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By upload to DBC planning portal

My Ref.: F:\Planning\Planning Applications\DBC
10th February 2020

DBC reference 20/00176/FUL

Construction of Detached Dwelling and Garage at Plot 7 (Land At Church Road) Church Road Little Gaddesden Herts.

Dear DBC,

Thank you for consulting the Chilterns Conservation Board (CCB) on the above application. The Board would propose to submit an **objection in principle** on the grounds that:

1. This application is wholly contrary to the duties in legislation and policy that serve to protect the special qualities of this nationally protected landscape. These duties set a very high and understandably robust series of tests in section 85 of the Countryside and Rights of Way Act 2000 (section 85), Development Plan policy (Local Plan 97 and Core Strategy CS 24) and in the National Planning Policy Framework at 172, together with supporting Planning Practice Guidance.
2. The following policy and legal tests apply within an AONB: **Section 85** (1) of the Countryside and Rights of Way Act 2000 (CROW Act) deals with decision-making and establishes a general duty that *'In exercising or performing any function in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*. The National Planning Policy Framework (**NPPF**) at **172** establishes a duty that *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'*. Planning weight can also be attached to the **Chilterns AONB Management Plan** and this is linked to Core Strategy policy CS24. The new 2019-24 Management Plan was adopted in July 2019 and advances 3 strategic objectives when considering development, as **DO1** *Ensure planning decisions put the conservation and enhancement of the AONB first.* **DO2** *Ensure that where development happens, it leaves the AONB better than it was before – richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.* **Development Plan Core Strategy POLICY CS24** states that

*'The special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. The scarp slope will be protected from development that would have a negative impact upon its skyline. Development will have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes. Saved **Local Plan policy 97** states that 'In the Chilterns Area of Outstanding Natural Beauty the prime planning consideration will be the conservation of the beauty of the area; the economic and social well-being of the area and its communities will also be taken into account. Any development proposal which would seriously detract from this will be refused'.*

3. Recently updated planning practice guidance (issued 21st July 2019) states that "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas." (Paragraph: 041 Reference ID: 8-041-20190721 and revision date: 21 07 2019).
4. To build one dwelling, as is proposed, runs counter to the undeveloped open character on this side of Church Road. A matter of considerable importance and to which planning weight can be given is the high quality of this landscape as acknowledged in the Herts Landscape Character Assessment. The application site falls within the Ashridge Landscape Character Area 121. It fits within the localised mixed arable farming use, set within the wider Ashridge area of national and international habitat and with recreational access and public benefit. Further, to develop here would also be contrary to Core Strategy CS 25, which protects landscape character.
5. Whilst precedent is rarely the case, it does apply here and the planning authority would be unable to resist further application to develop this side of Church Road, if they were to permit this application. The foundation case here of *Collis Radio v Secretary of State for the Environment* [1975] 29 P&CR 390, did find that in matters of precedent it is acceptable to consider the side effects on the development of other land.
6. We do not make points about design as the very principle is unacceptable. We could find no commentary on the AONB status of this land in the submitted design and access statement.

The new [Chilterns AONB Management Plan 2019-2024](#) was adopted in February 2019 and may be a material consideration when assessing planning applications (as set out in Government's [PPG](#) para 040 on the Natural Environment). The planning objectives in the Management Plan are

A number of detailed Chilterns AONB Management Plan policies are relevant to this application:

- DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.
- DP2 Reject development in the AONB unless it meets the following criteria:
 - a. it is a use appropriate to its location,

- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and
- i. there are no negative cumulative effects, including when considered with other plans and proposals.

This application is positively harmful to the AONB and DP 2 (as above) cannot be satisfied.

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of [CroW Act](#)).

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

Should you require any further information please do not hesitate to contact me.

Yours sincerely,

Dr Michael Stubbs MRICS MRTPI
Planning Advisor
For and on behalf of the Chilterns Conservation Board



The Chilterns Area of Outstanding Natural Beauty

The Chilterns AONB was designated in 1965 for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.

Chilterns Conservation Board

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

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

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

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

Like all public bodies, including ministers of the Crown, local authorities and parish councils, the Chilterns Conservation Board is subject to Section 85 of the CRoW Act which states under "General duty of public bodies etc"

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

List of Organisations providing Nominees to the Chilterns AONB Conservation Board

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

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