

Applicant: Mr & Mrs Gowler

Agent :

Land South Of 20, Primrose Hill, Doddington, Cambridgeshire

Erect a dwelling (single storey, 3-bed)

Officer recommendation: Refuse

Reason for Committee : No of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The site is located within the open countryside where residential development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services by Policy LP3 of the Fenland Local Plan 2014.
- 1.2 As such the applicant has put forward the proposal as an NPPF paragraph 79 home. Part e) facilitates an isolated new home in the countryside if the design is of an exceptional quality. The design of the dwelling is considered to be unique within the Fen landscape.
- 1.3 Unfortunately, the application is not considered to be truly isolated due to the proximity of nearby dwellings, reference, the *Braintree* judgement.
- 1.4 The main policy consideration is therefore Policy LP3 which identifies the site as being within the open countryside where residential development in this instance would be contrary to that policy.
- 1.5 The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1 This 0.27ha site is agricultural land located within the open countryside on Primrose Hill, Doddington, opposite Dykemoor Drove. An existing farm access falls away slightly from the main highway which is screened from the site by a bank of sapling trees. The access track is bounded to the north by a mature hedge several metres high. The site is within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is a full application for the erection of a single storey 3 bed dwelling. The design of the dwelling is focussed on using the unique features of the site to create a low carbon dwelling. The applicant proposes that the dwelling will be

carbon neutral and where possible, carbon neutral materials and recycled and re-used materials will be used in its construction.

3.2 For these reasons, the applicant is proposing the dwelling as a “paragraph 79” home, in particular part e). Paragraph 79 of the NPPF states that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that 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; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

3.3 The dwelling is to be partly sunken into the ground to have minimal impact on its open countryside location. The roof height will be approximately 3.8m above ground level. Large areas of glazing are proposed facing south east to provide solar gain in the morning. This is in the form of a curved wall of mostly glass. The maximum diameter of the dwelling will be 20m approximately. The roof overhang and deciduous trees will provide solar shading to the glazing and dwelling during the summer.

3.4 The roof will be slightly sloping to allow some solar gain and light to penetrate the property. It is proposed that the construction will be reinforced concrete, externally insulated to achieve a high thermal mass. High thermal mass helps to retain heat in the winter but prevent solar overheating in the summer.

3.5 The following low carbon technologies are proposed:

- MVHR – Mechanical Ventilation with Heat Recovery
- Air Source Heat Pump Heating and Hot Water
- Photovoltaic panels also mounted to provide additional shading.
- Solar divertor system to direct excess electric to hot water, car chargers, appliances, or battery storage.
- Battery storage system to provide electric at night when solar is not generating

High levels of insulation include:

- Walls 200mm fibre insulation – Normal new dwelling 125mm fibre insulation
- Roof 200mm foam insulation – Normal new dwelling 120mm foam insulation
- Floor 200mm foam insulation – Normal new dwelling 100mm foam insulation
- Windows Energy Efficiency 0.8 – Normal new dwelling 1.2

Thermal bridging is also proposed at the junctions of the building.

3.6 The flat roof will be finished as a wild meadow roof. The applicant considers this type of roof finish is more beneficial to wildlife than a traditional green roof, plus

maintenance is minimum but the low height of roof over the plant roof allows for easy access.

- 3.7 One ash tree is to be removed and 8 saplings will be relocated.
- 3.8 The existing access serves 3 x agricultural fields. At the request of the Highways Officer additional detailing has been added to the plan with regard to the highway cross over. The access will be metalled and drained for 10m into the site. Two parking spaces are proposed.
- 3.9 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QMKE53HE0D800>

4 SITE PLANNING HISTORY

None

5 CONSULTATIONS

5.1 Doddington Parish Council- support the application

5.2 CCC Highways Officer

Requested the agent adds a note to state the highway crossover will be constructed to CCC Highway Construction Specification, and add dimensions (widths) to the access plan. Accept the existing field access provides a suitable arrangement for the shared use.

5.3 FDC Environmental Health

The Environmental Health Team note and accept the submitted information for the erection of a single storey dwelling and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on the air quality or noise climate. Records show the application site has no former use and therefore contamination is unlikely to be an issue.

5.4 Local Residents/Interested Parties

Six letters of support have been received.

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)

Para 2: NPPF is a material consideration

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 79: Avoidance of isolated homes in the countryside except in exceptional circumstances

7.2 National Design Guide (NDG)

- C1 – Understanding and relate well to the site, its local and wider context
- I1 – Responding to existing local character and identity
- H1 – Healthy, comfortable and safe internal and external environment
- H2 – Well-related to external amenity and public spaces
- R1 Follow the energy hierarchy
- R2 Careful selection of materials and construction techniques
- R3 Maximise resilience

7.3 Fenland Local Plan 2014 (FLP);

- LP1: A Presumption in Favour of Sustainable Development
- LP2: Facilitating Health and Wellbeing of Fenland Residents
- LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP16: Delivering and Protecting High Quality Environments Across the District

8 KEY ISSUES

- Principle of Development/ Paragraph 79 of NPPF
- Design/ Impact on Character of the Area/ Residential Amenity

9 ASSESSMENT

Principle of Development/ Paragraph 79 of NPPF

- 9.1 Policy LP3 identifies the site as being in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 9.2 However, paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) *the development would involve the subdivision of an existing residential dwelling; or*
 - e) *the design is of exceptional quality, in that 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; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 9.3 The applicant has asked for the proposal to be considered against paragraph 79 e), specifically stating that “*The design of the dwelling is focussed on using the unique features of the site to create a low carbon dwelling. It's proposed that the dwelling will be carbon neutral and where possible carbon neutral materials to be used along with recycled and re-used materials*”.
- 9.4 Paragraph 79 of the National Planning Policy Framework however only applies to the development of isolated homes in the countryside and therefore consideration

must be given as to whether or not the current scheme falls for consideration in this regard. What constitutes an isolated home should be determined on its own merits, but having researched recent appeal decisions and high court judgements, certain principles should be given due regard. The following decisions are considered to be particularly relevant in the assessment and determination of this application.

- 9.5 The case of *Braintree DC v SSCLG* was considered by the Court of Appeal in terms of what constitutes an isolated dwelling, and this in turn has been used in the determination of a recent appeal. In appeal reference APP/F0114/W/18/3208289 the Inspector when determining the appeal referred to the *Braintree* judgement which stated that the term “isolated” should be given its ordinary meaning of “far away from other places, buildings or people”. It also considered that proposals cannot be considered isolated if there are other dwellings nearby.
- 9.6 As the application site is situated within close proximity to a number of scattered dwellings along Primrose Hill, the proposal is not considered to comply with the key requirement of paragraph 79 of the NPPF as it cannot be considered to be isolated in the normal sense of the word.
- 9.7 As such, the proposal cannot be assessed under paragraph 79 but must be considered on its own merits. With regard to its location, the site is within the open countryside. Therefore the principle of the proposal cannot be supported as the proposal would be contrary to Policy LP3.

Design/ Impact on Character of the Area/ Residential Amenity

- 9.8 Policy LP16 also seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and provides appropriate amenity for future occupiers.
- 9.9 The National Design Guide 2021 under *Resources*, specifically R1, R2 and R3 recommends that developers should maximise resources, through the careful selection of materials and construction techniques.
- 9.10 The design of the dwelling would be unusual within the Fen landscape, but also set down slightly from ground level, minimising the appearance of the dwelling within the street scene.
- 9.11 It would have a contemporary design with a curved glass wall creating an unusual footprint. The dwelling would be 3.8m high and approximately 20m across at its widest point. The remaining external materials would comprise reinforced concrete, thermally insulated. A wild meadow roof is proposed rather than a green roof, with PV panels, an air source heat pump and mechanical ventilation with heat recovery. Bat and bird boxes would also be incorporated
- 9.12 One tree will be lost but other saplings will be relocated. These will in due course shield the development from the highway, and the mature hedging to the north of the access road, reduce any views of the proposed dwelling. With regard to any potential impact on the character of the area, the proposal is considered to have a neutral impact. The incorporation of a range of energy efficient measures also finds support with the National Design Guide.

9.13 The site is located approximately 35m from the nearest residential property. Therefore, it would not impact on the amenity of neighbouring users. The proposed living space and garden area is likely to deliver a nice family home. There is considered to be no conflict with Policies LP2 and LP16 with regard to residential amenity.

10 CONCLUSIONS

10.1 The site is located within the open countryside where residential development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services by Policy LP3 of the Fenland Local Plan 2014.

10.2 As such the applicant has put forward the proposal as an NPPF paragraph 79 home. Part e) facilitates an isolated new home in the countryside if the design is of an exceptional quality. The design of the dwelling is considered to be unique within the Fen landscape.

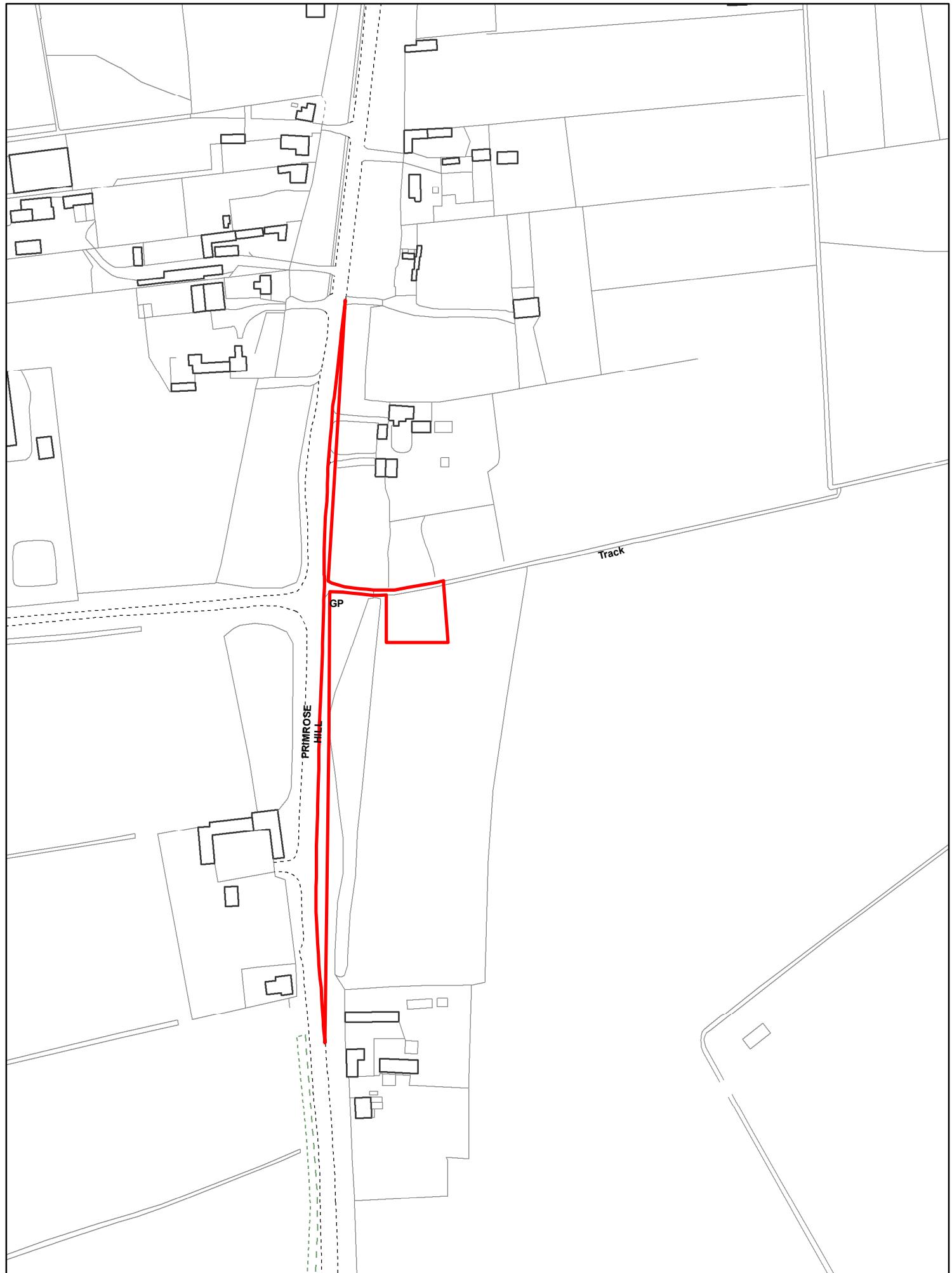
10.3 Unfortunately, the application is not considered to be truly isolated due to the proximity of nearby dwellings, reference, the *Braintree* judgement.

10.4 The main policy consideration is therefore Policy LP3 which identifies the site as being within the open countryside where residential development in this instance would be contrary to that policy.

11 RECOMMENDATION

The recommendation is to refuse the application for the following reason:

1	Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal has not demonstrated that the development is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location. The development therefore does not comply with the requirements of Policy LP3.
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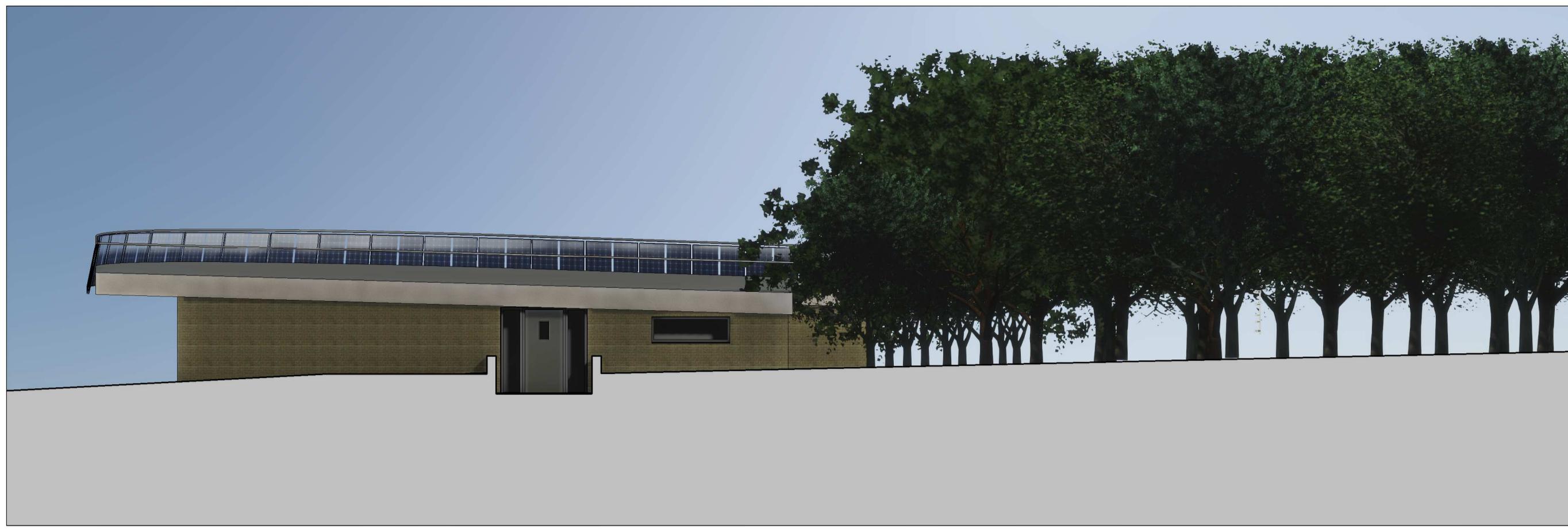
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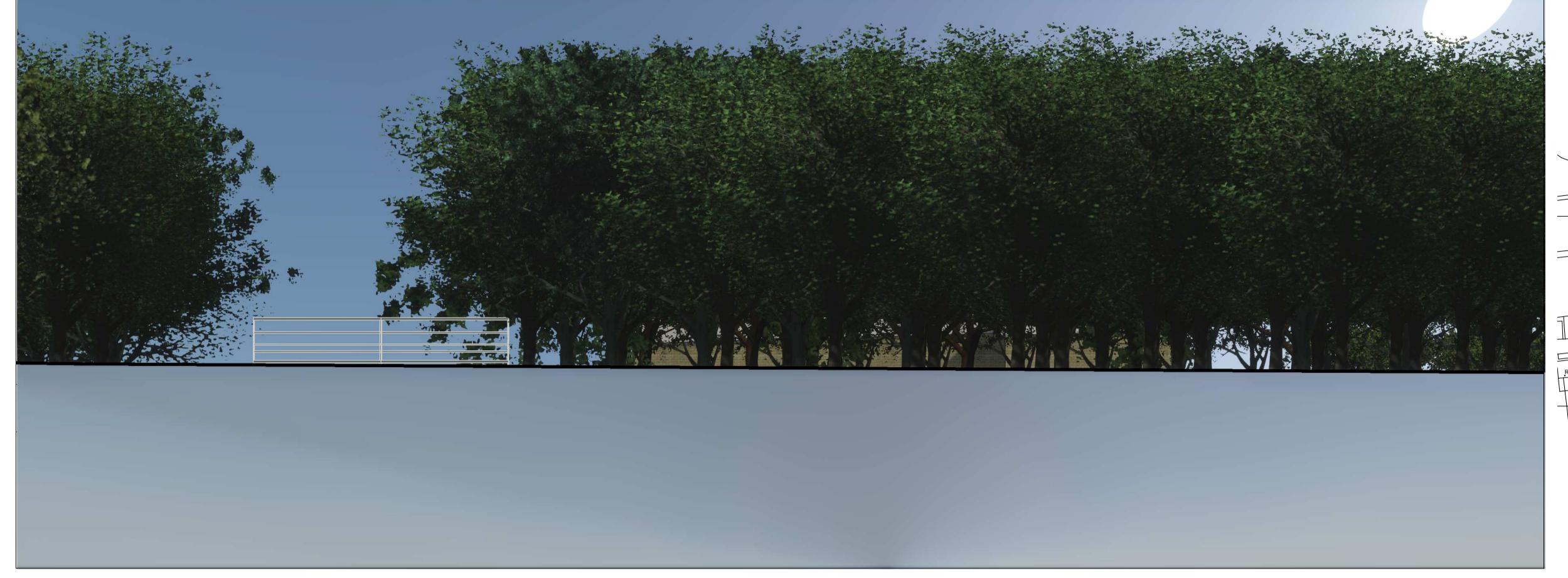
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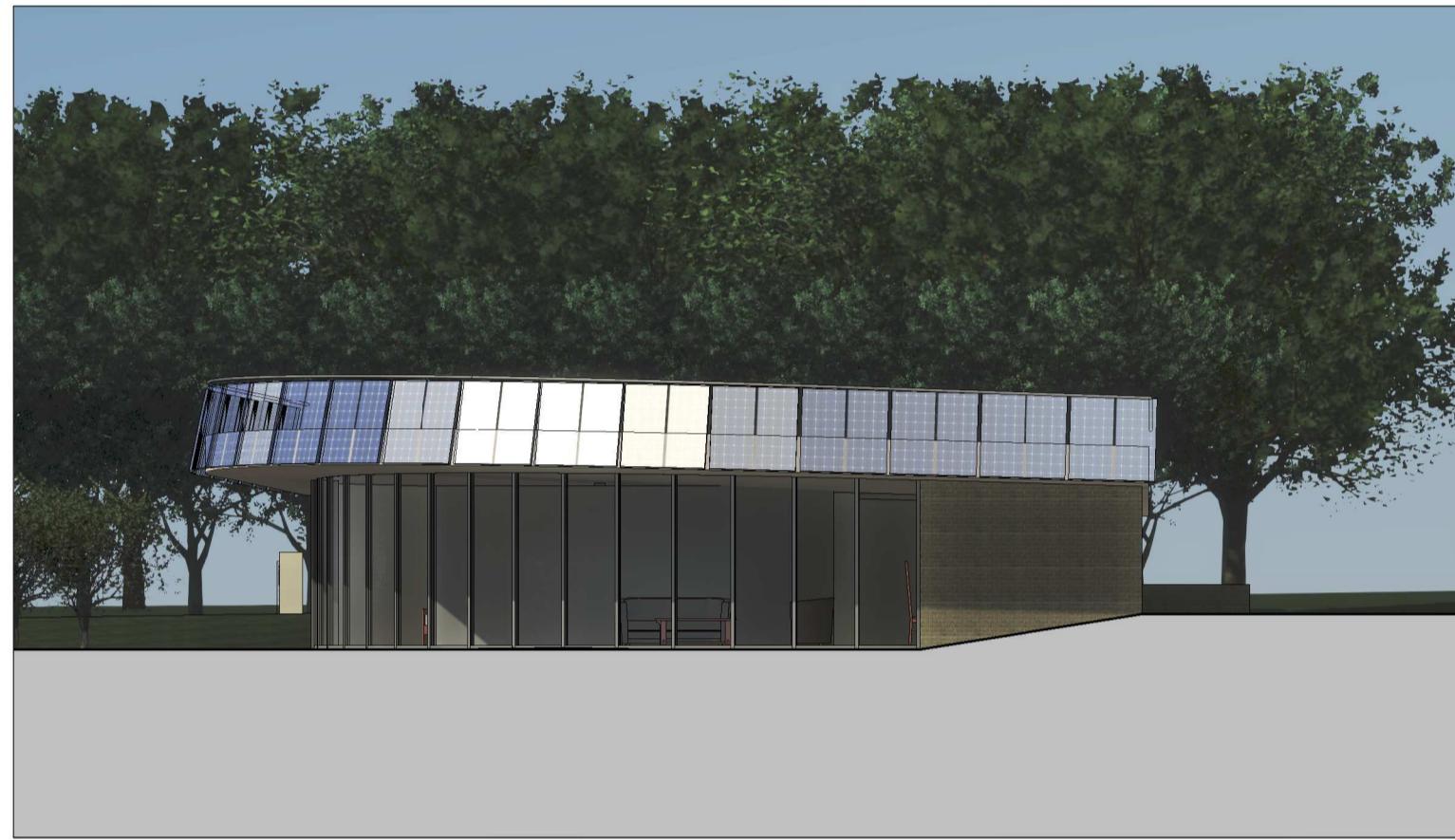
Street Scene / Planning Front (north)

1 : 100



Street Scene (Primrose Hill)

1 : 100



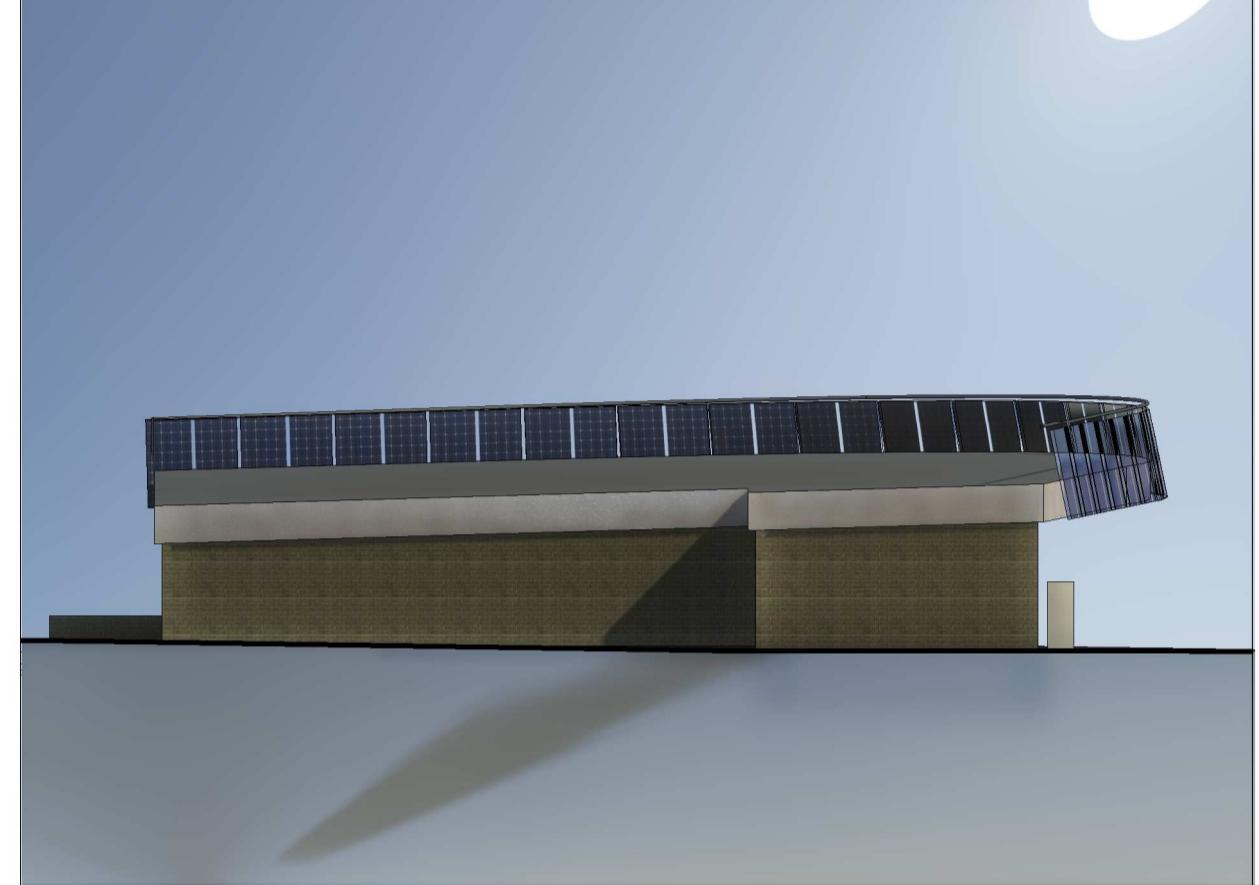
Planning Side (east)

1 : 100



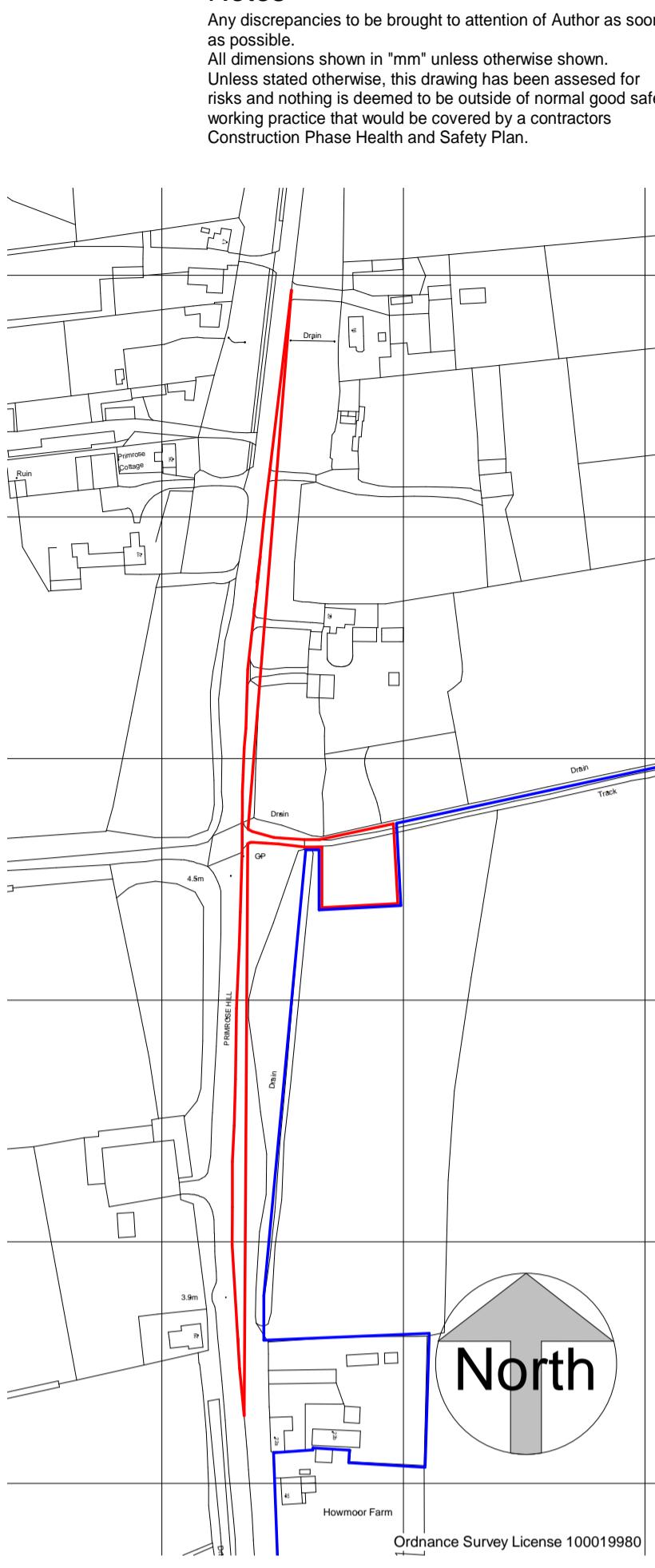
Planning Rear (south)

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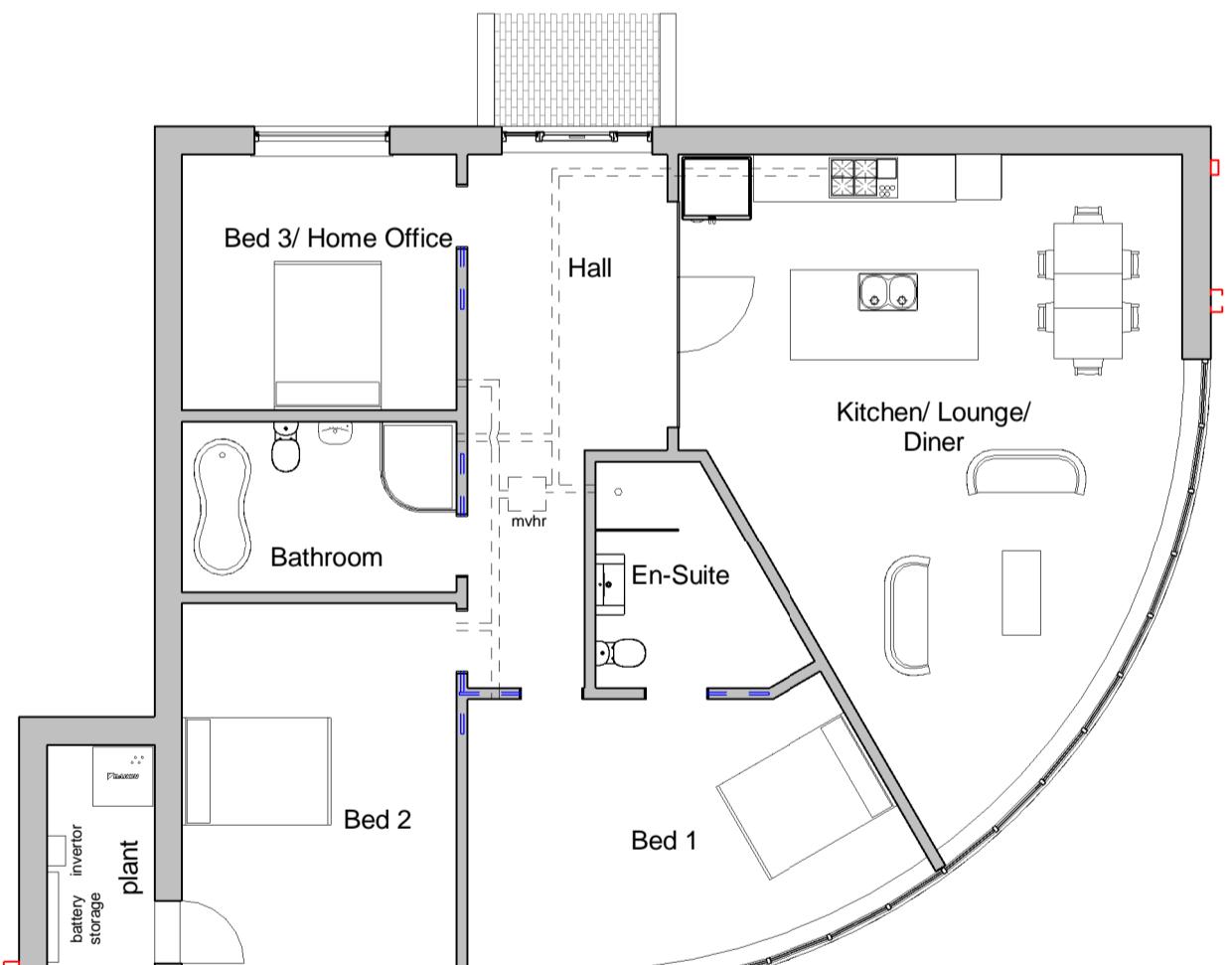
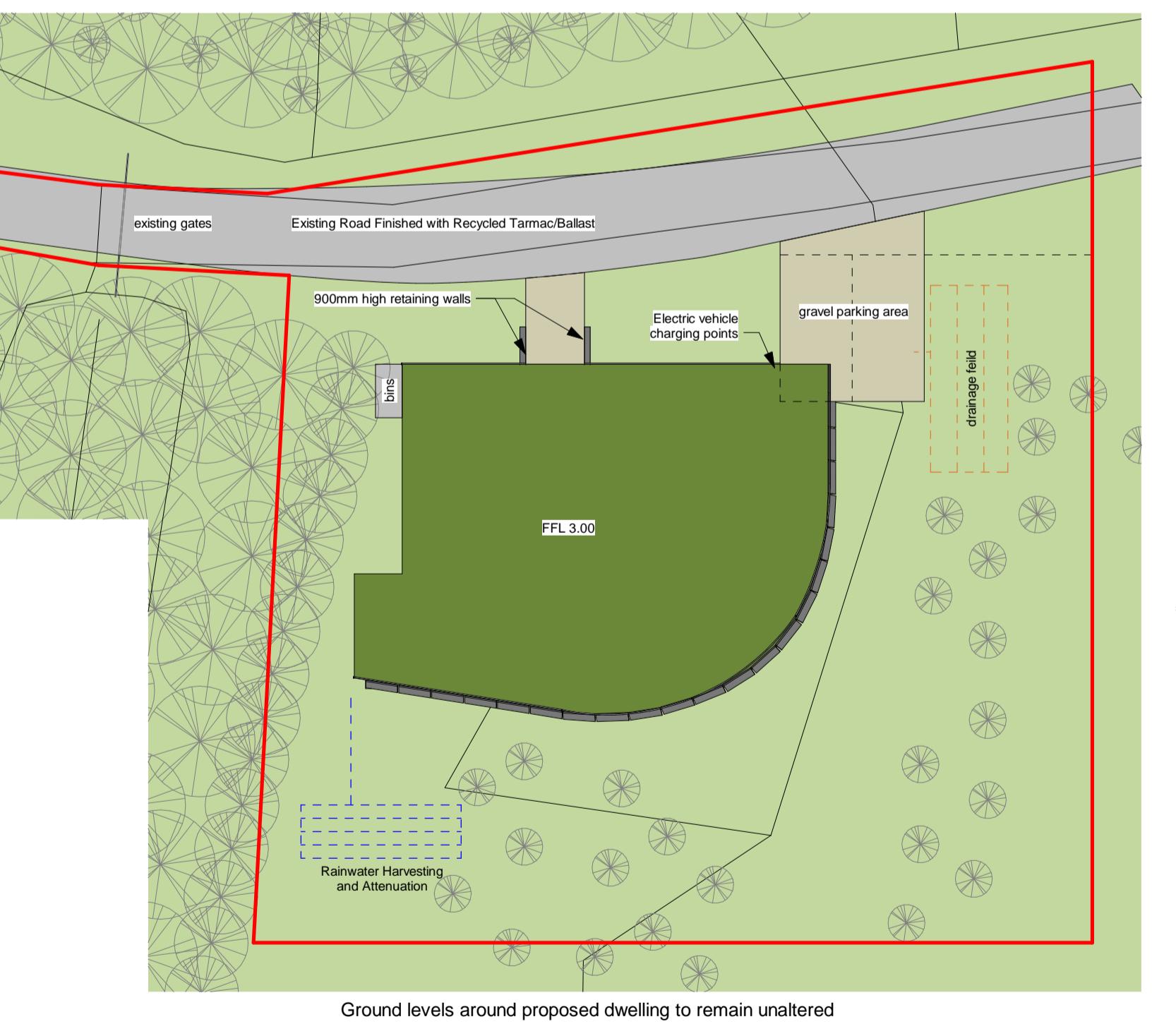
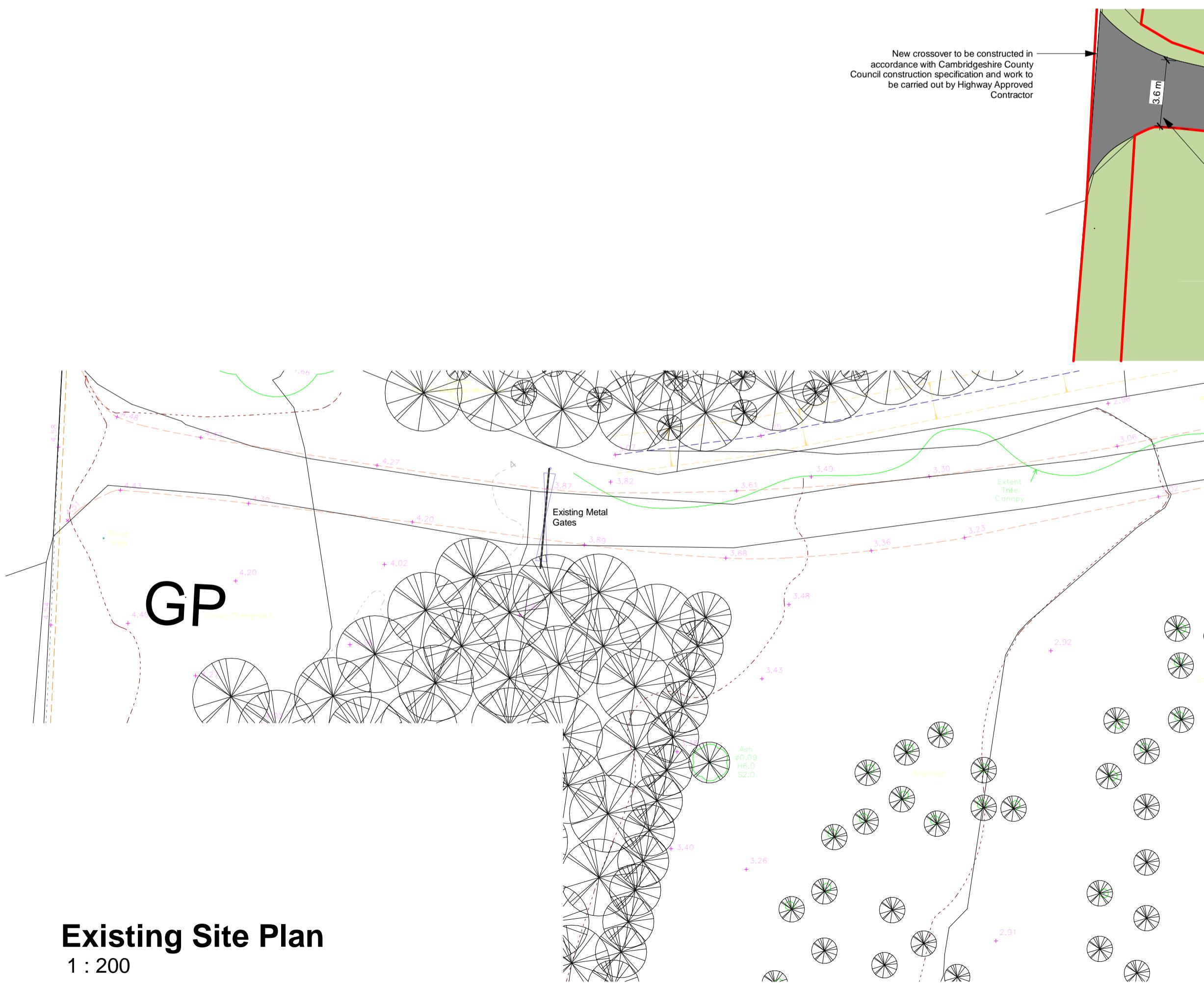
Planning Side (west)

1 : 100



Location Plan

1 : 2500



A Highway Notes Added 04-02-21