

Committee Date: 22nd July 2010

Reference: 10/00386/FUL

Date submitted: 19.05.2010

Applicant: Mr R Thain – Ross Thain and Co

Location: Timothy's Wood, Westmoor Lane, Cold Overton

Proposal: **Erection of 1 four bedroom dwelling with self sufficient environmentally friendly developed light, heating and drainage systems. Fabricated using locally sourced materials and built within a managed sustainable woodland.**

Proposal :-

This application seeks planning permission for the erection of a large detached self sufficient dwelling. The site is located in the open countryside in a remote location in Timothy's Wood some distance from the village of Cold Overton. The proposed dwelling has been designed to be entirely service free and around the concept of sustainable development.

Application to be considered by Committee due to the unique nature of the application and at the request of Councillor Chandler.

Relevant History:-

10/00102/FUL Development of 4 bedroom stand alone house with self sufficient environmentally developed light, heating and drainage systems was withdrawn on the 23rd April 2010.

Planning Policies:-

PPS 1 'Delivering Sustainable Development' - The guidance says that planning should promote sustainable and inclusive patterns of development. The general theme of PPS1 is that the planning system should contribute to global sustainability by addressing the causes and potential impacts of climate change. PPS1 seeks a reduction in energy use and emissions (specifically citing the encouragement of development which reduces the need to travel by private car), and also says that climate change impacts should be taken into account in the location and design of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change. Whilst the location of new development continues to be key in this respect, new development should minimise the resources used by (for example) building housing at higher densities on previously developed land.

PPS 3 Housing - amplifies the advice set out in PPS1, and particularly says that housing should be developed in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The priority for development in such locations should be previously developed land, where appropriate. However, PPS3 places a specific duty on local planning authorities to consider sustainability issues as some sites will not necessarily be suitable for housing. PPS3 also discusses the contribution that can be made to cutting carbon emissions by focusing new development in locations with good public transport accessibility and/or by means other than the private car and where it can readily and viably draw its energy supply from decentralised energy supply systems based on renewable and low-carbon forms of energy supply, or where there is clear potential for this to be realised.

PPS3 also sets out clear advice on determining planning applications, stating that we should have regard to the suitability of a site for housing (including its environmental sustainability) and that we should ensure that proposals are in line with housing objectives and do not undermine wider policy objectives.

PPS 7 – states that sustainable development is the core principle underpinning land use planning. Priority should be given to re-use of previously-developed sites and all development in rural areas should be well designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness. PPS 7 reiterates PPS3 with regards to Housing in rural areas and should strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

However, paragraph 11 of PPS 7 does state “**Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction to protecting and enhancing the environment, so helping to raise the standard of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.**”

Melton Local Plan (saved policies):

Policy OS2 - does not allow for development outside the town and village envelopes shown on the proposals map except for development essential to the operational requirements of agriculture and forestry, and small scale development for employment , recreation and tourism.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy C16 - states that planning permission will not be granted for development which would result in the loss or damage to areas of ancient woodland.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments and meets local needs by addressing identified imbalances in housing stock in all location. The Core Strategy also looks at tackling climate change and considered that focusing development within Melton Mowbray we will be directly influencing energy use and emissions by reducing the need to travel and that development in isolated locations, where people rely on the private motor car for their travel needs are poor locations for development, even if other measures are taken to mitigate or adapt to climate change. The Core Strategy states that new development should be of high quality and inclusive design.

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| <p>Highway Authority – Following on from a previous recommendation of refusal on the withdrawn application, the highway authority met with the agent on site to discuss the proposal. It is understood from the agent that the previously approved stable block and equestrian centre will not go ahead to the north of the site and should this application be permitted, on that basis it would not be possible to demonstrate</p> | <p>The Highway Authority has no objection to the proposal subject to the imposition of conditions and that previous consent adjoining the access for an erection of new stable block to form an Equestrian Centre, reference 07/00067/FUL, is not implemented. Application 07/00067/FUL for an equestrian centre was granted permission in March 2007 and as it was never implemented this consent</p> |

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| <p>that the proposal would result in a material increase in use, they are not sure how that can be tied up, presumably a suitable legal agreement will be required.</p> <p>Recommends the imposition of conditions in relation to visibility splays, gradient, closure of existing access, parking and turning.</p> | <p>has lapsed. Therefore it is not considered necessary to enter into a legal agreement as any further development utilising this access would require planning permission and any highway issues would need to be considered.</p> <p>Noted.</p> |
| <p>Knossington and Cold Overton Parish Council – are unanimously opposed to the application</p> <ul style="list-style-type: none"> - The design fails to meeting the policy of ‘outstanding’ and self sufficient in a small area - Timothy’s Wood is a relatively new plantation of 1.2 ha being planted in the 1970’s. The Centre has been felled to create fox cover, leaving a thin strip around the perimeter. Therefore such a small area would be unable to support the proposed dwelling long term. - To give consent to the application would set a precedent to allow dwelling in small spinneys/woods. - There is no existing driveway to the wood, which would be required if the application was granted - Cold Overton is a Category 3 Village <p>The Councillors feel that this is not a credible development. They would seek a robust refusal of the application and hope that the planners are consistent and refuse this application as they did the previous one.</p> | <p>See appraisal below</p> <p>The woodland is stated to have been left to its own devices since the early 19th Century with the exception of some extensive ash and hazel coppicing and the applicants have stated that the woodland has deteriorated with the un-coppiced trees spreading in an uncontrolled manner. The site plan shows the surrounding area to the north and east to be planted with native species and will be sensitively managed and environmentally sustained through planting and the avoidance of any spraying or use of pesticides.</p> <p>The applicant is requesting that this proposal be considered as an ‘exceptional’ dwelling under the test of PPS7. Each application should be determined on its own merits. If permission is granted it would not necessarily set a precedent as any subsequent application would need to satisfy the policy tests.</p> <p>The application proposes a long drive way to the house via an existing egress off the main road from Cold Overton. The highway authority has no objection to the proposed access subject to conditions.</p> <p>The site is located in the open countryside in an isolated location. The proposal is for the erection of development in the open countryside contrary to planning policy at all levels in locational terms.</p> |
| <p>Natural England – welcomes the measures to enhance the biodiversity on this site, however, there is very little detail in the Ecology report on how the surveys for protected species were carried out. Are any of the trees removed mature or contain suitable features for roosting bats, are there active badger setts in the wood? Based on the information</p> | <p>The concerns of Natural England in relation to the lack of information on the protection of protected species and demonstration of how mitigation measures will be adopted needs to be addressed in relation to the proposal. This lack of information could be included as a ground for refusal if considered necessary. However, the Council’s own</p> |

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| <p>provided, Natural England objects to the proposal as inadequate information has been provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. Particularly bats and badgers. Natural England therefore recommend refusal unless the applicant submits adequate information to show that the species would not be affected or that potential effects, would be avoided or satisfactory mitigated.</p> <p>With regards to breeding birds protection a condition should be attached with regards to site clearance operations within march to August.</p> | <p>ecological advisors are not objecting to the proposal with regards to the loss of woodland but have requested a great crested newt survey. In accordance with the advice in circular 6/2005 it is considered that the impact on any protected species should be considered and prior to the granting of any approval these surveys should be conducted. The lack of any protected species survey should formulate a reason for refusal.</p> |
| <p>LCC Ecology – As the woodland has been assessed as being low significance, if suitable compensation in the form of additional tree planting can be accommodated within the area, they would not object. The area of compensatory planting should be at least <u>double</u> the size of the area to be lost by the development and should be undertaken with native trees found locally.</p> <p>With regards to the woodland, the multi-stemmed ash, standard ash and ash pollard should be retained within the site. Any removal of trees should be undertaken outside of the bird-breeding season unless a suitably experience ecologist can demonstrate that no nesting birds are present.</p> <p>The new access will pass immediately adjacent to a pond and this pond should be surveyed for great crested newts.</p> <p>Request that a condition in relating to compensatory planting be imposed.</p> | <p>Noted, the application plan shows that the area to the north of the site is to be planted with native species and will be sensitively managed and environmentally sustained. This could be controlled by means of a condition.</p> <p>Noted, the removal of trees and time of year could be controlled by means of a condition.</p> <p>Noted, see above.</p> <p>Noted.</p> |
| <p>LCC Forestry - would not be able to make any comments on the development without a copy of the BS 5837 tree survey, that identifies all of the trees on or near to the site that could be affected by the proposed development.</p> <p>The report should catalogue, define and categorise all of the trees that could be affected by ;</p> <ul style="list-style-type: none"> ~ the development, ~ routes of access to the site, ~ areas for storage of materials, mixing, canteens and toilets etc, ~ a defined area for works around the site, <p>it should also define the trees root protection areas, a method statement and plan that identifies how the trees are to be retained are to be protected or any ground protection required, there may also be a need for planting to mitigate the loss of trees because of the development.</p> | <p>The applicant has submitted an ecological survey and assessment of Timothy’s Wood. The current woodland consists of an area of mixed secondary plantation on clay soil and has been highly modified by replanting and other disturbance. The centre of the wood consists of mid-mature plantation of ash surrounded by shelterbelts of mid-mature Scots pines. The woodland has been assessed to be not of significant biodiversity interest with no rare or uncommon plant or animal species. The wood is not registered as an Ancient Woodland site with few plants associated with ancient or long established woodland.</p> <p>LCC are requested further tree surveys to be undertaken to ensure that the trees are not damaged during construction, access or outdoor storage. In this instance due to the assessment of the woodland and the off-site planting proposed it is not considered necessary to request this survey at</p> |

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| <p>Definition of a BS 5837 survey; <i>"The British Standard gives recommendations and guidance on the principles to be applied to achieve a satisfactory juxtaposition of trees, including shrubs, hedges and hedgerows, with structures"</i></p> <p>They would gladly provide the expert advice with regards to either the application to carry out tree works or the development site proposal, however, they would need to see the relevant forms or surveys to support the application.</p> <p>There are some major risks associated with building in a wooded area or near to trees, where it is often commonplace for the needs of the tree(s) to be ignored in favour of the ease of development. This can lead to problems that manifest at a later date (e.g. two years after the development), for example permission is granted by the LPA to build adjacent to a tree without due care to the tree which then rapidly deteriorates due to root excavation and soil contamination during the development process, the tree subsequently dies and collapses onto the property at which point the owner, developer and LPA are all implicated in any court action related to damage or personal injury.</p> | <p>present. If the development is considered acceptable a condition could be imposed to ensure that a management plan for the trees and protection of the trees during construction is submitted.</p> |
| <p>Housing Policy Officer – Within the Rural South of the Melton Borough the study indicated that there is limited need for additional market housing overall, however when looking at the local mix of properties there is a small need for 2-3 bedroom older people/downsizing accommodation (such accommodation may include level access bungalows) and 3 bedroom sized family homes. The strong need for smaller market housing such as 2 bedroom houses across the borough and no local surplus would support such accommodation in this location as well. The only type of property which is in surplus locally is larger family accommodation, such as executive/detached housing with 4 or more bedrooms. There are limited opportunities for significant new residential developments and therefore residential development in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The application seeks consent for the creation of a two storey, 4 bedroom “sustainable eco-house”. There is no housing need in the local area for larger 4 bedroom executive housing and the proposed dwelling would add to the oversupply of such accommodation in the vicinity.</p> | <p>Noted, the dwelling is not supported as it would add to the local imbalance of the housing market through the further addition of a larger property and as such is considered inappropriate. However, an assessment is needed as to whether housing need is considered to be a ground for refusal since the application relates to an ‘exceptional’ dwelling.</p> |

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| <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blime Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>The dwelling proposed by the application is not supported as it would add to the local imbalance of the housing market through the further addition of a larger property and as such is considered inappropriate. On this basis the application is recommended for refusal as the local over supply of larger family accommodation would be further exacerbated, contrary to PPS3.</p> | |
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Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 1 letter has been received commenting on the following grounds;

| Representation | Assessment of Head of Regulatory Services |
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| <p>Impact on the open countryside;</p> <p>Object to the application as the dwelling will be situated in unspoilt countryside. The continuous development along the Somerby to Langham road is leading to a strip development which is spoiling the countryside.</p> <p>Siting a building in environmentally sensitive open countryside is wrong. Justifying this on the grounds that the building is environmentally friendly is perverse. I would suggest that the applicant find a brown field site to develop rather than create a green field site.</p> | <p>The site of the dwelling is surrounded by woodland and even when viewed in the winter the trees screen the site from longer views. The site itself is elevated in terms of the whole site and topographical levels have identified that the house sits at the top of the hill but the surrounding trees render it invisible from all angles. The surrounding woodland ensures that the proposed dwelling would be visually hidden and therefore, it is considered that the siting of the dwelling in this location would not adversely impact on the open countryside.</p> <p>Noted, see assessment below in relation to Policy and location of the development.</p> |

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| The Council must draw a line on the gradual urbanisation of the diminishing countryside. | |
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Other material considerations (not raised through consultation or representation)

| Consideration | Assessment of Head of Regulatory Services |
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| <p>Application of Development Plan and other planning policy.</p> <p>Policy OS2 provides a general presumption against development in the open countryside except for limited small scale development for recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.</p> <p>PPS7 supports OS2 in restricting development in the open countryside. However, paragraph 11 of PPS 7 states that; “Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction to protecting and enhancing the environment, so helping to raise the standard of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.”</p> | <p>The site is located in the open countryside and in terms of the principle and policy in question it is considered that the proposal must satisfy the policies contained within the structure plan, policies OS2 of the Melton Local Plan and PPS7. The dwelling is not proposed to be for a recreation, tourism or for the essential requirements of an agricultural or forestry worker and therefore the proposal does not meet the requirements of OS2.</p> <p>PPS 7 as stated opposite does, very occasionally, allow an exception to this principle and gives Local Authorities the capacity to grant isolated dwelling in the open countryside.</p> <p>This application has been submitted on this basis and the applicant is justifying the erection of an isolated dwelling on the unique nature of this proposal. The dwelling is proposed to be;</p> <ul style="list-style-type: none"> ▪ Genuinely unique location ▪ Hi-tech Lifestyle Design ▪ Enhancement of wildlife through Biodiversity ▪ Woodland Management Scheme ▪ Sensitively designed for the local environment ▪ Innovatively Service free – no mains water, drainage, gas, electricity or oil ▪ Renewable Biomass heat and power ▪ Reed bed drainage and rainwater harvesting ▪ Conforms to PPS7 ▪ Materials sourced locally and from the existing site ▪ Raising the standards of local and national design ▪ A special chance to demonstrate cutting edge technology and maximum sustainability ▪ Providing education and information at a local and national level. <p>The applicant has stated that the house will demonstrate complete and total sustainability, through the use of local materials and combining existing cutting edge technology to provide the</p> |

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| <p>PPS1 and PPS3 strongly supports the location of development within existing settlements and requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. Both guidance's support development that reduces energy</p> | <p>services required. They state that the building has been designed in appreciation of the surrounding trees from the total woodland enclosure, from this sustainable source will come the timber for construction. The centre of the house is to symbolise the trunk and provide the main living areas which form the heart of the house with the roof over sails the building providing a canopy which provides solar shading.</p> <p>Of particular note in relation to this application is that the dwelling is proposed to be entirely service free. The applicant has stated that this property would be the first in the area to be entirely service free and totally independent upon any mains infrastructure or installation.. The main concepts in relation to being service free are detailed briefly below:</p> <p>Water; Drinking water, water for showers, baths (Potable) would be harvested from rainwater that falls onto the predominately flat roof of the building, collected in underground storage tanks, filtered and pumped back into the house for general use. If the tanks are full they can run the house for three months without rainfall. If in the future this was to prove problematic, it is very likely that technology will be able to treat successfully the grey water and convert this to potable status. At present this technology is unreliable and unsafe. It is likely to be resolved within the next five years.</p> <p>Non-potable (grey water) will be recycled from baths, showers and other washing facilities would be stored and pumped back into the house for use in w.c and secondary units.</p> <p>Electricity; It is proposed to install a small scale bio-mass boiler with the potential for conversion of biomass heat energy into electrical energy. At present there exist only a very small number of available boilers for the combined production of heat and electricity. The fuel supply to run the biomass boiler would be woodchip/pellets which would be produced solely from wood within the immediate vicinity of the property. The additional planting scheme will ensure that the supply of wood would never run out.</p> <p>Heat Production for Heating & Hot Water; would be provided from the same boiler as electricity production. Such installations are common place on larger domestic scale.</p> <p>Drainage and Waste; Foul waste will be run into an underground system and stored in a tank. From the tank the waste water will pass underground into</p> |
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| <p>emissions and climate change but the emphasis is on locations which reduces the need to travel by private car.</p> | <p>a reed bed.</p> <p>The scheme is also proposing to use primary construction materials sourced within a hundred mile radius of the site. Inevitably, there will be items which will have to come from further afield but the aim is to demonstrate that local materials are widely available and that with suitable research and enthusiasm it is entirely possible to keep the carbon footprint of the construction to an absolute minimum.</p> <p>The application has been designed to have an educational element to it. The applicant intends to enter into an agreement with Groundwork Leicester and Leicestershire (GWLL) and have submitted a letter of support from GWLL. The GWLL have offered five educational packages which they are prepared to set up for the monitoring of the project and it is their intention to use this as an exemplar construction project to demonstrate how the innovative services packages can be created in real life.</p> <p>The applicant considered that Timothy's Wood represents a unique opportunity for the Local Authority to demonstrate their determination to encourage both creativity and long term sustainability. Not only will it be a most beautiful place to live but a beacon of symbiosis between nature and mankind. The whole model of sustainability in residential construction is included in mystery and the contacts with GWLL will enable some of this perplexity to be unravelled. The opportunities of the scheme are:-</p> <ul style="list-style-type: none"> • Educational benefits to schools, college and the public in general • Establishing MBC as being at the vanguard of domestic sustainability • Providing an insight into the likely future model for sustainability and the resultant design • The embracement of Central Government Policies for maintaining an ecological balance between man and their environment. |
| <p>Core Strategy looks at tackling climate change and considered that focusing development within Melton Mowbray we will be directly influencing energy use and emissions by reducing the need to travel and that development in isolated locations, where people rely on the private motor car for their travel needs are poor locations for development, even if other measures are taken to mitigate or adapt to climate change</p> | <p>The concepts for the dwelling are considered to introduce new technology and addressing sustainability issues. In this respect the building does meet some of the criteria set out in paragraph 11 of PPS7 with regards to its methods of construction and its contribution to protecting the environment.</p> <p>Whilst the concept and principles behind a</p> |

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| | <p>sustainable house can be supported but the physical location of the development also need to be considered. The proposed dwelling would be sited in an isolated location some considerable distance from existing settlement. The closest settlements to the property would be Cold Overton which in itself is not a village considered to be a sustainable locations. The nearest larger settlement to the proposal would be Oakham, however, this is still some distance from the proposal. The location of the development means that the occupants of the property would be heavily reliant on the motor car to access services, provisions and other goods. The proposal is not considered to comply with sustainability criteria in terms of its location.</p> <p>Despite the applicants attempt to demonstrate ground-breaking sustainable technology in a private dwelling, the site and its location, is not typical of how sustainable dwellings should be provided in the future. The site is an insufficient use of land and has a dependency on a wider area of woodland not available to every development and a severe dependency on the motor car. The dwelling, sited considerable distance from any settlement is not considered to be sustainable, it not an efficient use of land and would not assist in fulfilling housing needs for the future.</p> <p>The proposal is some distance from Melton Mowbray and a main centre with facilities. The property would be reliant on the private motor car for all their travel needs outside the site and is considered to be a poor location for development despite the sustainability measures introduced. The proposal is not considered to be in accordance with the core strategy.</p> |
| <p>Impact on the Open Countryside</p> | <p>The proposed dwelling is to be sited towards the centre of the woodland and a judgement is required as to whether the proposal would adversely impact on the character and appearance of the open countryside. The applicant has stated that the scale of the proposal has been deliberately set to appear subservient and minimal compare to the surrounding woodland. All of the mature trees would rise above the top of the building and the woodland would continue to dominate the landscape.</p> <p>The site of the dwelling is surrounded by woodland and even when viewed in the winter the trees screen the site from long term views. The site itself is elevated in terms of the whole site and topographical levels have identified that the house sits at the top of the hill but the surrounding trees render it invisible from all angles. The surrounding</p> |

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| | <p>woodland ensures that the proposed dwelling would be visually hidden and therefore, it is considered that the siting of the dwelling in this location would not adversely impact on the open countryside.</p> <p>The application proposes the erection of a long access driveway over land which is currently undeveloped. The track would cross over two field boundaries and would span a distance of over 370 metres. The applicant has not provided any information on how the access is to be treated. However, there are systems that can be put into place which would ensure that an access would not scar the landscape and this could be imposed by means of a condition</p> <p>The site is surrounded by woodland which appears to have been left unmanaged for some time. There has been some coppicing, however, the woodland appears to be fairly unmanaged and uncontrolled. The applicant has stated that the proposal will include a woodland management scheme, enhancing the view of the wood and regenerating the woodland. The house proposed will be dependant on the woodland to survive and therefore will need to be managed properly. Therefore, to ensure that the development and the proposed objectives of the development do not deplete the woodland a management plan system is required to ensure that the woodland is not depleted and is continued to be regenerated. This would need to be controlled through a Section 106 Legal Agreement.</p> |
| Impact on residential amenity | <p>The site is located in an isolated position and some distance from the nearest residential dwelling. It is therefore not considered that the proposal will adversely affect the residential amenities of any nearby properties.</p> |
| Design | <p>The proposed dwelling has a contemporary design and in line with PPS7 the concept of the dwelling has been material and location led. The applicant in their supporting statement has stated that the building has been designed in appreciation of the surrounding trees from the total woodland enclosure. The applicant has stated that the centre of the house symbolises the trunk of a tree and is to provide the main living areas. The primary purpose of the design is to provide main service free living and to create an entirely sustainable environment.</p> <p>The building is proposed to be constructed mainly from timber which is to be source, derived and manufactured within 100 miles of the site, and from within the site. This is intended to demonstrate that it is possible to procure all materials available for this building within the locality without the need for</p> |

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| | <p>sea, air or long haul lorry distribution.</p> <p>PPS7 paragraph 11 enables Local Authorities to very occasionally granted isolated new houses provided that the design is truly outstanding and ground-breaking. This includes methods of construction and contribution to protecting and enhancing the environment. Whilst it can be argued that the dwelling itself in the use of materials and that it would be self-sufficient is satisfying the environmental strand of this exception policy the overall appearance of the dwelling is more subjective. PPS7 goes on to state that the value of the building should be of the highest standard of contemporary architecture. The building would not be prominent and its overall appearance is not considered to be truly outstanding. The predominantly timber structure is considered to be relatively simplistic. Whilst it is acknowledged that the design of a building is often subjective it is not considered that this building is truly outstanding in terms of architectural merit. However, it could be argued that the details of the buildings i.e its self sufficiency are in themselves sufficient enough to be an exception in line with PPS7 to allow for an isolated dwelling in the open countryside.</p> |
| <p>Education/Tourism</p> | <p>The application has been designed to have an educational element to it. The applicant intends to enter into an agreement with Groundwork Leicester and Leicestershire (GWLL) and have submitted a letter of support from GWLL. The GWLL have offered five educational packages which they are prepared to set up for the monitoring of the project and it is their intention to use this as an exemplar construction project to demonstrate how the innovative services packages can be created in real life.</p> <p>The educational element to the proposal should be commended but it is not considered sufficient a reason to support a dwelling in an totally unsustainable location.</p> |

Conclusion

The application represents a departure from the development plan and exceptional circumstances are required to allow a development contrary to the national and local development framework. The applicant has tried to demonstrate that the exceptional circumstances stated in paragraph 11 of PPS7 allow for this development. PPS7 allows for the very occasional granting of truly outstanding and ground-breaking design. The house has been designed to be completely service free and ecologically friendly and as such seeks to qualify within with this 'exceptions policy'. However, the design is not considered to be especially ground-breaking and the property would be situated in an isolated location which in itself is not considered sustainable. The proposal in this respect fails to comply with PPS1, PPS3 and the Core Strategy. Whilst the concept is supported it can be questioned that the site and its location is not typical of how sustainable dwellings should be provided in the future. The site is limited in terms of meeting the requirements of

PPS7 as the dwelling is sited considerable distance from any settlement, it not an efficient use of land and would not assist in fulfilling housing needs for the future.

It is acknowledged that the application includes measures which would contribute toward climate change, would introduce an innovative design and various environmental improvements and would be used for educational purposes. These positive aspects of the proposal need to be balanced against those aspects of the proposal that are contrary to policy. On balance, however, as assessed above, these qualities are not considered to be so exceptional that they present a valuable, unique positive opportunity and it is not considered that they are sufficient to justify an exception to the development plan. Accordingly the proposal is recommended for refusal.

It should be noted that if Members are mindful to support the proposal then the application would need to be referred to the Secretary of State as a departure and any conditional approval would need to be accompanied by a Section 106 Legal Agreement to control woodland management, service provision and cartilage and removal of the existing equestrian consent (see Highways comments above).

RECOMMENDATION:- Refuse

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in a residential development which is not within or adjoining a settlement that has been identified as being suitable for development and as such is a departure from the local development framework. The site is not within a settlement envelope and is in an isolated location heavily reliant on the motor car. The dwelling has been justified under the exceptions policy of PPS7, however, the ground-breaking nature of the development is not considered sufficient justification to allow for the erection of an isolated dwelling in an unsustainable location. The proposal is therefore considered to be contrary to Planning Policy Statement 1 (Delivering Sustainable Communities) and Planning Policy Guidance 3 (Housing) and the LDF Core Strategy Preferred Options.
2. Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon protected species. This is contrary to PPS9 "Biodiversity and Geological Conservation" which affords protection over protected species and places a duty to conserve biodiversity.

Officer to contact: **Mrs Jennifer Wallis**

9th July 2010