



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/0034/FUL	ITEM 2	
Proposal:	Proposed single storey three bedroom earth-sheltered dwelling on land off Exton Road, Whitwell.		
Address:	Field House, Exton Road, Whitwell, Rutland		
Applicant:	Mrs June Titterton-Fox	Parish	Whitwell
Agent:	Mr Jeremy Harrall	Ward	Exton
Reason for presenting to Committee:	Councillor Application		
Date of Committee:	9 February 2021		

EXECUTIVE SUMMARY

The proposal is contrary to the adopted local plan policies and those of the National Planning Policy Framework.

Notwithstanding the sustainability credentials of the proposed development it is considered that the design of the proposal does not preserve or enhance the special character and appearance of the Conservation Area or fit in with the overall form and layout of its surroundings. As a result it is considered that the proposal is contrary to paragraph 131 of the NPPF.

The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.

Whilst the Field House is a proposal for a near autonomous earth-sheltered dwelling poised for an off-grid existence with a Design SAP Rating of 146A, on balance, this does not overcome the other material considerations which weigh against the development.

Taking the above into account, it is considered that the proposal is unacceptable and is contrary to both local and national planning policy.

RECOMMENDATION

The application is recommended for refusal for the following reasons:

1. Acceptance of the proposals would be at odds with the requirements of Paragraph 131 of the NPPF. Whilst great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area paragraph 131 states that this is only so long as the development fit in with the overall form and layout of their surroundings. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted to justify

acceptance of the proposed development when considered against Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

2. The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation Area and its ensemble of designated heritage assets, in particular the setting of the Grade II* Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact. The harm that would be caused is not justified and the wider public benefits of the scheme would not outweigh this harm. The proposal is therefore contrary to the NPPF (Sections 16), Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).

Site & Surroundings

1. The settlement of Whitwell is almost entirely within the conservation area boundary and comprises informally arranged buildings principally located either side of the A606 Whitwell Road.
2. The 5.5 acre site is accessed from Exton Road. Each of the northern, western and eastern boundaries are demarked by established mature native hedges with a number of mature trees on the south western boundary. Field House's southern boundary is shared with the identified village settlement in the form of rear garden fences, garages and barns.
3. The applicant has reared rare breeds such as large black and saddleback pigs and been involved in breeding her own herds and production of pork, bacon, lamb and beef. The intension of the applicant is to have her home and livestock in her immediate vicinity in the interest of animal welfare, security and storage of machinery.

Proposal

4. The application is for the construction of a single storey three bedroom earth-sheltered dwelling on land off Exton Road, Whitwell.
5. The proposal envisages building a farmhouse, Field House set in a hollow created in the landscape and earth covered. The site topography permits the creation of the hollow at the point where the land slopes steeply from the north-east to the south and south-west, just to the north of the existing tractor access to the field.
6. The side walls to the north-west and south –east will have an earth covering with pasture grass. The front north-east elevation will be finished in local stone and the rear south-west elevation will feature a large glazed facade with triple glazing aluminium framed sliding curtain walling. The roof will be earth covered with pasture grass.

7. The living accommodation will be spread across one floor and will include 3 No. bedrooms, a living room, kitchen and dining area, study, TV room and utility room.
8. It is the intention to use the created hollow to facilitate vehicle parking and to locate the northern front entrance. The southern side of the hollow would be built from local limestone; the balance of the hollow would be bunded soil to safeguard cows and sheep from dropping in.
9. The supporting information states that the proposed dwelling will adopt the following principles of passive solar design;

Orientation – south-westerly orientation midday to evening solar receipts. To optimise receipt of solar gain benefits in terms of space heating contribution, ventilation and high levels of daylight.

fenestration - By maximising the areas of glazing on the south westerly elevation the opportunity midday, afternoon and evening solar gains into the home are optimized; By reducing the glazing areas on the north, east and west elevations, the rate of heat loss from those sides of the buildings most prone to higher rates of heat loss is minimised.

High thermal mass – The internally active high-mass structural elements work to stabilise the internal ambient air temperature by acting as heat-sink. The heavy mass superstructure will act as a large storage radiator, re-emitting stored heat in to the building at times when the external air temperature is lower than that inside the building.

Super-insulation - Designing out conventional external cavity walls makes it possible to increase the thickness of insulation to the walls, which reduces the rate of heat loss from the buildings while increasing their capacity for retaining stored heat. Insulation includes 300mm of extruded polystyrene under the floor slab and over the roof slab and 300mm of PIR insulation outside the solid single thick external walls.

Passive ventilation - Designing out the requirement for mechanical air extraction reduces the energy demands of the buildings. Instead, passive stack vents are installed in the kitchen, toilets, and bathrooms. The layout of the building is designed to enable the residents to encourage passive cross-ventilation by inducing the movement of air through the building from the south side to the north-east side. Passive stack vents to the bathrooms, kitchen and utility will ensure fresh air circulation.

Passive heating - A combination of passive solar heat gains, human occupation, and secondary heat from household appliances can provide the vast majority, if not all, of the heat that the dwelling will require to maintain a comfortable internal temperature. Heat stored in the super-insulated fabric (floors and walls) of the building will be evenly re-emitted into the rooms ensuring the maintenance of stable internal ambient air temperatures.

Back-up heating – A thermostatically controlled low-grade electric under-floor heating system is to be embedded in the concrete floor slabs. There is no need for pipework, radiators, switch-gear, boilers, flues, fuel tanks nor the associated fossil fuel emissions in this house.

Solar photovoltaics

Field House will have a 30kW photovoltaic (PV) array consisting of 300W panels will be located just to the north of the dwelling and incorporated into bunds. This

array will dramatically reduce domestic hot water heating costs and the demand for electricity from the grid to almost zero.

10. The supportive information states that Field House offers a building performance of Design SAP Rating of 146A. The Standard Assessment Procedure (SAP) is the methodology used by the Government to assess and compare the energy and environmental performance of dwellings.
11. The defining characteristic of high thermal mass buildings are stable internal air temperatures, a factor consistent with subterranean and earth-sheltered buildings.
12. The building will have a high thermal mass with a *residual heat reservoir*. This is where a body of heat energy that is retained within the thermal mass of the superstructure sufficient to sustain elevated internal air temperatures without significant supplementary heating.
13. The residual heat reservoir within Field House could potentially reduce the heating load requirements to a fraction of a conventional home of a similar size.
14. The applicant proposes to build an earth-sheltered dwelling designed to;
 - achieve the highest energy efficiency standards (SAP 146A)
 - mitigate carbon at an exceptional rate (144A)
 - exceed the UK Governments Zero Carbon standard
 - be fossil-fuel-free in operation
 - achieve an off-grid existence
 - generate a surplus of energy
 - harvest its own water
 - manage its own waste
 - have a light touch on the planet and landscape
 - disseminate advanced in-use building performance data
 - provide a new benchmark of building performance in the UK
 - advance the '*state-of-the-art*' of earth-sheltered buildings
15. Field House's design solution seeks to deliver water conservation solutions to achieve lower than average household water consumption; *the target is considerably less than 80Litres/person/day*.
16. A sewage treatment plant is proposed, capable of fully treating household waste water and sewage to a level that renders it suitable for immediate discharge back into the local environment. An additional interceptor will be constructed from vertical reed bed plants in crated pallets to extract nitrogen and other rich nutrients before the outfall discharges in to a purposed designed open wetland environment.
17. Groups of bat roosting boxes are to be included to the ash tree in the internal hedge, and to the sycamore and ash trees in the western boundary.

Relevant Planning History

No relevant planning history on the site.

Planning Guidance and Policy

National Planning Policy Framework

Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places

Rutland Core Strategy (2011)

CS2 – The spatial strategy
CS3 – the Settlement Hierarchy
CS4 – Location of Development
CS19 – Promoting good design
CS20 – Energy Efficiency and Low carbon energy generation
CS21- The natural environment
CS22 - The Historic and Cultural Environment
CS24 – Rutland Water

Site Allocations and Policies DPD (2014)

SP6 – Housing in the Countryside
SP15 – Design and amenity
SP20 - The Historic Environment
SP23 – Landscape Character in the Countryside

Consultations

18. **Highway Department:** No objections subject to conditions
19. **Rutland Tree Officer:** No objections subject to condition
20. **Rutland Footpath Officer:** No objection subject to condition
21. **Ecologist:** No objection subject to conditions
22. **Lead Flood Authority :** No objections subject to conditions
23. **Anglian Water:** No objection
24. **Archaeologist:** No objection
25. **Historic England:** The application has the potential to impact on several designated heritage assets, including the Grade II* Listed Church of St Michael. Detailed guidance on assessing the impact of development on the setting of a heritage asset is set out within Historic England Good Practice Advice on Planning Note 3 *The Setting of Heritage Assets*, including paragraphs 9-13 and 17-36
Suggest that the views of our specialist conservation and archaeological advisers are gained.
26. **Rutland Building Control:** A modern traditional build would typically have a SAP rating of 85 – 90 and achieve a B rating but the SAP software allows for score in excess of 100 to allow for green technologies. This proposal would be extremely well insulated with self generating power features and minimal energy inputs for heating and hot water. They are typically built in to the ground against a hill or bank which reduces heat loss and south facing openings to maximise passive heat gains. This needs encouraging.

Neighbour and Parish Representations

27. The application has been advertised in accordance with the Rutland Statement of Community Involvement and the following comments have been received:
28. Representations in support of the application and approximately 32 representations from 19 objectors against the proposals.

The main issues raised by the numerous objections are as follows:

- Does not meet the criteria of NPPF Para 79 dwelling
- Whitwell is a restraint village (now small village) and the facilities locally do not support further development
- Sited outside of the Planned Limits of Development for Whitwell
- The design is not outstanding or innovative, does not raising standards of design and the SAP methodology for achieving Net Zero Energy Building is not innovative
- The eco design is "out of character" of the Whitwell conservation area in terms of scale, layout, design and materials
- The heritage impacts arising from the development have not been adequately considered particularly the impacts on the Whitwell Conservation Area and Heritage Assets such as The Home Farmhouse (Grade II) and The Church of St. Michael (Grade II*)
- No regard has been made to the Heritage Status of the village and the fact the development will be seen from most vantage points including the Churchyard and the Viking Way.
- No provision has been made for the identification, protection or preservation of potential archaeological remains on the site
- The design is not sensitive to defining characteristics of the local area , the style of the building in no way reflects local building traditions and is out of character with the existing buildings
- The location cannot be described as remote or isolated (in accordance with the Braintree ruling) as directly adjacent village, bus stop and Public House.
- The location of lone dwelling on high bank at odds with other properties forming the linear characteristic of this conservation village
- Loss of privacy from proposed elevated window towards rear of properties which abut southern boundaries
- There are no long site sections which show adjacent buildings to properly assess impact.
- Vehicles using access to the property would create noise and light pollution
- Light pollution to open countryside from windows and any outside lights
- Glare from large curved glass windows will form an incongruous feature in countryside setting
- Light and glare from property will be a hazard to vehicles using A606
- The applicant lives near the site and does not need to live on the site for hobby farming so does not meet essential need requirements.
- There is no mention on the application as to where this commercial enterprise will be and where this meat be stored, processed and packaged
 - There isn't any allocation for this within the proposed floor plans

- The application drawings do not show the access road and parking areas or the ancillary buildings, plant and machinery storage and fencing necessary for the farming activities described
- There are impositions on long distance views over the open countryside with the site being seen from the A606, Bull Brigg Lane, Church Lane and from the church itself.
- The plans do not show any provision for the erection of TV and Satellite Aerials. If surplus energy is to be fed back to the national grid where is the provision of cables runs and access points
- The lack of drainage on this field has resulted in a quagmire at the bottom of the field.
- The entrance from Exton road involves a very narrow lane and due to poorly maintained drainage suffers flooding and grass verges reduced to mud banks. The regular increase and flow of vehicles will only add to the problem and create a dangerous entry/exit point
- Proposed development will add to existing flooding problems in the area
- The sewage from this building is supposed to be deposited in the field creating a marsh land. This is not acceptable due to the increase in flies it is bound to attract and any possible odour

Comments in support of the proposal are as follows:

- I support this application. It is a sustainable house that deals with all the problems of our environment: Carbon emission, energy efficient, water capture, waste, bio-diversity and food production. It also allows the applicant to be amongst her animals, which is a vital part of animal husbandry
- Whilst I am not a local resident of the area, I would like to give the above proposal my full support.
- I have read the newspaper reports about the project and was dismayed to see the same old irrational and parochial arguments being trotted out by those opposed to the project.
- The project is of outstanding architectural merit, provides appropriate rural housing for long-time residents of the village and frees up good size family accommodation within the village. It has no negative effect on the local environment, and contributes positively to the wider environmental issues facing us all through its energy efficient design principles.
- My support for the project is based on my extensive knowledge and previous experience of both the type of house being proposed and the energy performance this type of construction will achieve.
- I also believe that, given past experience, objectors will find their fears are groundless.
- I hope the local authority react positively to this application and give it their full support.

29. Whitwell Parish Council stated the collective view of the Parish considering the proposal contrary to para 79; not isolated (79), no justified requirement for the dwelling (79a), not truly outstanding or innovative and would not significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area (79e), drawing attention to relevant Local Plan Policy.

The East Midlands Design Review

30. The applicants engaged with the East Midlands Design Review as part of a pre-application consultation with the local authority. The report and conclusions of the Design Review have been a consideration when assessing this application.
31. The Design Review Panel reinforced that Paragraphs 79 and 131 of the NPPF set an incredibly high bar and identified the need for a more robust and compelling design narrative.
32. The Panel considered that the pre- app proposal did not meet the stringent requirements of Paragraph 79 or Paragraph 131, and suggested that the following areas should be addressed:
 - i. The provision of a more robust site analysis including character analysis of the village and landscape, identification of key views, role of rare breed pigs and cattle, sun path study etc. to demonstrate an in-depth and comprehensive understanding of the site;
 - ii. A more compelling narrative and vision for the project, which responds positively to the site context and the client's ambitions for the site; and
 - iii. Provision of a bespoke design solution (with supporting information / diagrams) which is 'rooted' within its context and designed holistically, to meet current and future needs.
33. During the infancy of this application the local authority informed the applicant that if it is considered that the submission has not suitably addressed these points and does not reach the high bar that para 79 or 131 demands then it was unlikely that the local authority would support the application.

Planning Assessment

The principle of development and other material considerations

34. Paragraph 79 of the National Planning Policy Framework states:

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.
35. The matter of 'isolation' is an essential consideration when assessing applications against Paragraph 79 of the NPPF. The Braintree District Council v Secretary of State for Communities and Local Government case (March 2018) and other subsequent decisions are relevant and help to provide further clarity on how the term 'isolated' should be interpreted.
36. In addition to this Paragraph 131 of the NPPF, due to the edge of settlement nature of the sites location also forms a consideration. – Para 131 states 'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.
37. The pre-submission was reviewed by the East Midland Design Panel who made comments in light of both Paragraph 79 and Paragraph 131 of the NPPF.
38. To meet the criteria of Paragraph 79 of the NPPF the scheme needs to demonstrate that it will 'significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area', which includes the proposals for the landscape.
39. With regards to an assessment of Isolation, the site is outside of the planned limits of development for Whitwell so, in policy terms is within the countryside.
40. Paragraph 79 of the Framework requires policies and decisions to avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply, and the application proposal is promoted to meet paragraph 79e); '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.'
41. The meaning of the word 'isolated' in paragraph 79 was the subject of the 'Braintree' judgments (Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018) which determined that the word should be given its ordinary

objective meaning of 'far away from other places, buildings or people; remote'. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of a particular case.

42. The application site is a large field and whilst the red-line boundary encompasses part of the site leaving an area to keep for agricultural use, the stated intention is that domestic activity would be more restricted closer to the building, in addition to which, permitted development rights could be removed, which would restrict built form across the site.
43. The house is designed to take advantage of the existing contours of the site, with the bunding proposals seeking to introduce additional landform features to provide a level of screening.
44. Seen from the location of the proposed house there is built form visible particularly the access track and glazed frontage. The proposed dwelling will be able to be viewed through breaks in the hedgerow as vehicles approach Whitwell from an easterly direction along the A606 and additional more localised views will be gained from breaks in the built form that fronts the main road that cuts through the centre of Whitwell. Aspects of the site will also be viewed from users of the Vilking Way.
45. From the elevated site there are clear views across the village of Whitwell. There is development that adjoins the southern boundary of the fields with a ribbon of dwellings following the road and having a domestic character and appearance.
46. The car park which serves the Noel Arms Public House is in close proximity to the eastern extremity of the site.
47. There is a bus stop a short walk away from the boundary of the site and a public footpath that runs along the eastern boundary that gives direct access within a matter of minutes by foot into the centre of Whitwell.
48. The proximity of other buildings and activity from people lead to the conclusion that the site cannot be considered 'isolated' in the terms of paragraph 79e) as determined by the Braintree judgments, as the degree to which it is 'away' from places, building and people is limited. It is therefore concluded that this application should not be assessed under the criteria of paragraph 79 of the NPPF and it is more appropriate for the development to be assessed under Paragraph 131.
49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Whilst chapter 12 of the Framework on achieving well-designed places and paragraphs 124 and 131 in particular are predicated on the

development being in an otherwise acceptable location, it is reasonable to consider the design and technical credentials of the proposals under the provision for material considerations.

Rutland Planning Policy

50. The application site is a greenfield site located in the open countryside, adjoining the planned limits of development for Whitwell and the designated Rutland Water Area.
51. The main planning policy considerations are:
52. **Core Strategy (July 2011)**
53. **Policy CS3 – the Settlement Hierarchy**
54. Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies Whitwell as a restraint village. These villages have few services and facilities and development is unsustainable. - The proposal is outside the planned limits of development, as such is defined as open countryside in Policy CS3.
55. **Policy CS4 – Location of Development**
56. 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 local housing needs. – The proposal doesn't accord with this policy.
57. **Policy CS20 – Energy Efficiency and Low carbon energy generation**
58. Policy CS20 sets out that the design, layout and orientation of buildings should aim to minimise energy consumption and promote energy efficiency and use of alternative energy sources. – The proposal exceeds the UK government Zero Carbon Benchmark SAP rating and achieves the highest energy efficiency standards. It will generate a surplus of energy, harvest its own water and manage its own waste.
59. **Policy CS21- The natural environment**
60. Policy CS21 sets out that the development should be appropriate to the landscape character type within which it is situated and contribute to its conservation, enhancement or restoration, or the creation of appropriate new feature. – The proposal states that habitat enhancement works will be undertaken to the site to increase biodiversity (eg. Bat roosting boxes to be included in trees along the boundary and planting in the gaps with native trees and shrubs)

61. The proposal is within the defined Rutland Water (RWA) Area boundary, so Core Strategy **Policy CS24 – Rutland Water** will need to be considered in addition to the policies relating to residential development in the Countryside.
62. Policy CS24 provides an additional layer of Policy protection which limits development within the RWA boundary to small scale development for recreation, sport and tourism facilities only where essential for nature conservation or fishing or essential for operational requirements of existing facilities and subject to it being appropriate in terms of location, scale, design and impact on the landscape.
63. The policy intention is to ensure development in the Rutland Water Area will be carefully designed and located to ensure that it respects the nature conservation features of this internationally important site and does not have an adverse impact on the landscape and wildlife interests and the general tranquil and undisturbed environment of Rutland Water. The Council will need to be satisfied whether the proposal is in accordance with this policy.
64. In addition, the site adjoins the Conservation Area, as such, Core Strategy Policy CS22 - The Historic and Cultural Environment and SAPD SP20 - The Historic Environment will need to be taken into consideration.
65. **Site Allocations & Policies DPD (October 2014)**
66. **Policy SP6 – Housing in the Countryside**
67. Policy SP6 only allows for development in the countryside where it is essential for certain operational needs or for affordable housing to meet an identified local housing need. - The proposal doesn't accord with this policy.
68. **Policy SP23 – Landscape Character in the Countryside.** This policy sets out development in the countryside will only be acceptable where it is designed so as to be sensitive to its landscape setting. The proposal, in the opinion of the local authority, does not enhance the distinctive qualities of the landscape character type in which it is situated, the distinctive elements, features, and other spatial characteristics as identified in the Council's current Rutland Landscape Character Assessment and it does not respond to the recommended landscape objectives for the character area it is within.
69. **NPPF (Feb 2019) - Paragraph 131**
70. Paragraph 131 of the NPPF states 'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.

71. The proposal is contrary to the adopted local plan policies and would normally not be acceptable in the National Policy terms unless it is demonstrated that it meets the requirements of paragraph 131 of the NPPF.
72. Design & the Impact on the character and appearance of the area
73. The proposed siting of the building at the top part of the site requires a substantial access drive and will undoubtedly have a visual and physical impact on the landscape.
74. When you also factor in the large parking courtyard which cuts into the hillside the impact on the natural formation of the hillside is dramatically altered. Whilst bunding is proposed which may screen the courtyard from closer views the real impact of this gap in the landscape can be appreciated from the raised part of the village to the south particularly from the Church grounds.
75. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.
76. The justification for the siting of the dwelling is to enable the applicant to carry on their farming activities on the site and be nearer the animals. It is still not clear how all the animals will utilise all of the landscape area and how they are to be restricted from the residential parts of the site.
77. The applicant has confirmed that they have not sought to justify the proposed application under the grounds of the essential need for a building to house a rural worker.
78. The current plans cater for the residential element of the use of the land as a dwelling but lacks the detail regarding the function as a farming business. We requested the submission of more detail as to where this commercial enterprise will be and where this meat be stored, processed and packaged. The application drawings do not show any ancillary buildings, plant and machinery storage and fencing necessary for the farming activities described. The thrust of the justification for the siting of the dwelling is for the applicant to be able to work the land and be on site to carry out her agricultural business. The applicant lives very near to the site and the applicant does not need to live at the site to continue to carry out the level or type of farming proposed.
79. The local authority does not consider that the submission has adequately addressed concerns about potential light pollution (from internal and external lighting) or potential glare from the large glazed frontage and detailed information has not been submitted (in the form of a lighting report) to inform the local authority of what the likely impacts from the development are.

80. One of the key considerations is the visual impact of the dwelling. A Landscape Visual Appraisal has been submitted and whilst key vantage points have been selected to be assessed it does not show the proposed dwelling in-situ and from where it can be seen. The local authority requested information which included key vantage points identified and mapped out with a clear indication of how much of the dwelling can be seen from these exact locations. These locations were requested to be mapped along the A606 (on the higher approach into the village and through various gaps in the built form through the village), along the Viking Way, Bull Brigg Lane, Church Lane and from the Church yard.
81. The current submission only shows a close up cross-section through the dwelling and surrounding land. In order to properly assess the impact of the dwelling in relation to the wider context of the village and surrounding properties the local authority requested suitably scaled proposed long site sections which show adjacent buildings and land.
82. Furthermore, the local authority requested additional information on how TV and Satellite Aerials are to be catered for and if surplus energy is to be fed back to the national grid where is the provision of cable runs and access points.
83. The Design Review Panel questioned the design of the house on a number of levels - specifically the rigid and fixed form of the building; how this form relates to the site context and local vernacular; the rationale for what appears to be a seemingly inflexible internal layout of the building; the position of the building within the site, and the minimal use of earth sheltering (despite the stated aims for the project). The Panel reiterated the need for a more robust rationale – one that is informed by a much clearer understanding of the characteristics of the site and the surrounding area.
84. The Panel report stated that this should include images / drawings demonstrating what will be seen from the viewpoints identified, eg. Public Rights of way, St Michael and All Angels Church, etc.
85. The Panel considered that in the form presented to them at that time, the proposal did not meet the stringent requirements of Paragraph 79 or Paragraph 131, and suggests that the following areas should be addressed:
 - iv. The provision of a more robust site analysis including character analysis of the village and landscape, identification of key views, role of rare breed pigs and cattle, sunpath study etc. to demonstrate an in-depth and comprehensive understanding of the site;
 - v. A more compelling narrative and vision for the project, which responds positively to the site context and the client's ambitions for the site; and
 - vi. Provision of a bespoke design solution (with supporting information / diagrams) which is 'rooted' within its context and designed holistically, to meet current and future needs.

86. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.
87. It is considered therefore that the proposal would be contrary Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
88. It would also be at odds with the core planning principle of the Framework at Paragraph 131. Whilst great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area paragraph 131 states that this is only so long as they fit in with the overall form and layout of their surroundings.
89. It is not disputed that the dwelling would be an energy efficient house. It has been designed to reduce the needs for grid linked energy and be energy efficient.
90. These sustainability credentials are commendable and reach a SAP Rating far higher than often found in many residential properties.
91. Nevertheless, even though examples of such dwellings maybe rare in the area, in general terms the delivery of this level of sustainability in a purpose built contemporary house is no longer innovative in itself. Moreover, there is no indication that the way these features are incorporated into the design of the dwelling, or the specific materials to be used, are particularly innovative or exceptional. Whilst it is suggested that the proposal could act as a case study of what can be achieved, most of the lessons could be learned in a more acceptable location within the planned limits of development for Whitwell.
92. Whilst the Field House is a proposal for a near autonomous earth-sheltered dwelling poised for an off-grid existence with a Design SAP Rating of 146A, on balance, this does not overcome the other material considerations which weigh against the proposal.
93. Rutland Design Officer comments
94. Three additional reports were submitted in July concerning landscape, drainage and agriculture:
 - Landscape and visual appraisal
 - Agricultural sustainability statement
 - Surface water interventions
95. The reports above provide some additional information but in the opinion of the Rutland Design Officer fall well short of the requests made by the Design Review Panel and the detailed response in their letter dated 23.10.19.

96. The Design Officer has made the following comments in relation to the application:

- b. *'We need to see a substantial body of work that explains and illustrates the design narrative. It is important to explain that this is not a tick box exercise that can be done retrospectively.'*
- c. *This substantial body of work needs to be undertaken with the present proposal pushed to one side – it needs to be undertaken independently and with a blank canvas. Any proposals for the site must be seen to have evolved through this design process and this journey must be evidenced.*
- d. *This design process should then lead to a scheme that is completely unique to this site. If the earth sheltered dwelling is identical to others in different locations, then it is missing one of the key elements of Para.79 – e) 'be sensitive to the defining characteristics of the local area.'*
- e. *An example of an earth sheltered dwelling that received a positive review from the Design Review Panel is below. The Panel's letter is included below. It is worth studying the quality of this application and how the material and design process has been communicated.*
- f. <https://publicaccess.cotswold.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
- g. *Some noteworthy factors include:*

-This scheme went through three Design Review Panels – being improved further each time;

-The scheme was drawn up by a 'design team' including a qualified and well-established Architect (Loyn and Co architects), Landscape Architect (SEED landscape design ltd) and Ecology consultants (Ecology by Design) – these all inputted their various areas of expertise;

-Viewing the application material online, it can be seen that a substantial body of material has been produced, leading to a very high quality design that is unique to the location and site.'

97. Taking the Design Officers comments into account it is considered that whilst the sustainability credentials of the proposed development are not in question the same cannot be said for the design approach. It is considered that the current design does not take into account the surrounding landscape features of respect the special character and appearance of the Conservation Area and surrounding heritage assets.

98. Conservation Comments

99. Regarding the heritage impacts the local authority has assessed if the Heritage Impact Assessment adequately considers the impacts on the Whitwell Conservation Area and Heritage Assets such as The Home Farmhouse (Grade II) and The Church of St. Michael (Grade II*).

100. In relation to the application and the submitted Heritage information, the Conservation Officer has made the following comments :

'The application site is on rising land adjacent to the current northern edge of the small village of Whitwell.

As the 2013 Conservation Area Appraisal explains, Whitwell is situated in a hollow which means that the surrounding countryside is dominant in views out of the village. St. Michael's Church is raised above level of Main Road (A606) and by virtue of its elevated position, is the dominant feature in views into the village from several directions but particularly from the west. Other buildings within the village are essentially low-rise and it is particularly important that the prominence of the Church and other key buildings in the village are preserved. The application site is readily visible from the churchyard.

Views of Whitwell from the northern approach along Exton Road and from the south from Bull Brigg Lane emphasise the rural setting of the village as a cluster of low buildings in a hollow in an otherwise open countryside setting, with the surrounding higher ground forming a backdrop. This setting, together with the use of a limited range of traditional materials contributes to the special character of the settlement.

As the submitted Heritage Assessment correctly acknowledges, Whitwell Conservation Area is of high significance.

The proposal is to erect an earth sheltered dwelling on the undulating agricultural land to the rear of existing properties fronting the northern side of Main Road.

The application proposes a wildflower meadow and tree planting to help screen the dwelling from certain views. An existing hedge that more or less divides the site in two is shown to be retained.

There are at present some agricultural buildings on the site that because of their size and are discreet locations go largely unnoticed.

Under the provisions of the Town Planning (Listed Buildings and Conservation Area) Act 1990 local planning authorities are required to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires similar regard be paid to preserving the character or appearance of a Conservation Area.

The more recent NPPF (2019) requires great weight to preventing harm to designated heritage assets and their setting and where harm is identified a judgment needs to be made as to whether it is substantial or less than substantial. If the conclusion is the former, then the proposals should be refused. However, if the conclusion is that the harm is less than substantial, then the harm identified should weighed against any public benefits arising from the development.

Historic England's guidance in **The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition Dec 2017)** explains:

“Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.”

It is not, therefore, just the visual impact of a development that needs to be considered but also other environmental factors.

There is paraphernalia that usually comes with domestic use of land to consider and whilst it is of course possible for the LPA to control this, to a degree, by conditions attached to the planning permission this cannot cover every eventuality.

Furthermore, if the removal of permitted development rights on what can be allowed within the domestic curtilage have to be so strict to make the development otherwise acceptable the principle of the suitability of the site for residential use has to be questioned.

No doubt the applicants will say that they have no intention of erecting such features as sheds, greenhouses or children's play equipment on the land that will become a domestic curtilage but future occupiers may not be similarly minded and so dedicated to the original ethos of the proposed development.

Added to this is the impact of lighting during the hours of darkness.

Whilst it is ultimately for the decision maker to decide whether the public benefits justify the harm to heritage assets, the only public benefits I can identify are the addition of one additional unit to the local housing stock and a temporary boost to the local building industry during the construction phase and these are not sufficient in my opinion to justify the harm.

*Furthermore **Policy CS22 of the Adopted Core Strategy** requires that new development protect and where possible enhance historic assets and their settings, and maintain local distinctiveness and the character of identified features. This policy also requires development to respect the historic landscape character and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.*

In my opinion the proposal should be resisted as there is an objection in principle to a fundamental change in the character of the land from agriculture to residential. The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation

Area and its ensemble of designated heritage assets, in particular the setting of the Grade II Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact.*

The harm that would be caused is not justified and, therefore, in accordance with the requirements of the NPPF, considerable weight must be attached to preserving the setting of the heritage assets when coming to decision on whether or not to grant permission.

The proposal is contrary to both national and local policies that seek to conserve and enhance the historic environment.'

101. Taking the above into account it is considered that the proposal is contrary to the NPPF (Sections 16), Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Site Allocations and Policies Development Plan Document (2014).
102. Impact on the neighbours' residential amenities
103. The proposal has a low profile with a large glazed frontage allowing views in a south westerly direction towards open fields and distant properties on the opposite side of Exton Road
104. Whilst elevated in relation to the properties to the south that front the A606, direct views from the glazed frontage towards the rear gardens and their rear elevations are oblique and obscured by proposed raised earth bunding.
105. Direct lighting from this glazed frontage will not be facing directly to the rear of properties and will be further reduced by the distances maintained and the bunding to the sides. Further mitigating measures can be introduced through an appropriate landscaping scheme. Any external lighting can be controlled by condition.
106. The proposed openings to the rear of the house are further sunken within the rear yard area and do not offer direct views over neighbouring properties.
107. Due to the distances of separation there will be no over dominant or oppressive environment created by the proposal over neighbouring properties and their private gardens.
108. Furthermore, due to the distances of separation, position of openings and the domestic nature of the proposed usage it is considered that noise levels generated from the development will not reach an unacceptable level which weigh against the proposal. Unrestricted general farming activities can be carried out now within the fields which could generate noise.

109. Activities normally associated to domestic garden use can be carried out in the surrounding grounds but adverse impacts can be reduced by removing permitted development rights for the erection of structures
110. Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
111. Highway issues
112. The proposal will utilise the existing access to the field and include a new access track across the field to reach the proposed dwelling. Parking is provided on-site to the rear of the house.
113. Rutland Highway Department have been consulted and have no objections subject to conditions.
114. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2019) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).
115. Crime and Disorder
116. It is considered that the proposal would not result in any significant crime and disorder implications.
117. Human Rights Implications
118. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

119. Conclusion

120. The proposal is contrary to the adopted local plan policies and is not considered acceptable in the National Policy terms as it has not been demonstrated that the proposal meets the requirements of NPPF paragraph 79 or 131.
121. The site is in close proximity to other buildings within the village and cannot be considered 'isolated' in the terms of paragraph 79e) as determined by the Braintree judgments, as the degree to which it is 'away' from places, building and people is limited.
122. The proposed development does not respect or adequately justify the impacts that the development would have on the very special character of the surrounding rural countryside, the setting of the conservation area or the adjacent heritage assets. As a result it is considered that the proposal is contrary to paragraph 131 of the NPPF.
123. The proposed development will be visually intrusive and impact adversely on the form and character of the area and insufficient information has been submitted which would lead the local authority to consider otherwise.
124. The proposal is contrary to both national and local policies that seek to conserve and enhance the historic environment.
125. The proposed development will neither preserve nor enhance the character or appearance of the Whitwell Conservation Area and its ensemble of designated heritage assets, in particular the setting of the Grade II* Church of St. Michael, a heritage asset of more than special interest. Nor can the proposed development be considered to have a neutral impact.
126. The harm that would be caused is not justified and, therefore, in accordance with the requirements of the NPPF, considerable weight must be attached to preserving the setting of the heritage assets when coming to decision on whether or not to grant permission.
127. Whilst the Field House is a proposal for a near autonomous earth-sheltered dwelling poised for an off-grid existence with a Design SAP Rating of 146A, on balance, this does not overcome the other material considerations which weigh against the development.
128. Taking the above into account, it is considered that the proposal is unacceptable and is contrary to NPPF (Sections 5, 12 and 16), Policies CS19 & CS22 of the Rutland Core Strategy (2011) and Policies SP15 & SP20 of the Site Allocations and Policies Development Plan Document (2014).