and visual aspects that result in the proposal failing to maintain the objectives of the Green Belt and significantly harming two of the Green Belt purposes, and having at least a moderate effect on two further purposes.

Loss of Farmland

The application site involves the loss of large areas of farmland. The applicant is clear that this land “*is recognised as the best and most versatile land*”, and that this proposal would not “*strictly accord with the objectives of these policies*”, namely paragraph 174 of the NPPF and Policy CS4 of the Core Strategy. As such, the proposal is contrary to these policies. In support of the harm arising from this, one only needs to appreciate the role this quality of farmland plays in providing much needed food for the nation. The applicant considers in Section 3.1 of the EIA that



there is a “benefit for retaining agricultural land uses, but at a very minor scale in the wider context of such land uses in England”. However, CPRE recognises the importance of all farmland. The following link <https://www.cpre.org.uk/resources/building-on-our-food-security/> highlights the need to build our own food security. Research reveals that almost 14,500 hectares of the country’s best agricultural land, which could grow at least 250,000 tonnes of vegetables a year based on typical yields, has been permanently lost to development since 2010. The upshot of this is that two million fewer people can be fed their five a day from vegetables home grown in England as prime farmland lost to development. This highlights the importance of protecting all grades agricultural land that can make a contribution to feeding the nation. Further this type of development has taken place despite more than enough previously developed brownfield land waiting for regeneration.

Landscape

The development would result in the loss of a huge swath of agricultural land. This land is not previously developed and significantly contributes to the character and setting of the village of Chalfont St Peter. Section 11,38 of the Planning Statement considers that the impact on the landscape character of the wider area are minimal because of mitigation. However, it confirms that “*the visual impacts of the development are afforded substantial weight*”. (Applicant’s emphasis).

Very Special Circumstances

It is established that the proposal represents inappropriate development in the Green Belt when measured against the current Development Plan and the NPPF. The applicant confirms this in the Planning Statement. However, the Statement seeks to underplay this by referring to parts of the proposal that can be considered an exception to being inappropriate development as defined in the NPPF. This includes the new sports and recreation facilities and also the small part that would involve previously developed land. Case law is clear that if one part of the proposal is found to be inappropriate development then the whole development is classed as inappropriate development. It is not for the applicant to pick and choose the harm arising from the development. Paragraph 148 of the NPPF is clear, “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*”. (Author’s emphasis). It is therefore necessary to produce a case for very special circumstances. Paragraph 148 is again clear that such “*‘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*”. (Author’s emphasis).

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Before commenting on the applicant's case for very special circumstances, it is worth pointing out that the applicant again seeks to water down the significant harm to the Green Belt through referring to the site as a major development site, and the failed Chiltern and South Bucks Local Plan.

Policy C13 of the Core Strategy identifies the Epilepsy Centre as a major developed site. However, this only covers a very small proportion of the current application site, and certainly not any of the farmland. Further, the allocation only allows redevelopment and infill on the site, and any such development needs to ensure it has no greater impact on the openness of the Green Belt than the existing. This policy therefore has little if any weight in the decision making process for this application.

Of interest too is that in the Neighbourhood Plan, the Parish Council welcomes Policy CS13 and has supported previous redevelopment within the site. As it states, this support is "*so long as it does not have an adverse impact on the openness of the Green Belt*". The Parish Council has confirmed for this application it has "*strong objections*".

The applicant also refers to and compares the current site to a site allocated for development in the failed Chiltern and South Bucks Local Plan. This plan does not exist and therefore carries no weight in the decision making process. Further, Buckinghamshire Council has changed its approach to strategic housing sites, and has pledged to place brownfield ahead of greenfield. There is therefore absolutely no guarantee that even the smaller site will come forward in the future, let alone the 70 hectares associated with this proposal.

The Planning Statement lists the following very special circumstances:

1. The value of specialist research by the Society exported from Chalfont globally,
2. Meeting housing need for market and affordable housing,
3. Employment - retention and growth in employment,
4. Contribution to Buckinghamshire's reputation in supporting Life Sciences,
5. Provision of community or communal facilities,
6. Meeting the needs of an aging population,
7. Potential benefits to heritage buildings,
8. Self build and custom build
9. Quality of design,
10. Economic benefits,
11. Environmental benefits, and
12. Government's Life Science Vision.

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I do not intend to analyse each of these, but most of them do stretch the case. It is worth noting that very special circumstances should be unique to the site and not easily repeated by others. The basis of the case revolves around the work of the Epilepsy Centre, the standing of Buckinghamshire in supporting Life Sciences and the Government's vision for Life Science. However, when looking at this the very special circumstances is in fact the need for money beyond 2029/2030. This appears as the only real justification - maximise the development potential on the land owned by the charity and sell it off for as much money as possible. However, this approach to a perceived funding shortfall, some 7/8 years away can be easily repeated by other charities. Release land for development on an ad hoc basis and generate money to fund future projects. This bypasses the strategic planning process for local authorities and does not produce well thought out development schemes. Rather, this approach results in a collection of disparate developments that have little regard or respect to existing communities.

Economic and environmental benefits, the quality of design, and the provision of community facilities are part and parcel of sustainable development and therefore should not be double counted as very special circumstances. Undefined claims are difficult to substantiate too, such as "*potential benefits*".

Housing needs is rarely viewed as justification to build on Green Belt. Past appeal examples of this exist within the Chiltern area of Buckinghamshire Council, highlighting the fact that a shortfall in housing does not overcome the substantial weight attributed to the harm to the Green Belt.

The case for very special circumstances is a weak one, and needs to be viewed in light of the harm arising from the development. There would be substantial harm spatially and visually to the openness of the Green Belt. The proposal would result in significant harm to the purposes (a) and (c) of the Green Belt, namely to check the unrestricted sprawl of large built-up areas, and to assist in safeguarding the countryside from encroachment. There would also be moderate harm to the purposes (d) and (e), to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Paragraph 148 of the NPPF is clear - any harm to the Green Belt attracts substantial weight.

Paragraph 11 of the NPPF

The applicant considers that Paragraph 11 and the "*titled balance*" is triggered such that there is a presumption in favour of granting permission. This is because there is an absence of a five-year housing land supply such that the policies which are



most important for determining the application are out-of-date. However, Paragraph 11 expressly states that where the application of policies in the NPPF protect areas or assets of particular importance provide a clear reason for refusing the development proposed, then the tilted balance does not apply. Footnote 7 highlights that the policies referred to are those relating to land designated as Green Belt (amongst others). As the NPPF provides the Council with a clear Green Belt reason for refusing permission, the tilted balance is not engaged and there is no presumption to approve the development.

This part of the applicant's case should therefore carry no weight.

Conclusion

The proposal is in open Green Belt land and constitutes inappropriate development. I have also highlighted spatial and visual harm to the Green Belt, and the applicant accepts there is substantial harm to the visual landscape of the area. Further, there is a significant loss of high quality farmland. There are no very special circumstances to outweigh the substantial harm to the Green Belt or other identified harm. The proposal is so clearly in breach of the NPPF regarding the Green Belt that it must be rejected and we therefore **strongly object** to this application. We urge the Council to comply with the NPPF and refuse the planning application.

Yours sincerely



Neil Salisbury
Trustee and Head of Planning
CPRE Buckinghamshire

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