

## The uncertainties of the applicable planning law

The application was premised on it being a continuation of the old use. The defunct HRC was found to be inefficient and in the wrong location. It is not a continuation - stripped of the safeguards of a Council run facility, this proposal will permanently damage the AONB and allow for expansion – once lost to private developers, this landscape is lost forever.

On advice of the Council, the applicant made the planning application on the basis of “continued use”. This made it easier to pass the application. However, the legal position is not so simple. The original planning permission to operate the site was granted by the old Council (BCC) to itself and was personal to it – it did not fix to the land and could not be used by any other occupier of the land. **If the application is successful, the permission will no longer be personal** and instead will affix to the land. This is significantly different from the old permission. And as the Council decided to close the site a key question is whether the application should instead be considered as a new, “de novo” application. If it is, it would be much harder for the application to be granted because is plainly an anathema to put a waste site in the AONB & Green Belt where the “*landscape quality and scenic beauty is high*”.

The Chilterns Conservation Board which has a statutory duty to manage the Chilterns AONB advocates that the application should be considered as a “de novo” application.

See the Chiltern Conservation Board full submission (Number 13)

Consent  
CC/3/83

Form I

Application No. CC/3/83.....

To: County Planning and Transportation Committee  
per County Valuer and Land Agent

(Copy to the County Secretary, County Engineer, Wycombe District Council  
.....)

Town & Country Planning Act, 1971

The Town & Country Planning General Regulations, 1976

In pursuance of Regulation (4) of the above mentioned Regulations, and  
minute 120/76 of the Buckinghamshire County Council, the following  
development, proposed in your application dated 14th January 1983.  
is authorised:-

Household Waste Site, collection for final deposit elsewhere, site at

Wigans Lane, Bledlow Ridge

This deemed permission is given subject to the following conditions:-

- (1) the development to which this permission relates must be begun not later than the expiration of five years beginning with today's date.
- (2) the new access shall be sited and laid out in accordance with the approved plan and constructed in accordance with "Private Vehicular access within Highway Limits".
- (3) Any new entrance gates shall be set back a minimum distance of 10 metres behind the edge of carriageway and 3.5m X150m visibility (continued)

Reasons:

- (1) to prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances.
- (2) }
- (3) } In order to minimise danger, obstruction and inconvenience to
- (4) } users of the highway and of the development.
- (5) To preserve the amenities of the locality.

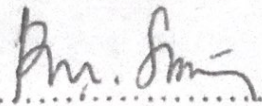
conditions continued.

(3) continued

splays shall be provided on both sides of the accesses.

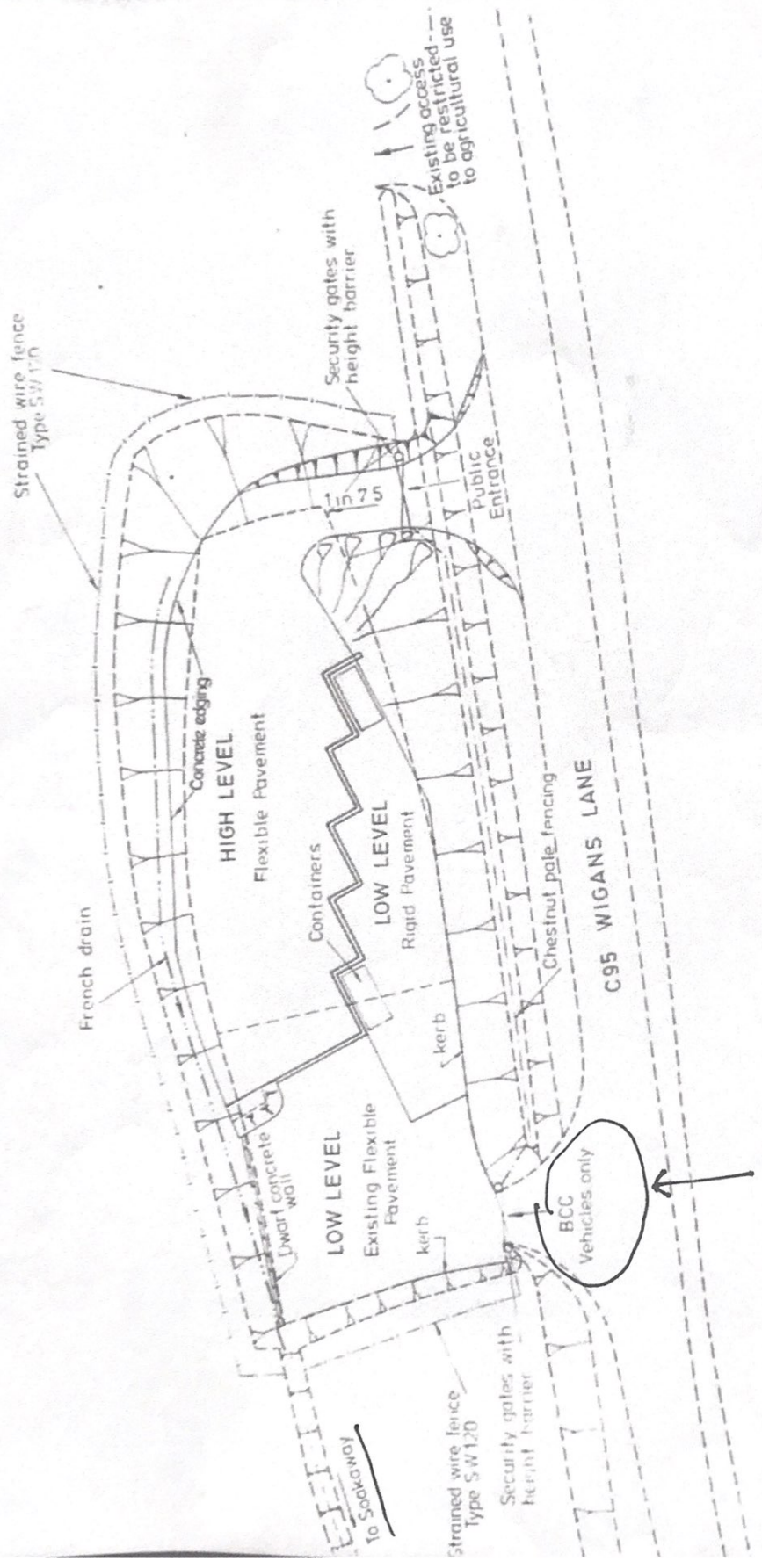
- (4) Surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- (5) A scheme for the effective screening of the site, such scheme to include the afforestation of the surrounding landfill site, shall be submitted to and approved in writing by the County Planning Officer before the development hereby permitted is first commenced. The scheme shall be implemented during the appropriate planting season progressively as the development proceeds and be completed not later than 1 year after completion of the works contained in this permission. The tree planting shall thereafter be maintained for a period of 10 years in the following manner.
- (a) If any tree at any time forming part of the scheme shall die or fall down or shall be felled because it is dead, dying or dangerous, the tree shall be replaced to the satisfaction of the Planning Authority in the next following planting season by another tree of a species to be approved by the Planning Authority.
- (b) If any tree at any time forming part of the scheme shall be felled otherwise than because it is dead, dying or dangerous, the same shall be replaced to the satisfaction of the Planning Authority at the next appropriate planting season by another tree of a species to be approved by the Planning Authority and of as nearly the same maturity as the tree felled as it is possible to transplant successfully, having regard to current arboricultural advice.
- (c) None of the trees forming part of the scheme shall at any time be lopped or topped without the prior consent in writing of the Planning Authority.
- (d) No hedges or shrubs which may form part of the scheme shall be removed without the prior consent in writing of the Planning Authority and if any hedge or shrub shall die, be injured, or be removed for any other reason, it shall be replaced with a similar hedge or shrubs in the next following planting season.
- (6) All equipment and bins used on the site shall be painted in a subdued colour to the approval of the County Planning Officer.

Dated the 4th day of April 1984

  
.....  
for County Planning Officer  
Buckinghamshire County Council.

East of Frenches Wood  
Su 781999 off Wigans  
farm  
approx.

Existing landfill Site  
in Course of Restoration





Existing Landfill Site  
in Course of Restoration

Driveway

High Level

Containers

Low Level

Existing Fire Technology

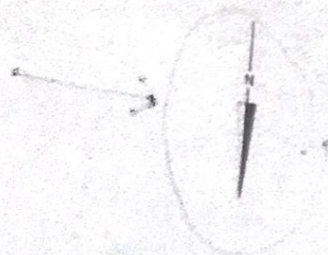
Parking

Planting Area

COS WIDANS LANE

Basement

Tree markers obtain from  
local forestry practices



Proposed new fence (7/14/12)