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Ordnance Survey [100018056]

Scale - 1:2500  
Time of plot: 10:57  
Date of plot: 22/05/2018



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

|                                     |  |               |                    |
|-------------------------------------|--|---------------|--------------------|
| Application:                        | <b>2017/0737/FUL</b>   | <b>ITEM 1</b> |                    |
| Proposal:                           | <b>The proposals include; Demolition of redundant farm buildings. Change of use from agricultural to residential. Extension of unit 1 - the original red brick building. The second red brick building on the site will be converted into a garage block. Erection of four new dwellings as a courtyard development.</b> |               |                    |
| Address:                            | <b>Manor Farm, Station Road, Whissendine, Rutland, LE15 7HG</b>  |               |                    |
| Applicant:                          | <b>Hazelton Homes (Midlands) Ltd</b>   | Parish        | <b>Whissendine</b> |
| Agent:                              | <b>Mr Kevin Twigger, KRT Associates Ltd</b>  | Ward          | <b>Whissendine</b> |
| Reason for presenting to Committee: | <b>Departure from the local plan.</b>  |               |                    |
| Date of Committee:                  | <b>5<sup>th</sup> June 2018</b>  |               |                    |

## EXECUTIVE SUMMARY

**Part of the application site lies outside the Planned Limit to Development for Whissendine and within the countryside. The majority of the proposed scheme lies within an area of the site where the principle of development has been previously accepted through the approval of a residential scheme.**

**The proposal would not harm the rural setting of the village and would enhance the character and appearance of this part of Whissendine. It is considered that the scheme, as proposed, would not have a significantly detrimental impact upon residential amenity or upon the setting of the Grade II listed Manor House to the west.**

**These material considerations have been accorded significant weight and when added together, outweigh the identified conflict with local plan policy.**

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1232-01 Rev C, 1232-20 Rev D, 1232-21 Rev C, 1232-22 Rev B, 1232-23 Rev B, 1232-24 Rev D, 1232-27, 1232-28 Rev A.
3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until paragraphs (i) to (iv) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until paragraph (iv) has been complied with in relation to that contamination.
  - (i) Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local

Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination;

an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(ii) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works, site management procedures and a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in writing with the local authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

4. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

5. No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the Local Planning Authority.
6. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication 'BS 5837: 2012 Trees in Relation to Construction.'
7. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
8. No dwelling shall be occupied until the provision of two passing places on the site access track has been provided in accordance with drawing no. 1232-27 & location plan 1:2500.
9. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition No. 6, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the Local Planning Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.
10. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.
11. No development, including site works, shall begin until a scheme showing details of a footpath connecting the development site to Station Road has been submitted to, and agreed in writing with the Local Planning Authority. No part of the development shall be occupied until the footpath has been completed in accordance with the agreed details.
12. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before the first dwelling is occupied.
13. No development, including site works, shall begin until the neighbouring trees adjacent to the western border of the site have been protected, in a manner previously agreed in writing by the Local Planning Authority, and in accordance with BS 5837:2005. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

14. No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work (in this instance, historic building recording and archaeological fieldwork/mitigation) in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority.
15. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority, by means of a sustainable drainage system. The submitted details shall:
  - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - (ii) include a timetable for its implementation; and
  - (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
16. No work shall be carried out on Buildings 7 & 8 when bats are active (May-September), and the development must be carried out in accordance with section 9 of the 'Bat Detector Survey report' (reference PR01C/08/15BDS, Lawrence Armstrong) and the bat exclusion mitigation measures outlined in the report. This includes the installation of two replacement roosts (one Woodcrete 1FD Bat Box and one 1FW hibernation bat box) to building 8 (also known as 'unit 5'). These replacement roosts shall be installed in accordance with these approved details prior to occupation of the development, and shall then be retained.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
4. To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.
5. To ensure the satisfactory, overall appearance of the completed development.
6. To ensure that a satisfactory landscaping scheme for the development is agreed.
7. To ensure that materials of an acceptable quality appropriate to the area are used.
8. In order to allow vehicles to enter and leave the site in a forward direction using the existing access from Moor Lane, in the interests of highway safety.
9. To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

10. The carrying out of development of this type may have an adverse impact in terms of the overall appearance and character of the area and the local authority wish to be able to assess that impact.
11. To ensure a satisfactory pedestrian access to the village is provided for future occupiers, in the interests of highway safety and convenience.
12. To ensure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings.
13. The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
14. To ensure the preparation and implementation of an appropriate scheme of historic building recording.
15. To minimise the risk of flooding.
16. To ensure that the local population of brown-long eared bats and common pipistrelle bats are not adversely impacted by the development.

#### Notes to Applicant

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of historic building recording is undertaken to the satisfaction of the planning authority.

The access road into the development must be maintained and capable of taking a 26T vehicle and any vegetation cut back to avoid damage to the vehicle accessories. The area where the bins will be presented must be hard surfaced to enable the bins to be wheeled safely to the vehicle and returned to the point of presentation.

If a refuse collection cannot be carried out at the site then a suitable safe storage area will need to be constructed within the collection zone.

Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

## Site & Surroundings

1. Manor Farm is located in the village of Whissendine, and set within a substantial farm plot. Access to the site is via a private driveway that is serviced from an unnamed lane a short distance off Station Road.
2. The existing barn buildings are generally two - three stories in height are of agricultural construction in nature and have become redundant.
3. The site is bounded by mature hedgerows to the north, south and west. The eastern boundary is mostly open to the adjacent crop fields. The Grade II listed Manor House is situated to the west.

- The site access is located to the north of the site and adequate for vehicular traffic, having served farm machinery in the past.

## Proposal

- The current proposals include the demolition of redundant farm buildings and change of use from agricultural to residential. The scheme includes the extension of unit 1 which is one of the original red brick buildings. The second red brick building on the site will be converted into a garage block. The proposal also includes the erection of four new dwellings as a courtyard development.
- The design sees the retention of the courtyard arrangement from the previous approved scheme, 2013/1114 (see Appendix 1) and the aspects, vistas and separation distances between dwellings. An existing cartshed sited against the southern boundary of the site is to be retained and converted into garaging for Plots 3 and 4. An existing building sited to the western boundary is to be extended and converted as Plot 5.
- The remainder of the development comprises two storey residential units. The design proposes a 'barn conversion' style development, which reflects the proposed scale and design of the buildings resembling the barns present on site. The houses incorporate steep pitched roofs with dark plain tiles this is not typical of Rutland and should be slate, red facing brickwork, stone and brickwork details and brick arches.
- All existing hard paved surfacing is to be removed and the whole area will form part of new landscaping proposals that will also incorporate sustainable drainage. A total of 10 car parking spaces are proposed.
- Whilst the previously approved scheme proposed development within the planned limits of development (PLD) for Whissendine, the current scheme proposes Plot 1 and the gardens for Plots 1, 2 and 3 being outside of the PLD.
- The application is a result of a positive pre-application consultation with the local authority following the refusals of 2016/0606/FUL (See Appendix 2) and 2016/0608/LBA.

## Relevant Planning History

| Application   | Description   | Decision  |            |
|---------------|---|-----------|------------|
| 2013/1114/FUL | Renewal of permission FUL/2010/0688 Demolition of redundant farm buildings. Change of use from agricultural to residential. Extension of Unit 1 to form residential dwelling. Conversion of outbuilding into garage block. Construction of 4 No. new dwelling houses (Units 2-5).   | Approved  | 26/03/2015 |
| 2015/0671/FUL | Re-submission of the permission granted under ref 2013/1114/FUL. The proposals include demolition of redundant farm buildings. Change of use from agricultural to residential. Extension of unit 1 - the original red brick building. The second red brick building on the site will be converted into a garage block. Erection of four | Withdrawn | 18/9/2015  |

new dwellings as a courtyard development.

|               |  |         |            |
|---------------|--|---------|------------|
| 2016/0606/FUL | This is a full application for the re-submission of the permissions granted on 25th March 2015, under reference 2013/1114/FUL. The proposals include, Demolition of redundant farm buildings. Change of use from agricultural to residential. Extension of unit 1 - the original red brick building. The second red brick building on the site will be converted into a garage block. Erection of four new dwellings as a courtyard development. | Refused | 10/08/2016 |
|---------------|--|---------|------------|

## **Planning Guidance and Policy**

### **National Planning Policy Framework**

Para 14: Presumption in favour of Sustainable development. Para 7 explains that there are 3 dimensions to sustainability; economic, social and environmental.

Para 59 Design polices should avoid unnecessary prescription and concentrate on guiding overall scale, density, massing, layout and access in relation to neighbouring buildings and the local area more generally.

### **The Rutland Core Strategy (2011)**

CS3 (The Settlement Hierarchy) of the adopted Core Strategy identifies Whissendine as a Small Service Centre.

CS4 (The location of development) states that Whissendine can accommodate a minor scale level of development mainly on previously developed land on a limited scale appropriate to the character and needs of the village, comprising affordable housing sites, infill developments and conversion or re-use of redundant suitable rural buildings.

CS19 Promoting Good Design

### **Site Allocations and Policies DPD (2014)**

Policy SP1 (Presumption in Favour of Sustainable Development) states the Council will take a positive approach when considering development proposals that reflect the NPPF presumption in favour of development. The NPPF also highlights that housing should be located where it will enhance or maintain the vitality of rural communities.

Policy SP5 (Built development in the towns & villages) states that sustainable development within the Planned Limits of Development of the villages will be supported provided that:



- (i) It is appropriate in scale and design to its location and to the size and character of the settlement;
- (ii) It would not adversely affect the environment or local amenity
- (iii) It would not individually or cumulatively with other proposals, have a detrimental impact upon the form, character, appearance and setting of the settlement or neighbourhood and its surroundings
- (iv) It would not be detrimental to features and spaces which contribute to the important character of the settlement and the locality.

Policy SP15 (Design & Amenity) states that development should reflect the characteristics of the site, complement the character of the surrounding area, protect the amenities of neighbours, be of a suitable scale, form and mass, use appropriate materials and make safe provision for access and parking.

## Consultations

### 11. Public Rights of Way Officer

Access to the development, partly via a bridleway and across a footpath, remains a concern. Is the proposed solution still 2 passing places, and if so do we have any details? I think maybe some physical measures to keep speeds low might be a good idea – a couple of humps or raised tables maybe? Currently visibility is very good and drivers should have no problem seeing walkers crossing the access track. If at some point in the future the visibility splays become obstructed this could be an issue.

### 12. Highways

No Objections subject to conditions;

Turning Areas to be provided and maintained free from obstruction

Road Cleaning - will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

Refuse collection: the access road into the development must be maintained and capable of taking a 26T vehicle and any vegetation cut back to avoid damage to the vehicle accessories. The area where the bins will be presented must be hard surfaced to enable the bins to be wheeled safely to the vehicle and returned to the point of presentation.

If a refuse collection cannot be carried out at the site then a suitable safe storage area will need to be constructed within the collection zone.

### 13. Ecology Unit

The bat survey submitted in support of the application (Lawrence Armstrong, July 2015) is satisfactory. The evidence of bats within the complex is very similar to that previously recorded on the site for earlier applications, in that there is a low level of use by bats in buildings 7 and 8 on site, with a potential roost of a small number of common pipistrelle bats being recorded. Brown long-eared bats were also found to be using the buildings on site, although no evidence of roosting was recorded.

The proposed development will cause the loss of these buildings in their current format and mitigation is therefore required. An outline mitigation plan is included within the report, but we would request that further details are submitted, specifically where the bat boxes will be placed around site. The mitigation plan should then be forwarded as a condition of the development, should planning permission be granted. The applicant must be aware that this poses timing constraints on the development.

It should be noted that bat surveys should be updated every two years and this survey is therefore at the end of its validity. I am satisfied that it can be used for this current application, but the applicant should be aware that updated surveys will be required if further applications are made. Additionally, updated surveys may be required in order to secure the required EPS licence from Natural England.

#### 14. **Archaeology**

We recommend that the planning authority require the applicant to complete the above recommended building recording (a Photographic Survey) prior to alteration.

In addition, the applicant should commission a two stage programme of archaeological investigation and recording as outlined above. This work should be secured by condition on any approved planning application.

## **Neighbour Representations**

15. 4 representations received which have raised the following points:

- the development will be an isolated set of 5 dwellings that have no connection to the existing village.
- the revised site layout plan clearly shows development outside the planned limits of development boundary
- creates the potential for additional planning applications to be submitted that will result in further properties being developed in this part of the village in the future
- will increase noise levels above that currently characteristic of this part of the village. Most notably the movement of cars will directly increase noise levels.
- The plan shows a range of windows and doors of Plot 4 facing southwards, which results in loss of privacy to our property.
- we will require access to both faces of the southern boundary wall to enable us to carry out important restoration and remedial works over time.
- There is no recent Preliminary Ecological Appraisal of the site
- The Flood Risk and Drainage Strategy has been prepared using the wrong footprint data and therefore calculations are not appropriate to this proposal
- The Transport Statement approach is flawed.
- Whilst the Transport Statement includes most surveys and studies, there is no mention of the impact of transport on the junction from Moor Lane to Station Road.
- New development, in all cases, requires a certain amount of lighting for health and safety purposes.
- It seems strange to have 'joined up' houses when they are obviously expensive 4-5 bedroom homes. One and a quarter homes over the boundary line seems a little excessive to me.
- It appears there is only one garage for each property which is unusual for properties of this size.
- Will the present trees remain - or new ones be planted - to screen the privacy of both the present neighbouring homes and gardens as well as the proposed new homes and gardens.
- This plan looks like a "phase 1" of a bigger plan going forward. Looking at the "Prop Layout over existing" that is an extract from their submission, it looks absolutely clear that there will be a follow up development (Phase 2)
- Plot 1 and all the gardens of Plots 2 and 3 seem to be the area designated as "Agricultural land" – ref extract of "Proposed Site Plan 2017". Thus this development encroaches on the Agricultural land as defined in the Rutland Plan.
- plots 1 to 3 are not in keeping with what one would expect
- All the houses seem to have minimal off-road car parking – 1 to 2 spaces only.
- no plans for doing something (removing) the large barn at the end of the gardens of plots 1 to 3
- If trees are being removed, should there not be a requirement for replacement trees.
- These will still take 5-10 years to develop, how is privacy between the new development houses and existing neighbours be protected for both sets of owners.

- The height of the apex of the garages on the boundary being about 5 metres and only about 1 metre from the boundary may have an imposing impact on the neighbouring properties.
- It is not clear where the services will be accessed. In particular, how will mains drainage be handled
- Object to the loss of privacy impact that closely proximal two storey south facing dwellings will have in overlooking my house and rear garden which is only shielded by a single storey barn.
- 4 south facing windows in the previous plans there are now 5 south facing windows all of which will overlook my property.
- The boundary of any new development should not extend up to the barn wall and the rear of my property so that existing access can be maintained.
- The construction of 5 houses increases the potential noise impact for surrounding properties as well as increasing light levels in a village aspect currently free from light pollution

## Planning Assessment

16. The main issues are planning policy, visual impact, residential amenity and highway safety.

### Planning Policy

17. Policy CS3 – The Settlement Hierarchy of the Rutland Core Strategy, includes a settlement hierarchy for Rutland. Whissendine is classed as a Smaller Service Centre.
18. Policy CS4 states that the smaller service centres can accommodate a minor scale level of development mainly on previously developed land on a limited scale appropriate to the character and needs of the village concerned, comprising affordable housing sites, infill development and conversion or reuse of redundant suitable rural buildings.
19. The proposed area for residential development lies outside the PLD for Whissendine as shown in the Inset 58 of the Site Allocations and Policies DPD (2014) and referred to in Policy SP5. Policy SP5 of the DPD states that sustainable development within the Planned Limits of Development of villages such as Whissendine will be supported provided it meets certain provisos.
20. The Policy also states that additional residential development within Planned Limits of Development will be particularly encouraged when for the re-use of buildings and previously developed land.
21. The adopted Core Strategy (Policy CS4) sets out that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.
22. Part of the proposed area for residential development lies outside the PLD for Whissendine and is therefore subject to policies relating to housing in the countryside. Policy CS4 does not permit new housing development in the countryside except where it is essential for certain operational needs, it is for affordable housing to meet an identified local need or it would not adversely affect certain matters.

### Visual Impact

23. The site is reasonably well screened, albeit on the edge of the village, by a mature hedge along the north, south and western boundary. The existence of the mature

hedging together with a carefully designed landscape scheme to the eastern boundary means that the development would not in itself have a major significant visual impact on this side of the village. It is well related to the PLD with the majority of the development being within the boundary.

24. The close relationship of this site to the built-up part of the Whissendine is of considerable importance. Immediately to the south of the site there are residential properties and The Manor House to the west. Upon leaving or entering the village the site, and the buildings thereon, appear as being within the developed part of the village and not part of the surrounding countryside. The existing buildings on the site mark the extent of the built-up part of the village along the north side of Ashwell Road. Beyond these firm physical boundaries there are open fields. Consequently the proposed housing scheme would not intrude into the surrounding attractive countryside or harm the rural setting of the village.
25. The current derelict and unsightly appearance of the site detracts from the approach to Whissendine and the character of the local area. Given its location adjacent to the built up part of Whissendine, the site re-development with this sensitively designed housing scheme would enhance the character and appearance of this part of the village. The proposal, therefore, would not harm the rural setting of the village and would enhance the character and appearance of this part of Whissendine.

#### Heritage Impact

26. The Grade II listed Manor House is situated to the west.
27. Section 66 of the Listed Buildings Act 1990 requires local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
28. The existing building on the application site that runs along the eastern boundary of the listed building is being retained and respectfully converted. The new buildings are sited a substantial distance from the listed building, with only the end gable of Plot 4 being in proximity to the boundary. There is a physical separation between the barns and the Grade II listed Manor House to the west and they are not within its curtilage.
29. It is considered that the scheme would not have a detrimental impact upon the setting of the Grade II listed Manor House to the west.

#### Residential Amenity

30. The site is adjacent to the rear gardens of dwellings on Ashwell Road. Due to the detailed layout, and in particular the distance between dwellings, the development would not have an unacceptable detrimental impact on residential amenity.
31. The closest neighbouring property to the south of the site is No. 8, Ashwell Road. Plot 4 is the closest proposed property to this neighbour but with a distance of approximately 21m from the first floor south facing bedroom window and the rear elevation of No.8, then any overlooking or loss of privacy is minimal.
32. The south facing windows of Plot 4 are also approximately 20m from the rear boundary of No.6, Ashwell Road. Any direct line of sight from these first floor windows towards the private garden and rear elevation of No. 6 is further interrupted by the siting of a single storey barn on the boundary.

33. Unit 5 is an existing building sited on the boundary of The Manor House. There are no openings within the walls facing this neighbour and only a high level roof light in the west facing roof slope which provides additional light for the kitchen.
34. Local people have raised a number of other concerns including the impact on residential amenity, impact on protected species, impact on trees and light and noise pollution. However, having considered all the representations, none of these matters individually or cumulatively would be likely to cause overriding harm, and they are not, therefore grounds for refusing the application based on Policy SP15.

#### Sustainable development

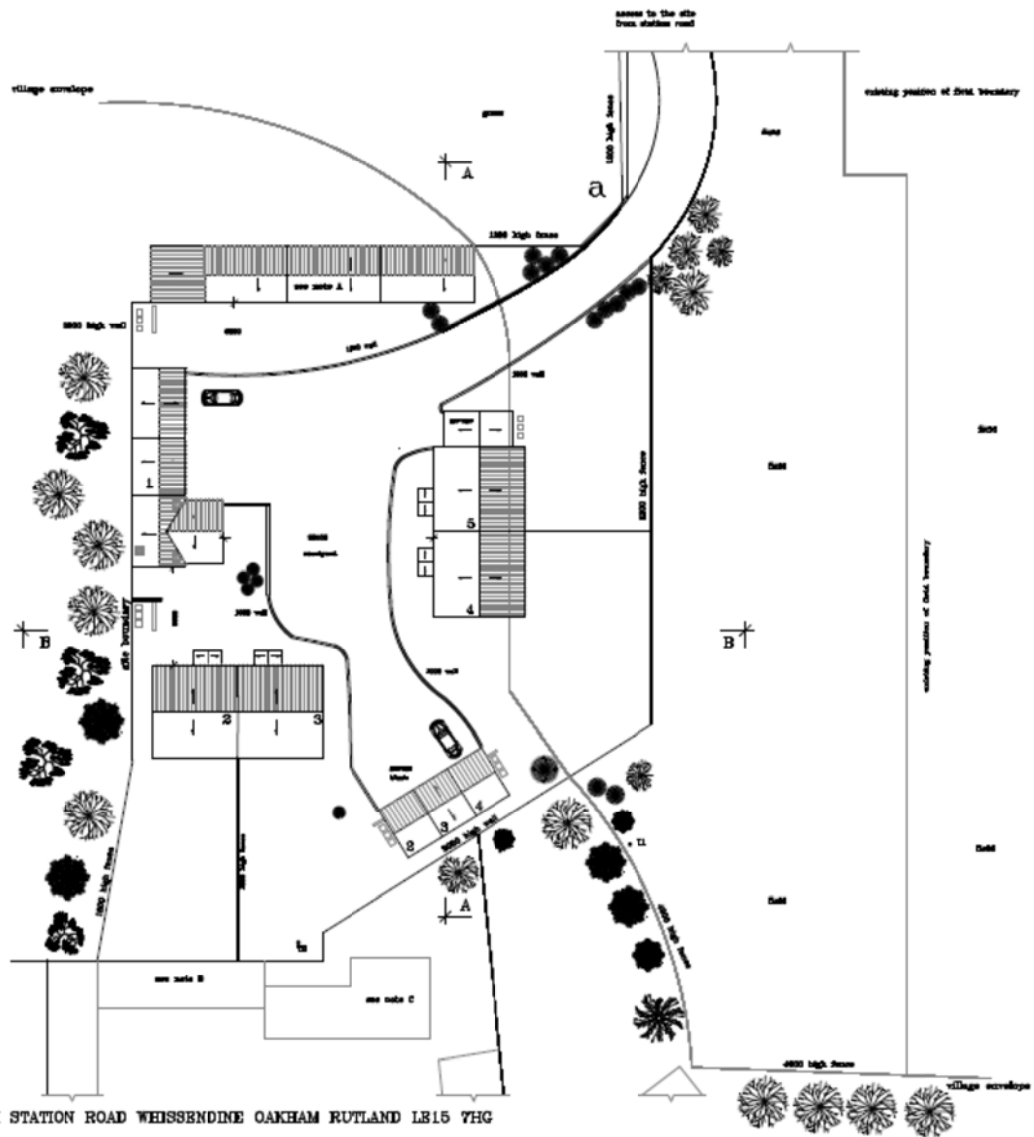
35. *Paragraph 14 of the Framework* makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental. The proposal would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that there is housing land available to support growth. In terms of the social dimension the scheme would contribute to boosting housing supply by providing suitable sizes and types of housing for the community. The site is available and in the absence of any significant constraints could be developed in the near future.
36. As regards environmental considerations the site is well located in terms of accessibility to the various services and facilities available in Whissendine. The village is identified in the *Core Strategy DPD (CSDPD)* as a Smaller Service Centre, with a range of facilities and access to public transport. It is considered that in terms of the environment the proposal would not harm the rural setting of the village and would enhance the character and appearance of this part of Whissendine.
37. As a result, therefore, the positive attributes of the development, in terms of the economic, social and environmental gains, means that the scheme would constitute sustainable development. Consequently the *Framework's* presumption in favour of sustainable development applies.

#### Recent Cases and Appeal Decisions

38. There have been a number of recent cases and appeal decisions that have demonstrated why an unqualified restriction of development outside settlement boundaries (or planned limits to development) is no longer appropriate.
39. The Planning Inspectorate allowed an appeal for the erection of 35 dwellings at Greetham Garden Centre under application 2013/0956. The Inspector concluded that even though the development was outside of the PLD for Greetham the proposal would not harm the rural setting of the village and would enhance the character and appearance of this part of Greetham.
40. A further development was allowed at appeal for a single dwelling at 7, London Road, Uppingham under application 2017/0657. The main issue in the appeal is whether the appeal site is an acceptable location for the proposed development, having regard to the relevant planning policies relating to development outside settlement boundaries,
41. The Inspector concluded that on the one hand, the proposed development would conflict with Policies CS4 and SP6, by being located outside Uppingham's planned limits. But on the other hand, the site is well located for access to the town and its facilities, the development would not affect the character or appearance of the countryside, and no other physical or tangible harm of any kind would arise.

42. On the positive side, the Inspector considered that the scheme would make good use of previously developed land, and would provide an addition to the housing stock, in a sustainable location that broadly accords with the District's planning strategy.
43. This is a benefit that carries some weight for this current scheme under consideration. The proposed development would also be likely to bring some additional benefits, albeit modest, for the local economy. In the absence of any actual harm, it means that these material considerations outweigh the conflict with the development plan.
44. Paragraph 17 of the NPPF includes as a core planning principle the requirement of planning to recognise the intrinsic character and beauty of the countryside.
45. The application seeks to remove existing redundant agricultural buildings, which will help to enhance the visual nature of the area. This is a material consideration to be taken in the balance in support of the application.
46. One dwelling which is outside of the PLD and one dwelling which straddles the PLD, whilst also being part of a high quality, small-scale residential development is not creating isolated new dwellings in the countryside and is not a reason in itself to refuse the application in this case having regard to recent interpretation of the NPPF.
47. Accordingly, applying this to the current application, any breach of the PLD is no more than a technical breach. Unless conflict with the development plan when read as a whole can be shown or material considerations indicate otherwise then the application should be granted as the proposals wholly comply with the NPPF.

# APPENDIX 1



# APPENDIX 2

