

F/YR16/0549/F

Applicant: Mr & Mrs Turner

**Agent : Mr J Burton
Swann Edwards Architecture Limited**

Land North Of Thorn Hall, Fendyke Lane, Leverington, Cambridgeshire

Erection of a 2-storey 4-bed dwelling with detached double garage

Reason for Committee: Due to the amount of local support received for the scheme, contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

This application follows a previous refusal for a dwelling in 2014 (F/YR14/0182/F) which was dismissed at appeal. The applicant failed to prove that there was an essential need for an additional rural worker to live permanently at or near the business J B Turner Roses in a new dwelling. Although it was recognised that the economic benefits of the enterprise are significant, the Inspector was not persuaded that a second dwelling is necessary to serve the business. In addition the size of the proposed dwelling did not relate to the viability of the enterprise and finally, there was other available accommodation nearby where the applicant could reside to be close to the business.

This proposal is also for a new dwelling for Mr and Mrs Turner but via an alternative route in order to gaining permission. Rather than relying on agricultural need, the applicants are proposing a development which complies with the fourth bullet point of paragraph 55 of the NPPF which allows a new isolated home in the countryside if the design is of exceptional quality or of an innovative nature. To comply, the dwelling should be: truly outstanding or innovative, helping to raise the standards of design more generally in the rural area; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.

The agent claims that the dwelling will be the first zero carbon energy positive building in East Anglia (it will export more energy to the national grid than it uses).

It is considered that the majority of the qualities of the scheme are not exceptional and would form part of the design solution of most dwellings as a cost saving process with regard to reducing the running costs of the dwelling and the incorporation of renewable energy schemes. Therefore the recommendation is that the local planning authority is not convinced that the design of the dwelling could be considered as outstanding or innovative in this instance, as required by paragraph 55 of the NPPF

2 SITE DESCRIPTION

The application site comprises an area of paddock land with a mature tree belt running along the northern boundary. The land abuts Fendyke Lane, where there are a number of detached dwellings of various styles, ranging from bungalows to two-storey dwellings. Approximately 110 metres to the north is J B Turner Roses, an established horticultural base of operation, where the applicants currently reside in Rosewood House. There are a number of other agricultural enterprises in the locality. The site is located around 1km from the centre of the nearest village of Gorefield and is located within Flood Zone 1.

3 PROPOSAL

The proposal is for a large two storey dwelling (floor area of 331sqm) with a detached garage. The proposal includes a new access from Fendyke Lane. Materials are to be agreed later.

The agent claims that the dwelling will be the first zero carbon energy positive building in East Anglia (it will export more energy to the national grid than it uses), along with reflecting the highest standards in architecture and although designed as a traditional dwelling it can demonstrate the highest levels of performance in terms of energy and carbon, and draws inspiration from the defining rural characteristics of the local area. An EPC certificate has been prepared which the agent claims demonstrates that the proposal achieves above the maximum rating of A+ (100%) for both energy and carbon emissions.

These design strategies include:

- orientating the building around the path of the sun – maximising southerly glazing
- minimising glazing to the east and west to reduce overheating in summer,
- include minimal glazing to the north, only taking advantage of the views – to reduce heat loss but induce cross ventilation.
- this approach also maximises daylighting reducing the artificial lighting loads
- the use of the shallow plan rooms with north facing windows provides optimal performance of passive solar heating, day lighting and natural cooling.
- maximise thermal mass - utilising thermal mass effectively, within a layer of insulation, reduces energy consumption, reduces and delays peak heating and cooling loads and improves thermal comfort.
- optimise glazing design - utilising sealed triple glazed units to minimise heat loss.
- minimise thermal bridging and air leakage - utilising enhanced robust details to further reduce thermal bridging and minimising air leakage
- maximise super-insulation - minimising the fabric loss load of the building
- microclimate creation - creating microclimates around both the north and south elevations to create sheltered external spaces that are up to 2 degrees cooler in summer and 2 degrees warmer in winter and will provide protection from prevailing weather and ultimately reduce the rate of heat loss through the building fabric.

The agent claims that this approach has been demonstrated to achieve a zero-heated status with the operational energy requirements reduced by up to 80-90%

In addition, as part of the passive 'low tech' approach and to further minimise the operational energy and carbon emissions the agent claims they are incorporating:

- low energy lighting
- task lighting
- low flow taps

- low flow showers
- 2&4l cistern wcs
- rainwater harvesting
- mechanical ventilation heat recovery for winter ventilation

A range of renewable technologies are also to be incorporated:

- wood burning stove – although the heating requirement of the dwelling has been minimised it is the intention to provide a wood burning stove for increased comfort and visual effect.
- air source heat pump – this will be used for heating and hot water and has a co-efficient of performance of at least 250%. This means that for every single unit of energy input you will achieve 2.5 units of heat or hot water.
- photovoltaic system – positioned on the southern and eastern roofs (to screen from public view) these will generate electricity to meet the residual energy requirements of the building and ensure more energy is exported than used. This system will generate 6492 kWh of electricity per year.

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR14/0182/F	Erection of a 2-storey 4-bed dwelling with detached double garage in association with existing business Land North Of Thorn Hall Fendyke Lane Leverington Cambridg	Refused	30/10/2014
F/YR10/3114/CO	Details reserved by condition 2 of planning permission F/YR04/4371/F (Erection of an agricultural building) Land North East Of The Bungalow Fendyke Lane Leverington	Approved	05/11/2011
F/YR09/0029/F	Change of use of stable and land from private use to business use for livery and small equestrian use and re-siting of existing stables Land North East Of The Bungalow Fendyke Lane Leverington	Granted	13/03/2009
F/YR07/0408/F	Erection of a stable block, formation of a manege and change of use of agricultural land to paddock Land North East Of The Bungalow Fendyke Lane Leverington	Granted	07/02/2007
F/YR04/4371/F	Erection of an agricultural building Land North East Of The Bungalow, Fendyke Lane, Leverington,	Granted	23/02/2005

In addition, pre-application advice was sought in December 2015 for the scheme.

5 CONSULTATIONS

Leverington Parish Council

No objections

FDC Scientific Officer

No objection

North Level IDB

No objection

Local Residents/Interested Parties

Ten letters of support have been received.

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 55: Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Fenland Local Plan (2014)

LP1: Presumption in favour of sustainable development.

LP2: Health and Wellbeing

LP3: Settlement Hierarchy

LP6: Employment

LP12: Rural Area Development Policy

LP16: Delivering and Protecting High Quality Environments across the District

7 KEY ISSUES

- **Principle of Development**
- **Paragraph 55**
- **Other Design Matters/Amenity**

8 BACKGROUND

This application follows a previous refusal for a dwelling in 2014 (F/YR14/0182/F) which was dismissed at appeal. The applicant failed to prove that there was an essential need for an additional rural worker to live permanently at or near the business J B Turner Roses in a new dwelling. Although it was recognised that the economic benefits of the enterprise are significant, the Inspector was not persuaded that a second dwelling is necessary to serve the business. In addition the size of the proposed dwelling did not relate to the viability of the enterprise and finally, there was other available accommodation nearby where the applicant could reside to be close to the business.

This proposal is also for a new dwelling for Mr and Mrs Turner but via an alternative route in order to gaining permission. Rather than relying on agricultural need, the applicants are proposing a development which complies with the fourth bullet point of paragraph 55 of the NPPF which allows a new isolated home in the countryside if the design is of exceptional quality or of an innovative nature. To comply, the dwelling should be: truly outstanding or innovative, helping to raise the standards of design more generally in the rural area; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area. Pre-application advice was given in 2015 specifically that the design was insufficient to be considered outstanding or innovative and would be unlikely to receive support.

9 ASSESSMENT

Principle of Development

The site lies outside of a market town and village as defined in Policy LP3 of the Fenland Local Plan 2014. As such, Part D of Policy LP12 of the LP is relevant. However, this approach was tried and dismissed at appeal June 2015.

Notwithstanding this, the National Planning Policy Framework (NPPF) at paragraph 55 considers the methods by which a dwelling may be allowed in the

open countryside. Whilst emphasising that local planning authorities should avoid isolated new homes in the countryside, there are special circumstances where it may be appropriate to allow a new isolated home in the countryside if the design is of exceptional quality or of an innovative nature. To comply, the dwelling should be: truly outstanding or innovative, helping to raise the standards of design more generally in the rural area; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area. The key consideration is whether the proposed zero carbon positive home meets the “innovative” nature required by paragraph 55.

Paragraph 55 of NPPF

The agent makes reference to three examples where FDC has approved exceptional homes in the open countryside, and have therefore set a precedent for this development.

F/YR13/0188/F – This application is located in Gorefield, two miles from the centre of the village. This was recommended for approval on the basis that it was the first dwelling to be a certified passivhaus in Fenland.

F/YR15/0296/F – This application was a balanced decision where the innovative and sustainable nature of the development, the enhanced visual amenity for the surrounding area resulting from the retention and preservation of the existing barn on the site as offices, outweighed the rural location of the site.

F/YR12/0870/F - The proposal is for the erection of a replacement dwelling on land beyond any established settlement. Although the proposal goes against the thrust of replacement dwellings policies per se it is considered that the innovative design and appearance is sufficient to justify an exception to the Development Plan as set out in paragraph 55 of the NPPF.

It is important to remember the importance of setting a precedent, although each site and application must be considered on its own merits. With each of the above examples given by the agent there was an additional factor which helped to sway the balance in favour of the approval. All of the designs are innovative and outstanding in terms of the architectural design standard.

This current application proposes a very traditional dwelling which reflects the character of the area with the applicant stating that it is the zero carbon positive element which makes the proposal “innovative”.

It is considered that the majority of the qualities of the scheme are not exceptional and would form part of the design solution of most dwellings as a cost saving process with regard to reducing the running costs of the dwelling and the incorporation of renewable energy schemes. Therefore the recommendation is that the local planning authority is not convinced that the design of the dwelling could be considered as outstanding or innovative in this instance, as required by paragraph 55 of the NPPF.

Other Design Matters/ Amenity

The proposed dwelling would be of an executive style dwelling with a detached double garage. The dwelling would follow a similar building line with neighboring buildings along Fendyke Lane. The scheme proposes to retain existing landscaping features, such as the existing hedge along the northern boundary and young trees at the front of the site. Whilst large the size, scale, appearance and

position of the dwelling is not considered to have an adverse impact on the character of the area.

Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring or proposed users. Whilst no letters of representation have been received matters of neighbour amenity are still required to be considered. The nearest neighbour that could be affected by the proposal is Thorn Hall, a dwelling located to the immediate south which is subject to an agricultural tie. The proposal would not impact on any window serving primary habitable rooms. Therefore the proposal complies with LP2 and LP16.

10 CONCLUSIONS

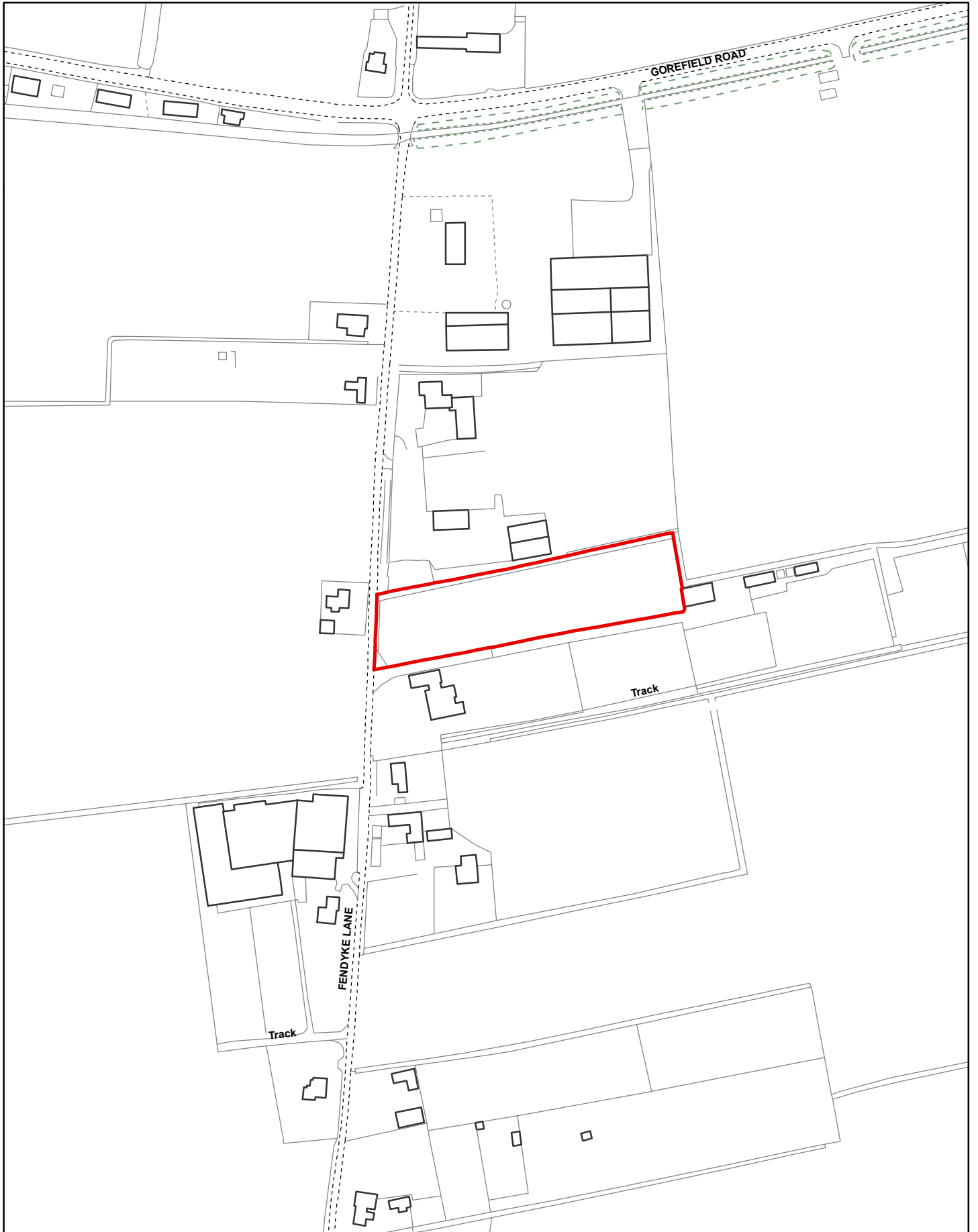
Accordingly, the proposal would not comply with government policy in avoiding an isolated dwelling in countryside under paragraph 55 of the Framework. By reason of its isolated location, the dwelling would not be sustainable development for which there is a presumption in favour.

11 RECOMMENDATION

Refuse

Paragraph 55 of the NPPF allows a new isolated home in the countryside if the design is of exceptional quality or of an innovative nature. To comply, the dwelling should be: truly outstanding or innovative, helping to raise the standards of design more generally in the rural area; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area. The local planning authority is not convinced that the design of the dwelling could be considered as outstanding or innovative in this instance, as required by paragraph 55 of the NPPF.

Case Officer	Team Leader
Date:	Date:



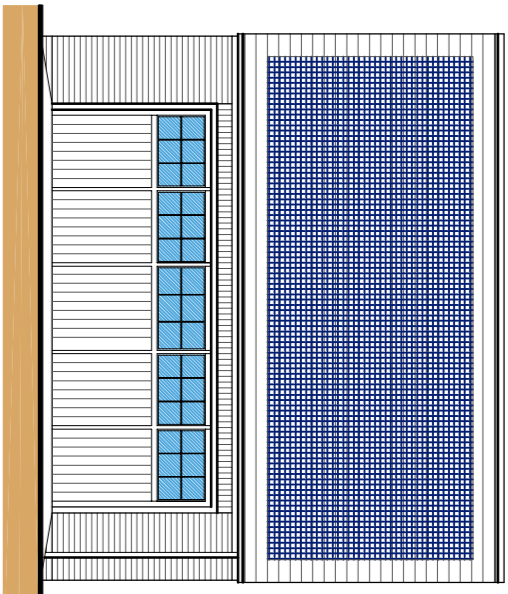
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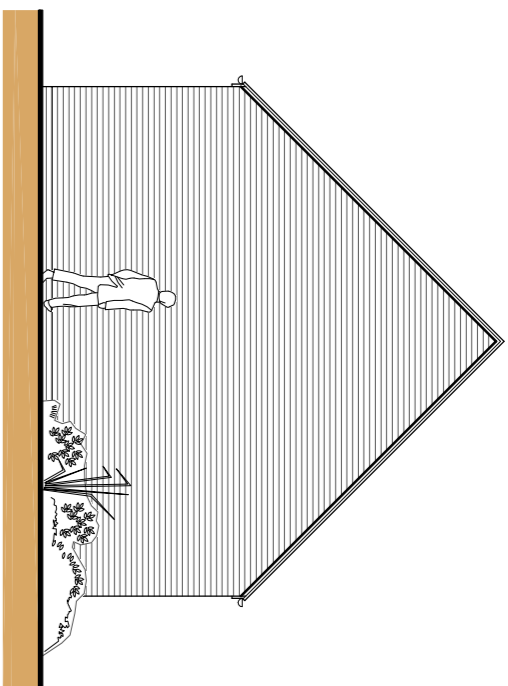
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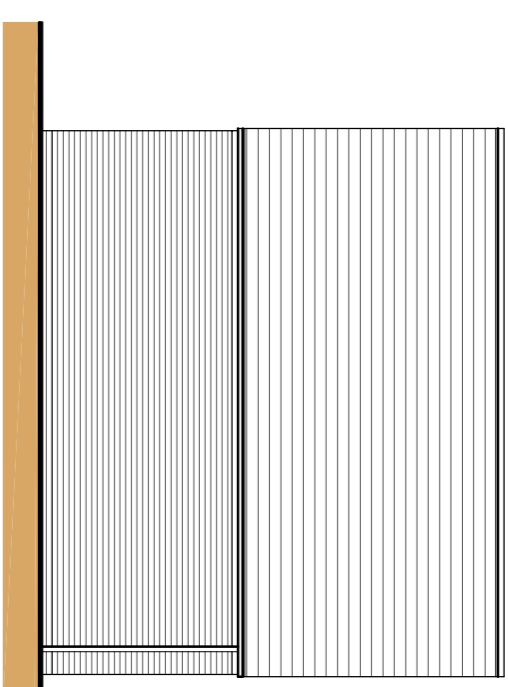
Front (S) Elevation

Scale: 1:100



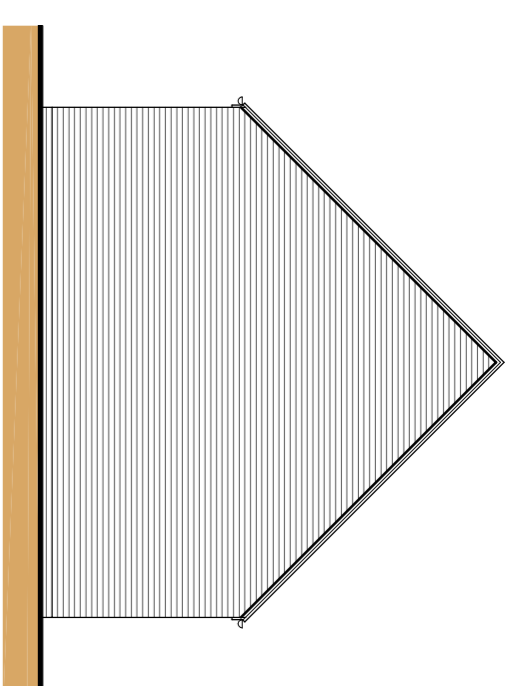
Side (E) Elevation

Scale: 1:100



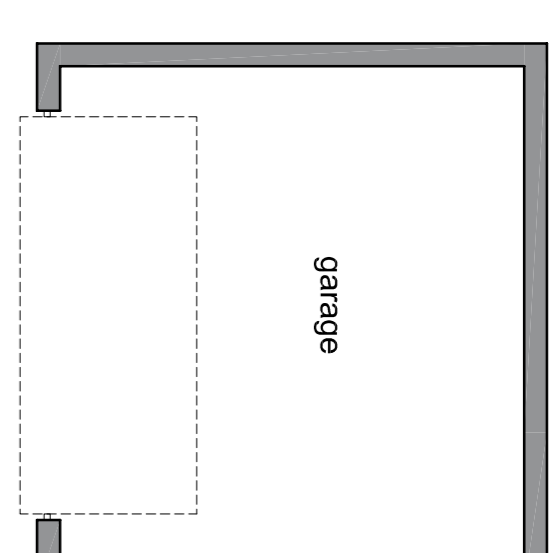
Rear (N) Elevation

Scale: 1:100



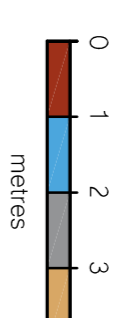
Side (W) Elevation

Scale: 1:100

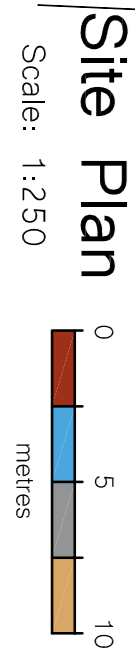


Ground Floor Plan

Scale: 1:100



Site Plan



- General Notes**
1. The drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. The contractor shall ensure that all work is carried out in accordance with the contract documents, drawings and specifications, and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

- Indicates neighboring properties (from ordinance survey/location plan)
- Indicates existing trees and hedges
- Indicates proposed trees and hedges
- Indicates existing drain
- Indicates proposed dwelling and garage
- ASHP

ELEVATION KEY

- Indicates facing brickwork
- Indicates slate roof
- Indicates proposed integrated photovoltaic panels

Revisions

A	June 2016	Client's Comments
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Swann Edwards Architecture Limited, Evesham House, Gull Road, Gaydon, Warwick, CV35 9EN
 t 01915 450824 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed Energy Positive Dwelling	Job Title	June 2016	AS SHOWN
Lane North of Thorn Hall, Fendyke Lane, Gaydon for Mr and Mrs Turner	Date	June 2016	Sheet Size A1
Planning Drawing SE-510	Job No.	146	Revision A
Garage Floor Plan & Elevations & Site Plan	Drawing File	146	Revision A