

## **Development Control Committee 6 January 2021**

### **Planning Application DC/20/1445/FUL – Land adjacent to Moonstone, Chilton Street, Clare**

<b>Date registered:</b>	11 September 2020	<b>Expiry date:</b>	8 January 2021
<b>Case officer:</b>	Ed Fosker	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Clare Town Council	<b>Ward:</b>	Clare, Hundon and Kedington
<b>Proposal:</b>	Planning Application - (i) 1no. Dwelling (ii) Garage with habitable space above and associated landscaping (resubmission of DC/19/0270/FUL)		
<b>Site:</b>	Land adjacent to Moonstone, Chilton Street, Clare		
<b>Applicant:</b>	Mr and Mrs Reynolds		

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

#### **Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

#### CONTACT CASE OFFICER:

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## **Background:**

**This planning application is a revised scheme from the previously refused application (DC/19/0270/FUL - 1no. Dwelling (ii) Garage with habitable space above and associated landscaping). The main differences are that the dwelling now has a reduced footprint of 28 metres by 8 metres (previously 34m x 8.2m), a ridge height of 10.2 metres (previously 11.2m) and will still be externally finished with a Corten steel tree canopy frame which 'envelopes' the dwelling. The reduction in footprint has allowed for the proposed dwelling to be moved slightly further away from the site boundaries and in turn the garage is set further back within the plot. The ridge height of the garage has also been reduced by 0.7 metres.**

**As with the previous application the applicants claim that the proposal should be considered as an NPPF 'Paragraph 79' proposal and as such the comments from the Suffolk Design Review Panel (SDRP) on the previous application are considered to remain relevant.**

**Having considered the range of consultee comments and advice offered by the SDRP and owing to the support offered by the Parish Council, the present application was then presented to the West Suffolk Delegation Panel on 17 November 2020 with an Officer recommendation of REFUSAL. The members of the Delegation Panel recommended that the application should be referred for consideration by the Development Control Committee.**

## **Proposal:**

1. This application seeks planning permission for a five bedroomed detached dwelling with associated garaging and & domestic landscaping.
2. The two storey dwelling has a footprint of 28 metres by 8 metres, a ridge height of 10.2 metres and will be externally finished with a Corten steel tree canopy frame which 'envelopes' the dwelling.
3. The applicant accepts that the dwelling is not proposed in a location which would otherwise justify approval. Rather, the application has been promoted by the applicant under the provisions of paragraph 79 of the NPPF. This paragraph allows the development of 'isolated' homes in the countryside where it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas. It is a further requirement that any such proposal would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

## **Application supporting material:**

Planning Statement  
Structural Survey  
Landscape and Visual Appraisal  
Ecological Survey  
Design Details  
Design and Access Statement  
Location Plan

Elevations  
Block Plan  
Floors Plans  
Sections  
Context Views  
Existing Site and Contours  
Topographical Survey  
Landscape Proposals  
3D Image  
Photomontage

#### **Site details:**

4. The application site lies adjacent to an existing property known as Moonstone and is located beyond any of the Local Planning Authority's defined settlement boundaries. It is therefore in a countryside location from a land use perspective.
5. Open undeveloped fields lie to the North and West of the site whilst a modest collection of residential and agricultural buildings lie to the East. To the South there is an existing belt of trees and vegetation with Chilton Stream running parallel to the application site.
6. The application site is not located within a Conservation Area and neither is it located within the vicinity of a listed building.

#### **Planning history:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/19/0270/FUL	Planning application - (i) 1no. Dwelling (ii) Garage with habitable space above and associated landscaping	Application Refused	19 May 2020

#### **Consultations:**

#### **Clare Town Council comment:**

7. The Council considered this application at its meeting on 17 September 2020; it was noted that the Council had considered and supported a previous application on this site; this new proposal is a refinement of the previous scheme. After consideration it was unanimously agreed to support this proposal on grounds that the design is exceptional within the meaning of para 79 in line with the reasons given for its support of the previous scheme.

#### **Public Health and Housing:**

8. No objection subject to a condition to control the hours of construction, deliveries of materials and removal of waste from site.

#### **Environment Team:**

9. Contaminated Land - Satisfied that the risk from contaminated land is low.

10. Air Quality - Recommend a condition requiring an electric vehicle charge point.

### **Highways Authority:**

11. No objection to proposal subject to conditions to ensure a bound surface is provided for 5 metres from the edge of the metalled carriageway, that parking and manoeuvring as shown is provided, and that details of bin storage are provided.

### **Archaeological Service:**

12. This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), in close proximity to a multiperiod artefact scatter (HER ref nos. CLA MISC & CLA 019). Furthermore, the development site is situated in a topographically favourable location for buried heritage assets of all periods, overlooking Chilton Stream in a south facing position. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
13. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### **Urban Design Officer:**

14. Although previous design work demonstrated a good understanding of rural and agricultural buildings and vernacular, the proposal still does not reflect established scale or historic development patterns within the village, with a monolithic form which does not convey the sense of a barn set in landscape.
15. The built form of the village is linear in nature running parallel to Clare Road and the Chilton Stream. Properties range from the more intimate in scale such as Chilton Hall Cottages to larger farmhouses and remnants of the original Mott's Farm and Home Farm complexes within the historic core of the village
16. The footprint of the proposed barn and cart lodge have been reduced in height, scale and massing (with an overall reduction in mass of c.20%) with further changes to the orientation and a more organic and meandering access road. The Landscape and Visual Appraisal (August 2020) states that the layout of the buildings reflect a farm cluster or agricultural grouping as stated in the Design and Access Statement (DAS).
17. However, in terms of historical development patterns the proposed fold yard, cart lodge and barn are not considered to be reflective of a farm cluster where a loose cluster of buildings enclose a central farmyard space. The DAS also describes the development as a 'discrete residence' although

its scale is considerably larger than its nearest neighbours at Chilton Hall Cottages.

18. According to the Landscape and Visual Appraisal, the Suffolk County Landscape Character Assessment highlights that lighting and suburban features can be extremely intrusive. Although the Landscape and Visual Appraisal indicates that measures to reduce night light spill would prevent adverse effects on landscape tranquillity, the DAS states that as a modern design the ground floor will be flooded in light. This would be incongruous with the undeveloped rural setting in addition to the elevated nature and monolithic form of the main building blocking views to the wider landscape visible from Clare Road.

**Tree Officer:**

19. The application is not accompanied by a baseline tree survey. This prevents the likely impact on the existing trees from being accurately considered both during and post construction.

20. Given the visual prominence of the trees, without a tree report which conforms to the British Standard (BS 5837:2012), I cannot comment fully and until such a time as a suitably required report is available, the only conclusion that can be made is that a conflict with policy DM13 cannot be screened out.

**Ecology & Landscape Officer:**

21. The Ecology and Landscape Officer has confirmed that their previous comments remain applicable, as below.

22. The ecology report highlights the potential for impacts on bats through lighting. One of the features of the house is opacity of the panels which will give a night-time lighting effect. This does not appear to be consistent with the principles of retaining a dark site.

23. The development will clearly be located within a meadow within the river valley of the Chilton Stream, which is clearly a feature of the landscape character type. It is located on the edge of the settlement of Chilton Street, and would be set against a backdrop of mature trees which mark the river; their size and maturity will clearly provide a setting for this large building. However, the building will be clearly visible from the landscape to the north and west and the landscape proposals do little to soften or screen the effects. The building is larger than the existing residential buildings in the existing settlement. Whilst it is accepted that the building has been designed to resemble an agricultural building, it is disproportionate to the existing barn. For these reasons it is considered that it does not meet the requirements of policy DM13.

**Clare Society:**

24. Whilst we consider the building to be innovative, at least it is now in better proportion to the overall size of the site.

25. We are concerned that landscaping will be effective as many of the present trees to the road side of the site are in decline through age and disease.

26. The design of this building is, we assume, trying to be in keeping with the other buildings adjacent to the site and therefore landscaping particularly on the road side is paramount in our opinion.

27. In principle we have no objection to this development.

### **Representations:**

Comments from three neighbouring properties have been submitted. These are summarised below. Full comments can be seen on the LPA's website

28. **Ashley Cottage:** Objection on basis that proposal is too large, out of character, results in overlooking and proposes insufficient landscaping.

29. **1 Chilton Hall Cottages:** Objection on the basis that the proposal is too large and would result in unacceptable overlooking.

30. **2 Chilton Hall Cottages:** Objection on basis that it would harm residential amenity, there are insufficient boundary treatments, proposal is too large and dominates landscape, out of character and previous refusal reasons not met.

### **Policy:**

31. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

32. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS13 - Rural Areas

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM44 Rights of Way

Policy DM46 Parking Standards

**Other planning policy:**

33.National Planning Policy Framework (NPPF)

34.The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

35.The material planning considerations with respect to the determination of this application are as follows:

- Policy Background and Context
- The principle of development
- Design, form, scale and impact on landscape
- Residential amenity
- Ecological implications

- Tree matters
- Highway matters

## **Policy Background and Context**

36. Before the planning merits of the application are considered in detail, it is useful to clarify the role of the National Planning Policy Framework (NPPF) in this particular decision-making process.

37. Ultimately, planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF itself reiterates the primacy of the development plan at paragraph 12.

38. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given.

The policies set out within the West Suffolk Joint Development Management Policies Document have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision-making process.

Therefore the proposal will be considered against the development plan, and national policy set out in the NPPF, plus and any other material considerations.

## **The Principle of development**

39. The starting point is consideration with reference to the Development Plan.

40. Policies CS1 and CS4 of the St Edmundsbury Core Strategy between them establish the spatial strategy and the settlement hierarchy for development within the former St. Edmundsbury area, whilst policy CS13 bolsters this position and provides that development which is proposed outside of the settlement boundaries, as is the case here, identified through policy CS4 will be strictly controlled. These are supported by Policies DM1 and RV1 which establish a presumption in favour of sustainable development. Collectively, therefore, these policies seek to resist residential development outside of settlement boundaries.

41. Furthermore, Policy DM5 (Development within the Countryside) of the Joint Development Management Policies Document 2015 (JDMPD) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of settlement boundaries. The proposal, as submitted, does not meet the provisions of DM5 or DM27 and as such, with respect to the development plan, the principle of development is not something that the Local Planning Authority can support. The proposal



therefore represents a significant and material conflict with the aforementioned planning policies and the development plan as a whole.

42. In addition, it should be noted that the Local Planning Authority are able to demonstrate a 5 year housing supply and the policies set out within the JDMP document are considered sufficiently aligned with the NPPF so as not to be considered out of date. Accordingly, the tilted balance at paragraph 11d of the NPPF is not engaged.

43. Given the nature of this application, it is for the Local Planning Authority to weigh this policy conflict against any such support as may potentially be forthcoming from the provisions set out within the National Planning Policy Framework.

44. Paragraph 79 of the NPPF advises Local Planning Authorities to avoid the development of 'isolated' homes in the countryside unless special circumstances apply. One such special circumstance is if the proposal:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; **and**
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

45. In this regard, before engaging paragraph 79, the Local Planning Authority must first consider the extent to which the site is 'isolated'. However, the NPPF offers no definition of isolated and nor does any other published guidance by the Government or the Department for Communities and Local Government.

46. The degree or 'isolation' is an issue which has attracted attention in the court of appeal as a direct result of the 'Braintree' case. Here, Braintree District Council (Essex) claimed that an Inspector had misinterpreted the meaning of isolated as written in the then paragraph 55 of the NPPF. The case hinged on the meaning and definition of isolated within the context of the planning system.

47. Paragraph 31 of the judgment handed down by the High Court states;

- *In my view, in its particular context in paragraph 55 of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.*

48. The judgment went on to note that Braintree DC's suggestion that isolation should be considered in physical and functional terms was an overly onerous and "strained and unnatural" (para 39) interpretation of the policy. As a result there remains no statutory definition of an isolated home, and therefore, each case must be considered individually and will be a matter of planning judgement for decision-maker to decide whether or not a dwelling is 'isolated'.

49. In the view of the Local Planning Authority, certain principles, as a matter of fact and planning judgment, may be considered when seeking to understand if a dwelling can be treated as an "isolated home" and therefore, whether paragraph 79 can be applied to a case:

1. whether or not it is located within the settlement boundary;
2. proximity to other dwellings;
3. proximity to local services and facilities;
4. access to public transport services;
5. physical and visual separation from the settlement.

50. In this regard, the proposed dwelling is located approximately 1.2 km's outside of the settlement boundary for Clare with no access to public transport and remote otherwise therefore from any local services / facilities. The site is physically distant from areas which are designated and allocated for development due to the unsustainable location and the roads which do exist are poorly lit and often narrow with limited walking and cycling options. The dwelling is also visually separate from the locality's existing development by reason of its positioning and the screening offered by the mature tree belt to the South. It is noted that the dwelling would be to the west of Moonstone and to the North of a collection of cottages but the countryside location, distance from services, degree of separation from existing built form and the singular access to the development result in a site that the Local Planning Authority view, on balance and as a matter of planning judgement as being isolated for the purposes of paragraph 79 of the NPPF.

51. From a national policy perspective, the revised NPPF is clear throughout that unsustainable development in the countryside should be avoided. Accordingly, proposals for new development and changes of use outside of the Local Planning Authority's defined settlements must be considered carefully as it is incumbent upon the Local Planning Authority to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development. Where material planning considerations indicate that proposals in the countryside are unacceptable, they will be resisted by the Local Planning Authority. National and local policies therefore broadly aim to direct development to locations which are both sustainable and which are in accordance with paragraph 78 of the NPPF will enhance or maintain the vitality of rural communities. Furthermore, paragraph 170 of the NPPF seeks to protect and enhance valued landscapes. The list lies within the Stour Valley Project Area, which is considered to be a valued landscape.

52. Accordingly, it can be concluded that the principle of the development cannot draw support from either local or national policies, albeit such an analysis is subject to the further analysis required in relation to the design quality, as set out in paragraph 79 of the NPPF, as being a material consideration that might allow support to be given notwithstanding this conflict with the development plan.

### **Design, form, scale and impact on landscape**

53. As clarified above, given the provisions of the development plan, the principle of development is not something that the Local Planning Authority are able to support. However, this does not negate the need to consider other aspects of the proposal and consider their performance against the development plan and the NPPF.
54. The proposed development is a large building with a Corten steel skin 'tree canopy' installed to the external elevations. Physically, the proposed dwelling has 5 bedrooms and it has a footprint of 28m x 8m with a ridge height of 10.2m. This represents a reduction in footprint by 6m in length and 0.2m in width, and reduction in height of 1m from the previously refused scheme.
55. Policy DM2 provides that proposals for development should recognise and address the key features and characteristics of the locality within which they are proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. These considerations are particularly relevant to the current application as the site lies beyond the settlement boundary and benefits from a distinctly rural, loosely knit generally undeveloped character; particularly the immediate context of the application site.
56. During both sessions at the Suffolk Design Review Panel (SDRP), although the degree of innovation was generally accepted, the size and scale of the building was discussed at length and these are directly relevant to policy DM2/DM22. At the end of the first review panel, the panel members asked:
- *Does the building itself provide a significant enhancement of its immediate setting?*
  - *And is it 'sensitive to the defining characteristics' of this local area?*
57. These questions mirror the requirements of the second limb of paragraph 79e of the NPPF. With respect to the development plan and the relevant policies within it, it would be the Planning Authority's assertion – putting aside the SDRP's comments with respect to innovation – that due to the proposal's scale, massing, bulking and external appearance that it does not respect the character, scale and prevailing form of the locality as required by policies CS3, DM2 and DM22.
58. In light of the comments of the SDRP, and noting that the concept of the proposal, and its general appearance, remains consistent with that considered by the SDRP, other than in relation to modifications to the physical parameters of the proposal, Officers are satisfied that the conclusions remain robust when applied to the present scheme.
59. The submitted site sections illustrate that the dwelling, as proposed, would still be larger than the locality's existing buildings and in particular the existing dwellings which are modest, rural units. The building's still substantial footprint and generous ridge height give rise to a proposal which is incongruent with the prevailing rural character of the application

site and wider context. Accordingly, and notwithstanding the changes made since the previous refusal, the dwelling presents as a very large, dominating urban block in an area which is otherwise loosely developed with a typical rural vernacular. The massing and bulk do not respect the rural setting of the locality and as a result, the development is visually harmful in the way it dominates the plot and creates a jarring visual contrast between the dwelling and its rural, open and verdant setting. This results in a proposal which materially and significantly conflicts with policies CS3, DM2 and DM22 of the development plan in a way which is deemed to be harmful to the existing character and rural setting of the application site. It should also be noted that the large bulk and mass are issues which the Local Planning Authority's Urban Design Officer raised in his comments.

60. With respect to the wider impact on the landscape, this was a key issue raised by the SDRP in their first meeting as they concluded in their formal report:

- Does the building itself provide a significant enhancement of its immediate setting?
- And is it 'sensitive to the defining characteristics' of this local area?

61. In an attempt to address these questions to the satisfaction of the panel - noting that the Local Planning Authority were still entitled to draw their own conclusions in any event - the initial proposal was considered by the panel for a second time on 9 January 2020. Some additional visuals were presented to the panel but the panel commented in their second report:

*"The panel felt it was disappointing not to have an illustration showing the screening of the proposed building from the north side, seen in context. A Landscape Visual Appraisal would identify the extent of tree planting to the northern boundary, and the levels and nature of visibility of the building could be clarified."*

62. In addition, in considering the visual impact of the scheme, towards the conclusion of their report, the panel commented that two issues remain to be satisfactorily clarified:

1. The proposal should be shown with reference to its context and local characteristics
2. The visibility of the scheme and how it will be viewed in the landscape from the north, driving down the road and from the public footpath along the west boundary should be shown clearly

63. In offering this advice, and with respect to the wider commentary offered by the panel, it would appear that they were satisfied the scheme is able to meet the requirements of the first limb of paragraph 79e with respect to innovation. However, the second limb which relates to the proposal's impact on setting and landscape, was not demonstrated to a level whereby the panel are able to confirm that in their view, it meets the requirements of the NPPF's paragraph 79e.

64. Accordingly, given the scale and potential visual impact arising, formal comments from the Local Planning Authority's Ecology and Landscape Officer were sought, after the second panel hearing. The comments

offered by the Ecology & Landscape Officer are still considered relevant in relation to this proposal, and they set out the context and potential impact of the development on the landscape as discussed below.

65. Policy DM13 states that areas of particular landscape sensitivity, including Special Landscape Areas (as defined on the Policies maps) have been identified. These areas, and other valued landscapes such as The Brecks and the Stour Valley (subject of a management and delivery plan through the Dedham Vale AONB and Stour Valley Project) have, by reason of their landform, historic landscape importance and/or condition, a very limited capacity to absorb change without a significant material effect on their character and/or condition. However, individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact. In this instance, the Stour Valley Project Area is considered to be a Valued landscape. Chilton Street is included in the project area; the Chilton is a tributary to the River Stour.
66. Having confirmed the value of the prevailing landscape, it is clear from the Landscape Officer's comments that she had not concluded that the scheme, either as originally submitted, nor as presently before us, "*significantly enhances its immediate setting*" as required by paragraph 79e of the NPPF.
67. As clarified in the Landscape Officer's formal comments, she concluded that the proposed new dwelling was higher than the next largest building, the barn, on the site and this remains the case notwithstanding the changes made since the previous scheme. The building is not typical of the cluster and represents a departure from the local vernacular in its appearance and size.
68. In addition, the landscape Officer further outlined that the photomontage view of the building from the footpath to the north west of the site shows that the building would be dominant with the hard edges of the building set against the sky; the trees to the rear will no longer be visible on the skyline. The photomontage showed proposed tree planting in front of the building to soften the building lines, however the level of planting shown does not reflect that shown in the landscape drawing.
69. With this in mind, the development will be located within a meadow within the river valley of the Chilton Stream, which is a feature of the landscape character type. It is located on the edge of the settlement of Chilton Street, and would be set against a backdrop of mature trees which mark the river; their size and maturity will clearly provide a setting for this large building. However, the building will be readily visible from the landscape to the north and west and the landscape proposals do little to soften or screen the effects. The building proposed remains larger than the existing residential buildings in the existing settlement and whilst it is accepted that the building has been designed to resemble, within reason, an agricultural building, it is disproportionate to the existing barns in situ. For these reasons the proposal is judged to conflict with policy DM13 due to its harmful visual impact on the surrounding locality.
70. The visual impact that the development will have upon the landscape during hours of darkness must also be considered because in this instance, one of the features of the house is opacity of the panels which will give a

night-time lighting effect. The area is rural in character and there are few sources of artificial or intrusive light; this contributes to the undeveloped and natural character of the locality. However, by introducing a large physical mass to the landscape, with internally illuminated panels – which ultimately project light outwards into the unlit landscape - the prevailing sense of place would be unduly compromised. Such a design fails to respect the locality's countryside character and would represent a conflict with policies CS3, DM2 and DM13 by virtue of the harmful visual impact to the immediate and wider setting of the building. It is noted windows are a common feature of residential dwellings but due to the size and scale of the proposed dwelling, in this instance they are significantly more noticeable and they detract from the visual amenity on the unspoiled landscape in a way that a more modestly scaled proposal would not.

71. Accordingly, based on the above analysis, and given that the principle of development is not accepted in this location, the proposal is not judged to be able to meet the requirements of the development plan and it also conflicts with the advice contained with the NPPF at paragraph 79e.

72. In this regard, and with respect to the NPPF, paragraph 79 of the NPPF states that isolated dwellings should be refused unless the design is of exceptional quality, in that it:

1. is truly outstanding or innovative, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas **and**;
2. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

73. It is of course noted that the SDRP have offered their support with respect to point 1 as above, insofar as it relates to innovation. However, it is clear from both of their reports that the second element which relates to setting and characteristics remains to be demonstrated, and it is also clear, based on the considerations discussed above, that the further changes to this scheme since the previous proposal do not overcome these concerns. And, in any event, it should be noted that support from the panel does not mean that the Local Planning Authority will simply grant planning permission; the development plan remains relevant at all times with the advice from the SDRP a material consideration. Nonetheless, and in this regard, the view of the SDRP is noted, and officers are content to conclude that the design of the proposal per se offers a sufficient degree of innovation to meet the first test of paragraph 79 of the NPPF. This is therefore a factor which weighs in favour of the proposal.

74. However, in this instance, it is an accepted fact that the bar set by paragraph 79 is intentionally high; and for good reason. Proposals which secure support from it must be truly innovative **and**, at the same time, significantly enhance their setting. The proposal as submitted, whilst able to showcase an innovative construction method, does not, by reason of the very conflict with CS3, DM2, DM13 and DM22 "significantly enhance" its setting. This was confirmed through the comments made by the Local Planning Authority's landscape Officer and when the proposal is considered visually within its rural, generally undeveloped and open context.

75. This is exacerbated further by the proximity of the public footpath to the west of the application site. Views of the site, from the public footpath will be readily visible and as a result, the setting and rural nature – as experienced from the public footpath – would be severely undermined by the large, looming structure which will appear visually oppressive and dominant. The introduction of associated residential paraphernalia would further erode the rural character and sense of place which presently prevails.

76. As such, the proposal is not judged by the Local Planning Authority to be able to showcase adequate compliance with paragraph 79's requirements so that it outweighs the conflict with the relevant development plan policies.

### **Residential amenity**

77. Policy DM2 of the Joint Development Management Policies Document is clear in that proposals for all development should not, taking mitigation measures into account, adversely impact the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, volume or type of vehicular activity generated. This extends to residential amenity. The NPPF also sets out that proposals should not harm existing levels of amenity.

78. The potential impact on adjacent properties has not necessarily been fully explored by the applicant because much of the focus has been on the requirements of paragraph 79 of the NPPF and the design credentials of the scheme.

79. Overall, however, based on the plans available to Officers, a significant or adverse impact on residential amenity is not judged to arise. Although comments from off site adjacent properties have referred to the potential negative, looming effect of the development, it must be noted that the proposed development is located some 60m north of the properties which have raised concerns. Whilst, the proposed dwelling is on ground which is at a higher elevation than the properties to the south, the large separation distance and existing tree belt prevent an undue harmful relationship from arising. This is not to say that glimpsed views will not be possible, but a substantial, irrevocable negative impact is not considered to arise with respect to policy DM2 or paragraph 127 of the NPPF.

80. A similar position arises with respect to the impact upon the Old Cart Lodge which is located to the East of the application site. Whilst comments from the Old Cart Lodge refer to a perceived adverse impact on amenity, a material conflict with DM2 has not been identified by the Local Planning Authority. The proposed dwelling is not located immediately adjacent to the Old Cart Lodge and due to the staggered, offset physical relationship, unrestricted and direct overlooking is not judged to arise. As with the above, this is not to say that the proposal will not be noticeable but unacceptable overlooking which would unduly compromise the existing dwelling's amenity is not deemed to arise.

### **Ecological implications**

81. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the Local Planning Authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.
82. Given the same Ecological Survey Report from the previous application has been submitted with this current application and the proposal remains broadly similar albeit with a minor reduction in size the previous comments of the Landscape and Ecology Officer remain relevant.
83. In considering the previous application the Landscape and Ecology Officer noted that the application was supported by an Ecological Survey Report (September 2018 MHE Consulting Ltd) and she had raised no objection with respect to the report or its methodologies. However, the ecology report highlights the potential for impacts on bats through light pollution yet one of the features of the house is opacity of the panels which will give a night-time lighting effect. This did not appear to be consistent with the principles of retaining a dark site or the mitigation measures set out within the ecology survey and this is therefore something which would potentially conflict with the NPPF's advice and the Local Planning Authority's quoted biodiversity policies as referred to above. The submitted ecology survey suggested that this is a "*minor negative*" effect and whilst the impact must be considered appropriately without undue weight being added, it remains as something which weighs against the scheme in the overall balance.
84. Therefore, whilst the Landscape & Ecology Officer did not object to this element, as a matter of planning judgement, given the ease with which such harmful effects could be designed out, this is deemed to represent a conflict with policy DM11 and DM12 and the advice contained within the NPPF at paragraphs 8c, 170 and 175.

### **Tree matters**

85. As confirmed earlier in this report, a belt of mature trees lies to the South and East of the proposed dwelling. However, the application is not accompanied by a baseline tree survey. This prevents the likely impact on the existing trees from being accurately considered both during and post construction.
86. With respect to policy DM13, given the visual prominence of the trees, the Tree Officer has confirmed that without a tree report which conforms to the British Standard (BS 5837:2012), he cannot comment fully and until such a time as a suitably required report is available, the only conclusion that can be made is that a conflict with policy DM13 cannot be screened out. This, it should be noted, is entirely commensurate with the comments made by the Landscape Officer.

### **Highway matters**

87. At paragraph 109, the 2019 NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The extent to which this is



relevant in each case will of course be dependent upon and commensurate to the scale of development proposed.

88. The site is clearly large enough to provide the level of off street parking required for a dwelling of this size. The access eventually joins the highway onto the B1063, Folly Road, at a point where the speed limit is 30mph to the right of the access, toward Clare, and derestricted to the left of the access, away from Clare.

89. The Highways Authority have raised no objection to the intensification of use of the access subject to conditions to the imposition of conditions which seek to control bin/refuse collection points, visibility splays, retention of parking areas and to ensure a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway.

### **Conclusion:**

90. Overall, this is an application which must be considered against the development plan and national policy set out within the NPPF. On one side of the equation lies the development plan and the extent to which the proposal complies with it whilst on the other side lie all of the other relevant material planning considerations.

91. Essentially, where there is conflict with the development plan, this weighs against the scheme. If the material considerations cannot outweigh this conflict, the Local Planning Authority are required to refuse the application unless exceptional circumstances apply – which in this case, they simply do not. Equally, the converse is true; where the material considerations outweigh the conflict with the development plan, the Local Planning Authority may then be in a position to consider approving the application.

92. In this instance, the proposal as submitted conflicts with a range of policies within the development plan. Namely, the proposal fails to satisfy policies RV1 and RV3 of the Rural Vision, CS1, CS2, CS3, CS4 and CS13 of the Core Strategy and policies DM1, DM2, DM5, DM11, DM12, DM13, DM22 & DM27. It also, in the Local Planning Authority's view, conflicts with the second limb of paragraph 79 of the NPPF. This represents a significant degree of policy conflict and whilst the SDRP have offered their support with respect to the innovative status of the dwelling, this does not outweigh the conflict that is set out within this report.

93. In conclusion, therefore, the principle and detail of the development is not considered to be acceptable and conflicts with relevant development plan policies and the National Planning Policy Framework. The impacts arising cannot be satisfactorily mitigated through the imposition of suitably worded conditions and the application is not therefore supported.

### **Recommendation:**

94. It is recommended that planning permission be **REFUSED** for the following reasons:

- 1 The National Planning Policy Framework (NPPF) requires the planning system to recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of

public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Between them, policies CS1 and CS4 establish the spatial strategy and the settlement hierarchy for development within the former St. Edmundsbury area. Policy DM13 bolsters this position and provides that development which is proposed outside of the settlement boundaries, as identified through CS4 and as is the case in this instance, will be strictly controlled. Policy RV3 of the Rural Vision Document further clarifies that the proposals for residential development will be favoured within the defined settlement boundaries. Collectively, these policies seek to resist residential development outside of settlement boundaries and instead direct it towards localities and settlements which are able to accommodate further growth in a sustainable way. Furthermore, Policy DM5 of the Joint Development Management Policies Document (Development within the Countryside) provides that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of the identified settlement boundaries. The proposal does not meet the provisions of policies DM5 or DM27 or paragraph 79 of the NPPF, which outweigh this very significant conflict with the Development Plan. The Local Planning Authority is able to demonstrate an up to date 5 year housing supply and the most determinative policies for decision making are considered up to date, as such the principle of development in this location is not supported,

- 2 In conjunction with policy CS3 of the Core Strategy, policy DM2 of the Joint Development Management Policies Document provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. The proposed development is a large building with a Corten steel skin installed to the external elevations. Physically, the proposed dwelling has 5 bedrooms and it has a footprint of 28m x 8m with a ridge height of 10.2m.

The submitted site sections illustrate that the dwelling, as proposed, would be larger than the locality's existing buildings and in particular the existing dwellings which are modest, rural units. The building's substantial footprint and generous ridge height give rise a proposal which is incongruent with the prevailing rural character of the application site and wider context. The dwelling presents as a very large, dominating urban block in an area which is otherwise loosely developed with a typical rural vernacular. The massing and bulk do not respect the rural setting of the locality and as a result, the development is visually harmful in the way it dominates the plot and creates a jarring visual contrast between the dwelling and its rural, verdant setting. This results in a proposal which materially and significantly conflicts with policies CS3, DM2 and DM22 of the development plan in a way which is deemed to be harmful to the existing character and rural setting of the application site.

As a direct result of the inappropriate scale and massing of the proposed

dwelling, the development is deemed to have an adverse impact upon the prevailing landscape and thus conflicts with policy DM13 of the joint Development Management Policies Document. The proposed new dwelling is higher than the next largest building, the existing agricultural barn on the site. The building is not typical of the cluster and represents a departure from the local vernacular in its appearance and size. The submitted photomontage view of the building from the footpath to the north west of the site shows that the building will be dominant with the hard edges of the building set against the sky; the trees to the rear will no longer be visible on the skyline. The introduction of a hard edged, visually discordant addition to the landscape is visually intrusive and represents a visually jarring feature within an otherwise undeveloped rural setting.

The area is rural in character and there are few sources of artificial or intrusive light; this contributes to the undeveloped and natural character of the locality. However, by introducing a large physical mass to the landscape, with internally illuminated panels - which ultimately project light outwards into the unlit landscape - the prevailing sense of place would be unduly compromised. Such a design fails to respect the locality's countryside character and would represent a conflict with policies CS3, DM2 and DM13 by virtue of the harmful visual impact to the immediate and wider setting of the building.

Therefore, as a result of the material conflict with development plan policies CS3, DM2, DM13 and DM22, the scheme is not considered by the Local Planning Authority to represent development which satisfactorily complies with paragraph 79 of the National Planning Policy Framework. Due to the introduction of a large, inappropriately scaled building, the scheme as proposed does not significantly enhance the immediate setting within which it is proposed and nor is it sensitive to the prevailing defining characteristics of the area.

- 3 As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the Local Planning Authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

The proposed dwelling will be located adjacent to an existing belt of mature trees and the submitted ecology survey confirms that these trees to the south of the site represent a moderate value to foraging bats due to the connectivity with the Chilton Stream. However, although the submitted ecology report acknowledges that additional lighting has the potential to have an adverse impact upon foraging bats, the scheme includes opaque roof and wall panels to give a night time lighting effect.

The introduction of additional light sources in close proximity to an area likely to be used by foraging bats is not consistent with the principles of retaining a dark site as alleged within the submitted ecology survey. Accordingly, due to the potential adverse impacts upon the local bat population, the scheme represents a conflict the advice contained within the NPPF at paragraphs 8c, 170 and 175 and policies DM11 and DM12 of the Joint Development Management Policies Document and policy CS2 of the Core Strategy.

- 4 Whilst the submitted landscaping proposals plan provides some detail as to the position of the boundary trees, the application is not supported by a BS5837 compliant arboricultural report. In this instance, the Local Planning Authority would maintain that such detail is required given the proximity of the development to the off-site, visually prominent tree specimens. It is accepted that the proposed development may be able to co-exist with the trees which are already in situ but the Local Planning Authority are unable to reach such a conclusion without the necessary arboricultural report being submitted. It must therefore be concluded that in the absence of information which indicates otherwise, the proposal is unable to demonstrate that it sufficiently satisfies policy DM13 which specifically aims to ensure landscape features (trees in this instance) are not unduly sacrificed or threatened.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1445/FUL](https://www.dorsetcouncil.gov.uk/Document/DC/20/1445/FUL)