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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2020/0059/FUL</b>	<b>ITEM 1</b>	
Proposal:	<b>Erection of dwelling in line with Para 80 NPPF</b>		
Address:	<b>Land on the North East Side of Pingle Lane, Morcott</b>		
Applicant:	<b>Richard Drewnicki</b>	Parish	<b>Morcott</b>
Agent:	<b>Mr D Hartley Rural Solutions Ltd</b>	Ward	<b>Braunston &amp; Martinsthorpe</b>
Reason for presenting to Committee:	<b>Policy considerations and objections</b>		
Date of Committee:	<b>23 November 2021</b>		
Agreed Extension of Time Date:	<b>26 November 2021</b>		

## EXECUTIVE SUMMARY

**The scheme is for an exemplar house in line with Para 80(e) of the NPPF. The design has evolved through 2 reviews. There would be considerable bio diversity gains and there is limited harm to historic assets. The Councils lack of a 5 year land supply due to the withdrawal of the new local plan means that the locational policies in the development plan are out of date and cannot be used to refuse the proposal. Overall there are no sustainable reasons for refusing planning permission.**

## RECOMMENDATION

### APPROVAL,

1. The development shall be begun before the expiration of three years from the date of this permission.  
Reason - 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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers MC-PL01 A, MC-PL02 F, MC-PL03 D, MC-PL05 A, MC-PL06 A, MC-PL08, MC-PL09, 1281-01 B, 1281-02 B, LE159DS-DR-MC-0001, LE159DS-DR-MC-002, LE159DS-DR-MC-0003, SK\_PL\_01, Stone Design Statement Rev A - (11/6/20), the track construction details shown in the Traffic Management Report (Boyes) October 2019, the Design & Access Statement, the Biodiversity Net Gain assessment (Green Environmental Consultancy – Nov 2019), the recommendations in the Preliminary Ecological Appraisal (Green Environmental Consultancy – September 2019) and its Addendum (September 2020).  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level 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, including all the bio-diversity gains outlined in the application, which shall include proposed changes in ground levels, boundary treatments 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."  
Reason - To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the

Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.  
Reason - To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

5. No development above damp course level shall be carried out 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.

Reason - To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling or erection of any structure within its curtilage shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure that any additions or alterations are considered in the light of the special reasons for granting this planning permission and to ensure that the works do not imping on the wider landscape or the setting of the conservation area and nearby listed buildings.

7. No development shall take place within the application site, including the approved construction access and compound, until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

8. The development shall be carried out in accordance with the recommendations in the submitted Preliminary Ecological Appraisal (Green Environmental Consultants, September 2019) and the nest boxes, including for Swifts, shown on the approved plans shall be erected before the dwelling hereby permitted is occupied.

Reason - To ensure that the bio-diversity gains set out in the application are achieved on site

9. Once occupied, the dwelling hereby approved shall be made available for visits by the public and Architectural Students for the purposes of understanding high quality design in rural areas. Such access shall be in accordance with a scheme details of which shall have been submitted for the approval of the Local Planning Authority.

Reason - To ensure that the access to such facilities are maintained in the future in the interests of enhancing design in rural areas, in accordance with the requirements of Para 80 of the National Planning Policy Framework 2021.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials

- (iii) storage of plant and materials used in constructing the development
- (iv) measures to control the emission of dust and dirt during construction
- (v) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (vi) residents liaison

Reason - To ensure that the construction period causes minimal disruption to the local highway network and any areas of archaeological interest.

11. The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling hereby permitted.  
Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for more than a single dwelling which is permitted in this case as a specifically identified exception.
12. Within 2 months of the dwelling hereby permitted being occupied, the temporary track to the construction compound, the compound itself and any structure constructed to cross the watercourse shall be removed from the land and the land re-instated to its former condition, including any ridge and furrow disturbed, in accordance with a plan and photographic survey that shall have been carried out before development commences. The widened access gate on Glebe Road shall also be restored back to its original condition including replanting of hedges within the same timeframe.  
Reason - To ensure that the temporary use of the land does not result in long term impact or harm to the field and to visual amenity.

## Site & Surroundings

1. This 0.65Ha site is located off Pingle Lane, on the northern boundary of the Morcott Conservation Area and outside, but adjoining the Planned Limits to Development (PLD). There are several listed buildings on Church Street but none immediately adjoining this site.
2. The site consists of grassland enclosed by mature vegetative boundaries which consists primarily of overgrown hedgerows and associated trees to the north, east and west with a large mature woodland forming the western boundary. Successive years of limited management to both the land and boundaries has allowed a wild and informal setting to develop.
3. A key characteristic of the site is the 7m fall in levels from south to north. Although the site is enclosed on three sides, open views can be obtained to the rural setting on the northern boundary from the elevated southern end of the site. The view looks upon agricultural land and a series of Public Rights of Way.
4. A stream corridor wraps around the west and northern boundary and runs parallel with the low lying land at the north. Along the east and west boundaries are two low level depressions which act as water ditches during seasonal wetter periods of weather.
5. Plant species within the site are primarily trees such as Willow, Ash and Poplar as well as mixed grasses and dense shrub planting.
6. Access to the site is from the south through an existing field entrance and gate.

## Proposal

7. The proposal is for a detached house and garage with separate annexe. The house is a contemporary design that has changed fundamentally between 2 Design Reviews by

Design Midlands, the original on a preliminary enquiry that informed this subsequent detailed application. The proposal is for the applicants own house and he has owned that land for 30 years whilst working in Hertfordshire.

8. The revised design comprises a house built of local stone with grass roofs. The house would be assimilated into the landscape and comprise an annexe over a wetland area.
9. The building would essentially have a flat green roof to help it assimilate and is of contemporary design but using local materials.
10. The application states that the scheme:
  - Create a strong relationship between the house and landscape, responding to place and existing landscape features.
  - Protects the rural character of the area.
  - Significantly enhances the biodiversity value of the site. Landscape proposals could enhance the ecological and aesthetic value of the site.
  - Uses vernacular materials and planting to respond to and reinforce the inherent landscape character fused with contemporary or innovative architecture.
11. The scheme is intended to be of innovative
12. The applicant has assessed the site to be suitable for a new country house under paragraph 80(e) of the NPPF, having regard to the opportunities to meet the specific tests of that policy, with regard to case law and the broad range of houses approved under the 'new country house clause' since the introduction of PPG7 in 1997.



Image of revised proposal

## Relevant Planning History

None

## Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development (Inc Para 11(d) and footnote 8)  
Chapter 5 – Delivering a sufficient supply of homes (Inc Para 80(e))  
Chapter 12 – Achieving well designed places (Para 134)

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

SP1- Presumption in favour of Sustainable Development  
SP5 - Built Development in the Towns and Villages  
SP6 - Housing in the Countryside  
SP15 - Design and Amenity  
SP20 - The Historic Environment

### **Core Strategy DPD (2011)**

CS03 - The Settlement Hierarchy  
CS04 - The Location of Development  
CS19 - Promoting Good Design  
CS22 - The Historic and Cultural Environment

Morcott Conservation Area Appraisal 2014

### **Neighbourhood Plan**

There is no Neighbourhood Plan for Morcott.

### **Officer Evaluation**

#### Principle of the Use

13. Morcott is designated as a Smaller Service Centre in the Core Strategy. Within such settlements CS4 states that they can accommodate a minor level of development (up to 5 dwellings) mainly on previously developed land comprising infill or conversion of redundant rural buildings, within the Planned Limit to Development (PLD).
14. 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 is for a market house so doesn't accord with this policy so the scheme relies on Para 80 of the NPPF (2021) (the Framework).
15. 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.
16. The Core Strategy policies of housing location, together with SP6, are however now considered out of date in accordance with Para 11(d) of the Framework as the Council can no longer demonstrate a 5 year housing land supply.
17. The recently withdrawn Local Plan Review (LPR) had re-assessed the settlement hierarchy and Morcott was to be designated as a Smaller Village. The criteria was not greatly dissimilar to CS4. However, other than the 'other villages' identified in the settlement hierarchy, all other settlements are considered sustainable in terms of applying control in the situation where there is an out of date policy (as per Para 11(d)). Whilst the LPR has been withdrawn, the settlement hierarchy has been appraised and can still be taken into consideration.

18. The Site Allocations & Policies DPD, Policy SP1 – Presumption in Favour of Sustainable Development is now more relevant where the Council cannot demonstrate a 5 year supply of housing. The policy states the Council will take a positive approach when considering development proposals that reflect the Frameworks presumption in favour of sustainable development in line with Paragraph 11 (d) of the Framework. This includes applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Where relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise, taking into account whether this proposal will lead to any adverse impacts, which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.
19. Given the current shortfall in the required five-year housing supply, consideration needs to be given whether the adverse impacts of developing the site significantly outweighs its benefits. As such the development will need to be in compliance with the National Planning Policy Framework.
20. In terms of location of the site, the Framework advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. It is considered the Council's approach to Restraint Villages is out of date, the National Planning Practice Guidance (NPPG) states that all settlements can play a role in delivering sustainable development and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
21. The Council has produced a background paper 'Sustainability of Settlements Assessment Update' (November 2019). In the 2019 update, Morcott is classed in the Smaller Village category. These villages tend to have only some of the key facilities and/or are less accessible to higher order centres than villages in the Local Service Centre category. It is considered small scale development on infill sites, redevelopment of previously developed land and the conversion or reuse of existing buildings will be supported.
22. Therefore, it is considered the site is in a sustainable location and meets the Framework's core approach to sustainable development. The Council will need to consider whether the proposal will harm the character and setting of the countryside.
23. Overall, the Council will need to be satisfied that this proposal is sustainable development in accordance with the Framework and that it is unlikely to have an adverse impact on the surrounding environment or character of the area that would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
24. Paragraph 80(e) of the Framework is relevant and states that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply":
  - a) to d) (*not relevant in this case*); or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas<sup>1</sup>; and

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<sup>1</sup> Note the previous versions of the NPPF included 'innovative' in this description but this no longer appears in the latest version

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

25. Furthermore Paragraph 134 of the Framework states:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) 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.

26. Overall, the principle for development in this location would have been contrary to the development plan, but the locational policies are now out of date. The council should be satisfied that the scheme meets the criteria set out in Para's 80 and 134 but this is now less critical in view of Para 11(d) of the Framework.

#### Paragraph 80 'Isolated' Issue

27. Objectors have argued the point that this site is not 'isolated' in Para 80 terms.

28. The meaning of the word isolated has been assessed in the courts as part of the 'Braintree cases'. The Court of Appeal considered the case after the High Court had done so earlier<sup>2</sup>.

29. Justice Lindblom stated in his findings that:

*'In my view, in its particular context in paragraph 55 (now para 80) of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. 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 the case in hand'.*

*What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of a "community", a "settlement", or a "village". There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. In the second sentence of paragraph 55 the policy acknowledges that development in one village may "support services" in another<sup>3</sup>. It does not stipulate that, to be a "village", a settlement must have any "services" of its own, let alone "services" of any specified kind.*

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<sup>2</sup>[2018] EWCA Civ 610 - March 2018

<sup>3</sup> Now in Para 79

30. The key test for decision makers, as established by the ruling, is therefore whether a new dwelling under paragraph 80(e) would be 'physically separate or remote from a settlement'. The final sentence of the Judge's finding above, and the words 'in this sense' serve to confirm the test of 'separate or remote from a settlement' as the key focus. The use of the word 'or' confirms that a site could be considered either separate from or remote from a settlement (for it to be considered isolated); a scheme does not therefore have to meet both of these descriptions and only one description need be met.
31. The agent considers that this site is separate from Morcott as it is surrounded by mature vegetative boundaries, is outside the PLD and comprises a 1.6 acre field which has no lawful use other than for agriculture. Years of low management have clearly given the site a function of the countryside.
32. The agent has provided details of an allowed appeal for a similar scheme in the Cotswolds where the applicants Barrister was the same one that represented the Secretary of State in the Braintree case.
33. Taking a step back, it also seems it would be irrational to consider that the advice in Para 80 was only intended to allow remote new dwellings miles from anywhere, but not one adjacent to the edge of an existing settlement.
34. Notwithstanding this Para 134 b) of the NPPF advises that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to 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.

#### Impact on the character of the area

35. The design has completely changed since a preliminary enquiry was first submitted and has been through 2 Design Reviews by Design Midlands.
36. There are no specific important views into or out of the conservation area identified in the Conservation Area Appraisal that would impact on this development. Views into the village, including portions of the application site in the foreground are however possible from the footpaths to the north of the site. The house would be largely screened from traffic on Glebe Road by existing roadside hedges.
37. In terms of visual impact, the building would sit down in the landscape and whilst limited longer views would be possible from public footpaths to the north these are not views that detract from the character of the village. Visualisations have been provided and will be displayed at the meeting. The main buildings within the village and the Conservation Area would be mostly screened by trees on this edge of the village

#### Domestic paraphernalia

38. The exceptional quality of the proposal and the longer views into the site from the public footpath could be harmed if the location of domestic paraphernalia is not controlled. The scheme has been designed to specifically control the locations of signs of domesticity – in the courtyard and by the use of land levels and layout. These physical design measures will control the quality of the site in its wider setting but a condition to limit permitted development within the curtilage of the dwelling would be appropriate in this case.

### Impact on the neighbouring properties

39. The only neighbour that would be impacted is a bungalow adjacent to the access. The impact would be limited to domestic traffic after occupation which is not deemed so injurious to amenity that it could be refused on those grounds. Similar situations appear all over the country. With construction traffic coming from the opposite direction there is no impact from that point of view, even though it is only for a limited period and rarely, if ever, forms the basis of a reason for refusal.

### Heritage

40. The site is within the wider Conservation Area where there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990
41. Also at the Statutory level, Sections 16 (2) and 66 (1) of The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess
42. Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the Framework. This advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
43. As set out in the 2014 Morcott Conservation Area Appraisal, the defining features that contribute to its special interest and distinctive character are its compact, high density historic core, the visual harmony resulting from the use of good quality traditional materials, the understated design of the buildings and the low profile (other than the Church) and grouping of buildings
44. The proposed development site is not within the setting of any listed buildings, although there are 30 grade II listed buildings and one grade I listed building within the village. This is because the village is enclosed in terms of internal views by narrow streets and high boundary walls and there is no inter-visibility between the listed buildings and the development site. Development would not affect the way that the listed buildings are experienced within the village of Morcott, their historic or architectural heritage values or their contribution to the special interest of the conservation area.
45. The site is exposed to views from the higher ground to the north-east, where limited points on Glebe Road afford views of the site and its relationship to the village, although most views from Glebe Road are contained by hedges along the roadside. At present the most notable building in these views is the upper part of the tower and the short spire of the Grade 1 Listed Church of St. Mary the Virgin. As the 2014 Conservation Area Appraisal states: "The village is largely hidden and unobtrusive in the landscape, which results in the Church tower and its distinctive stumpy spire being the defining landmark." These views are, of course, subject to seasonal variation.
46. Views of and from the surrounding countryside are important to the setting and character of a conservation area.
47. The proposed dwelling would be of an overtly contemporary and low carbon footprint design having a low profile and 'green roof', built into the slope on the upper, south-western part of the site, the aim being to work with the landscape, rather than imposing

on it and limit its visibility in views of the Conservation Area from outside the village, most notably from the public right of way.

48. The intention is that materials would be locally sourced as was traditionally the case with the older properties in the village. In this case the external walls will be constructed entirely of limestone, dressed ashlar for parapets and window surrounds and Clipsham cropped walling stone for other areas. A sample panel of the proposed materials has been constructed and is reproduced below.
49. A separate garage building immediately to the north of the proposed dwelling would have a more conventional appearance (pitched roof) and would help to screen vehicles from view from the north east.
50. Access to the site would remain as existing and, other than where buildings are to be constructed, trees and hedges are to be retained.
51. The development site is not readily viewed from the conservation area or obvious in views of the conservation area. None of the 'important views' identified in the conservation area appraisal are within or of the development site.
52. The on line Planning Policy Guidance and the Framework set out central Government policy in relation to the Conserving and Enhancing the Historic Environment.
53. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
54. Paragraph 200 goes on to require that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
55. Policy CS22 of the adopted Core Strategy requires that all developments protect and where possible enhance historic assets and their settings, maintain local distinctiveness and the character of identified features.
56. Policy SP20 of the Site Allocations and Policies Development Plan Document (Adopted October 2014) seeks to safeguard the character and appearance of conservation areas from development that would be harmful to their character or appearance and protect the setting of listed buildings.
57. Officers concur with the statement in the submitted Heritage Impact Assessment that the proposed development "would not affect the way that Listed Buildings are experienced within the village, their historic or architectural heritage values or their contribution to the special interest of the Conservation Area."
58. It is also agreed that the house design proposed would have a "minor adverse" impact equating to less than substantial harm. Although the Framework does not refer to any gradations of harm within 'less than substantial harm', it is considered that the harm in this case would be at the lower end of the scale. The harm arises from the change of character of the application site arising from the change from agricultural to domestic use and the impact this has on the setting of heritage assets, although the proposals include measures (and recommended conditions) to mitigate this harm.
59. The proposal would preserve the compact, nucleated, development pattern of the settlement and a dwelling of the design and materials proposed would sit comfortably in

the landscape and not impose unduly on the setting of the village's listed buildings, in particular the Parish Church, which is the most prominent structure in the views across the valley.

60. In instances where it is concluded that there would be less than substantial harm to the historic environment, Para 202 of the Framework requires that harm be weighed against the public benefits of the proposal. This is a matter for the decision maker to come to a judgement on having regard to all the relevant issues.

61. There would be short term public benefits in construction and materials being sourced locally. The building would also be a continuing source of interest and exemplar in architecture as it is clearly a very high quality design, reflecting the highest standards in architecture as set out in Para 80(e) and 134 of the Framework, helping raise the standards of architecture in rural areas.

62. The applicant cites an appeal decision in their supporting statement that includes the following paragraph (now also bearing in mind the supply of housing land issue):

*The proposed dwelling would contribute, albeit modestly, to the Council's significant shortfall in housing provision and would create economic benefits through the creation of local construction jobs, an increase in Council Tax revenue and New Homes Bonus. Furthermore, it would provide a high quality dwelling which would respect and reflect the local vernacular and protect the natural and built environment. Although such benefits are modest, they should be afforded due weight in this case. As a result, based on the evidence before me, I find that there would be no significant harm resulting from the scheme which would outweigh the benefits.*

63. Officers consider that the current scheme could also be attributed similar comments.

64. The policy of rural dwellings was introduced in the late 1990's to allow the continued tradition of the 'English country house'. It is not easy to define how any such dwelling would enhance its surroundings where there were no previous buildings on a site.

65. This scheme would represent a significant increase in biodiversity, see Ecology comments below, together with the proposed construction method to allow biodiversity within the fabric of the building itself. The use of the landform and new landscape proposals will enhance the appearance of the site albeit introducing a more formal landscape, which is what many original country houses did.

66. It is proposed that the whole external wall elements will be constructed entirely from stone. Dressed Clipsham Cream Ashlar will be used to finish the parapet and window surrounds and Clipsham Cropped Walling Stone will be used for the infill areas. These infill pieces will be brick-like in size and proportion but with a pronounced horizontal aspect to ensure a low and elegant built form in harmony with the landscape strategy. The coursing will be dry laid and random gaps will permit sedums and other micro flora and fauna to begin occupation in a bid to increase the immediate biodiversity footprint. This would constitute an innovative form of development and contribute to enhancing the immediate setting.



Material sample panel by Stamford Stone

67. The Applicant has suggested conditions to be imposed if planning permission is granted, and these should include the removal of permitted development rights, not only for extensions to the dwelling, annexe and garage but also additional openings and freestanding garden structures, walls and fences and surfacing of external areas, so that their impact of any of these works on the sensitive surroundings can be assessed through a planning application.
68. The applicant has also suggested a planning condition to require the building to be available for public inspection for educational purposes such that the new house should act as an educational resource to raise the standards of design in rural areas and could include the use of the house as a working case study for university architecture students, in order to ensure that the house helps to raise standards of design in rural areas as required by Para 80.
69. Overall, the dwelling is considered to meet the requirements of Para 80 of the Framework. Whilst it has (minor) 'less than substantial harm' to the character and appearance of the conservation area, these impacts are offset by the public benefits of biodiversity gains, raising the standards of architecture in rural areas and benefits to the local economy.
70. Also outweighing the less than substantial impact is the lack of a 5 year housing land supply such that policies CS4 and SP6 in particular are out of date and cannot be used as a reason for refusal of this scheme.

#### Highway Issues

71. There have been local concerns raised about the access to the site by construction traffic and the implications of that traffic on personal safety and disturbance to property and amenities.

72. The applicant has engaged with a local landowner and has reached agreement for construction traffic to be routed from the north via Glebe Road to the north. This temporary measure will use in part an existing agricultural track. The applicant stated that the new routing will take traffic out of the village to avoid potential difficulties on Church Lane, however, it would need to transverse the village from the A47 along Willoughby Road.
73. The application was supported by an initial Construction Transport Management Plan. This plan has been supported by Highways. As part of their response Highways requested additional information to be included within the Traffic Management Plan relating to staff parking, material storage, managed access by HGVs, and condition assessment of the highway.
74. Objectors point to the fact that Willoughby Road is narrow, but it is preferable to Church Lane where there were concerns about damage to property and the church wall. Its use would only be for a relatively short time during construction. Many objections were made at the time when Willoughby Road was subject to the one way system for the recycling centre at North Luffenham.

#### Drainage

75. A key element of the landscape strategy is to create an enhanced meadow habitat that runs across the majority of the site. Species mix and diversity of the meadow will respond to the various localised conditions. This area will be sown with a wet meadow and pond edge meadow mix contain a variety of marginal and wetland species which are suited to periods of waterlogging.
76. Excess water will then discharge to the watercourse to the north of the site.

#### Ecology

77. The submitted application included a Biodiversity Net Gain assessment in accordance with the DEFRA Biodiversity Metric 2.0 (Green Environmental Consultancy – Nov 2019). The Habitat Units Delivered (HUD) under the new scheme are 3.70 (2.66 habitat creation plus the 1.04 units retained). This results in an overall Habitat Unit Change of +1.36, or a 57.94% change. For hedgerows, the baseline is 0.68 (made up of 0.40 units retained and 0.29 units enhanced with none lost). The Hedgerow Units Delivered are 0.99 equating to a net gain of +0.31. This equates to a 44.91% change.
78. Other categories that the calculator shows is that 100% of the land lost is allocated to the low distinctiveness band; in other words, habitat of low ecological value. It also shows that there is an overall loss of grassland habitat but this is within the low distinctiveness band whilst the replacement might be smaller by area but is of higher distinctiveness or value and so the unit score is higher.
79. The Ecology officer has requested that, in addition to the bat and bird friendly features proposed within the submission, three swift nest boxes be installed at the site to provide additional nest sites for this species and to help achieve the aims of the Biodiversity Action Plan. A revised plan is submitted as part of this response showing proposed location of the nest boxes to be provided, avoiding the need for a pre-commencement condition.

#### Crime and Disorder

80. It is considered that the proposal would not result in any significant crime and disorder implications.

## Human Rights Implications

81. 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.
82. It is considered that no relevant Article of that act will be breached.

## **Consultations**

### **RCC Highways**

83. No objection to the revised construction access subject to a revised Construction Management Plan.

### **Ecology**

84. This application has been accompanied by a Preliminary Ecological Appraisal (Green Environmental Consultants, September 2019). This indicates that the site currently comprises species-poor grassland, bounded by hedgerows and a watercourse. No evidence of protected species were found on site, but the site was considered to have potential to support grass snakes. We are therefore in agreement with the recommendations in the report and these should be followed.
85. A Biodiversity Net Gain report (Green Environmental Consultants, November 2019) has also been submitted in support of the application. This demonstrates that net gain will be achieved as a result of the development. We are happy to accept the findings of this report as we have no objections to the development provided that the proposed landscaping is as described, but we would usually expect to see calculations submitted in support of any net gain reports. We welcome the detail of the Phase 1 Survey which is required to calculate net gain. The meadow and wetland planting should use locally native species in order to be of the greatest benefit to biodiversity.
86. We welcome the inclusion of bat and bird friendly features as discussed within section 4 of the Design and Access Statement. However, it should be noted that it would be quite remarkable to attract the bat species *Tomopeas rarus* as it is a species endemic to Peru! Whilst not critical to the determination of the application, it would be more appropriate to use a species such as the common pipistrelle *Pipistrellus pipistrellus* in its place.
87. The application site falls within a 'Swift Alert Area' as there are recent records for breeding swifts close to the site. Swifts are a local Biodiversity Action Plan (BAP) species. This development provides the opportunity to install some swift nest boxes to provide additional nest sites for this species and to help achieve the aims of the BAP. I would therefore recommend that 3 swift nest boxes are installed on a suitable elevation of the building in accordance with the Swift Advice Note found at <https://www.leicestershire.gov.uk/environment-andplanning/planning/leicestershire-and-rutland-environment-records-centre-lrerc>.

### **Archaeology**

88. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area is located immediately adjacent to the historic medieval and post medieval settlement core of Morcott village (MLE16884) and is likely to have formed part of an agricultural landscape during the medieval and post-medieval periods. The proximity of the site to the watercourse to the north indicates that site has potential for the presence of occupation and settlement activity relating to earlier periods; however

very little archaeological investigation has been undertaken in the vicinity of the site and the archaeological potential of the area is not fully understood.

89. The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon any archaeological remains present. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199).
90. In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.
91. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.
92. If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's 'Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland' and with relevant Institute for Archaeologists 'Standards' and 'Code of Practice'. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
93. We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:
  - No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works ' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving 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.

#### Further Comments on revised Construction access

94. The newly proposed storage area is located on an area of preserved ridge and furrow earthworks.
95. If this storage area will impact on the ridge and furrow (e.g. flatten it), it may be that an archaeological earthwork survey of the R&F would be needed, but this can be included in the previously suggest condition.

#### **Morcott Parish Council**

96. Proposed by Cllr Traylen, seconded by Cllr Giles and unanimously agreed that this application be recommended for REFUSAL on the following grounds:

The proposed development does not comply with the provisions or spirit of Para 79, NPPF and is contrary to many other planning policies:

1. It is within Morcott's Conservation Area. It does not comply with the provisions of the Conservation Area;
  2. It is outside of the Planned Limits of Development as defined in the Local Plan; Contrary to Para 79 it is in close proximity to other properties and is not isolated in open Countryside;
  3. It is not "sensitive to the defining characteristics of the local area" as defined in Para 79;
  4. It will interfere with the landscape and natural drainage patterns. It will affect rainwater & groundwater drainage courses and will force the water to divert around it - as has already happened with the development at 13 Church Lane;
  5. The proposed biodiversity programme, whilst a welcome benefit, "would not be sufficient to outweigh harm to the rural character and appearance of the countryside" arising from the introduction of a dwelling and a domestic garden into what is now essentially an agricultural landscape;
  6. A large number of residents of Morcott have raised objections to the development. This should be noted and acted on by RCC Planning.
97. Morcott Parish Council has carried out a research on similar planning applications relating to Para: 79. There are specific examples where planning consent has been refused as the development was not considered to comply with the spirit of Para 79 of the NPPF. RCC should note that applications such as this one which state that they comply with Para 79, whilst at the same time stretching the boundaries of Para 79 to suit their requirements, should be judged as not compliant and be refused on this basis.

#### Further Comments

98. Morcott Parish Council wishes to make further objections to the above planning application. The points which were raised previously on the initial application still applies and should be considered along with the following new points which relate largely to the revised site traffic management arrangements which have recently been submitted by the applicant's agents. We are relieved to see from the traffic management report of 27th August 2020 that it has been accepted that access to the site via Pingle Lane is not a viable option.

99. The new access proposed across farmland to the north of the site is however equally flawed for the following reasons:
1. The Traffic Management Report conveniently omits that traffic will have to travel down Willoughby Road on its way from the A47 to Glebe Road. Willoughby Road is a narrow (single track +) residential road in the middle of the village. It is already overburdened by traffic from the civic amenity site and this situation will only get worse when Rutland's plans to close permanently the Cottesmore amenity site are implemented. Commercial and agricultural traffic meeting on this road cannot pass without mounting the curb or roadside banks and damage frequently occurs. The new statement from Rural Solutions states that "the new routing will take traffic out of the village completely". This disingenuous suggestion could not be further from the truth. Willoughby road is very much a part of the village and, after the High Street, has the greatest number of houses of any street in the village.
  2. RCC has clearly acknowledged that there is a problem with the access to the Civic Amenity site with regards to traffic density, capacity and passing by implementing a one-way system in Willoughby Road. The new plans for the CA site and restoration of two-way traffic mean that building site traffic for 2020/0059FUL will pass in the opposite direction to much of the traffic from the amenity site. Taken together these two planning applications, if granted, will place an intolerable and potentially unsafe traffic loading on to Glebe Road and Willoughby Road.
  3. The proposed access from the A47 passes through a tight "pinch point" in Morcott High Street between the Cockpit and the south end of Willoughby Road. This point is bounded by two high stones walls and is barely wide enough to allow two cars to pass. The proposed increase in large, heavy, traffic resulting from this application would put a loading beyond its current capacity on the Cockpit/High Street/Willoughby Road junction (including pinch point) from the high frequency of large vehicle movements over the three-four years required to move the thousands of tonnes of building materials required.
  4. At the junction of Willoughby Road and Glebe Road there is a small bridge over the river. The capacity for this bridge to support the increased volume and weight of traffic passing over it must be inadequate for the purposes required by this application.
  5. The proposed access road from Glebe Road (opposite Springfield Farmhouse) is shown as running down to the river where a very large storage area is planned for building materials and, no doubt earth moving & other heavy equipment. This area is within the natural flood plain of the river and is prone to periodic flooding. It becomes very wet and marshy for an extended period during the winter. The plans show that footpath E286 has been diverted to the west of the storage area. Anyone living locally will know that the proposed course of the diversion will mean that the path will pass through an area where there is often standing water up to knee height. The Rutland Local History and Record Society comment for this application of 23rd March 2020 states that "this watercourse can rise significantly". It is evident that the area proposed in the application is entirely inappropriate to be used as a storage area over the three-four year period which will be required.
  6. Footpath E286 lies to the west of the proposed access road and there is provision for a fence to protect the public from construction traffic. What is not mentioned in these new proposals is that Footpath E284 to South Luffenham runs from E286 directly across the access road. This is not recognised in the proposal and no arrangement is in place to accommodate this or to protect users of E284 from the dangers of the heavy machinery using the road.

7. The topography of the field through which the proposed access road runs is hostile to the proposal. The northern part of the road is relatively flat but close to the river the field slopes very steeply and I very much doubt that any heavily laden commercial vehicle would safely be able to reach the storage area, let alone climb out of the valley. The only way to make this possible would be to excavate a long cutting to reduce the gradient, creating a massive scar on the field. This has not been recognised in the proposals.
8. The issue of pollution of the field and watercourse has also not been addressed adequately in the proposals. The materials stored will be a combination of inert and activated chemicals in both solid and liquid form. These will also include hydrocarbons - diesel and other inflammable fuels. There are no defined hazards, nor defined management processes for these included in the proposals. Consequently, the proposals do not include a risk register for managing what would be a calculated set of risks. This must be unacceptable, and the application should not be approved without these. The Environment Agency should be consulted once these documents have been completed as it may not have the appetite for the risks posed if the proposals were to go ahead.
9. No mention is made in these revised proposals of how the heavy materials and equipment are to be transported to and fro across the brook. Could this be over a bridge yet to be constructed? Again, the topography of the field means that a massive construction would be required to support the weight to be moved, of the order of thousands of tonnes. I would expect the opinion of the Environment Agency at the least should be sought before the application is considered. The River, at the proposed point of crossing, runs in a deep gully and any crossing for very heavy equipment and large volumes of spoil will need a very significant bridge structure.
10. The field adjacent to the brook, through which the proposed road will run, has a number of mounds suggestive of earthworks. There is evidence of ancient ridge and furrow agriculture in the field. The conclusion to be drawn is that this area is part of an ancient settlement and no work should commence on the field without at least seeking advice on the need for a comprehensive archaeological assessment.
100. The above points all provide evidence that the proposal to build an access road from the north side of the site, combined with the storage site within the river flood plain is dangerous & damaging to the local environment. The proposals should not be approved.
101. For all the reasons above, together with other objections submitted previously, on behalf of the residents of Morcott we strongly recommend that this planning application be refused.

Submitted by the Clerk of Morcott Parish Council. 24th September 2020.

### **Rutland Local History and Record Society**

102. I write on behalf of the Society to make the following comments with regards to the proposed construction of 1 new dwelling in Morcott. We feel that the other correspondents clearly state in their objections the setting, style and materials issue and have nothing further to add to these.
103. As a Society we are pleased that the applicant has provided a Heritage Statement about the archaeology and heritage in the area. There is a problem with Morcott Parish with historical evidence as many of the Tithe and other cartographic and documentary sources are missing from the archives, so what can be gleaned gives a basic and somewhat biased interpretation.

104. We are in total agreement with the Historic Environment Record statement that an archaeological written scheme of investigation should be made. We know from our own research that areas that have been pasture for the past 100 years, are in fact rich in archaeological material in Rutland.
105. As far as the proximity to the watercourse we know from evidence of previous historical geological studies that this watercourse can rise significantly, hence the siting of the historic core of the village away from the "stream" bed, and this should be taken into account.

## **Neighbour Representations**

106. There have been 73 neighbour representations, some of which include more than one letter from the same people. These objections are summarised as follows:
  - Outside PLD
  - Does not satisfy Para 80
  - Speculative
  - Site is not 'isolated'
  - Design is subjective
  - Highly modernist – does not fit in with other properties.
  - Does not preserve or enhance the character and appearance of the Conservation Area.
  - Precedent for others
  - Access difficulties for construction (inc original one-way system proposed on Church Lane)
  - Willoughby Road also impractical for construction
  - Significant levels change across the site
  - Risk to churchyard wall from construction traffic
  - Impact on bungalow adj the access drive
  - Impact on wildlife
  - High water table in the village
  - Impact on ridge and furrow for the construction compound

## **Conclusion**

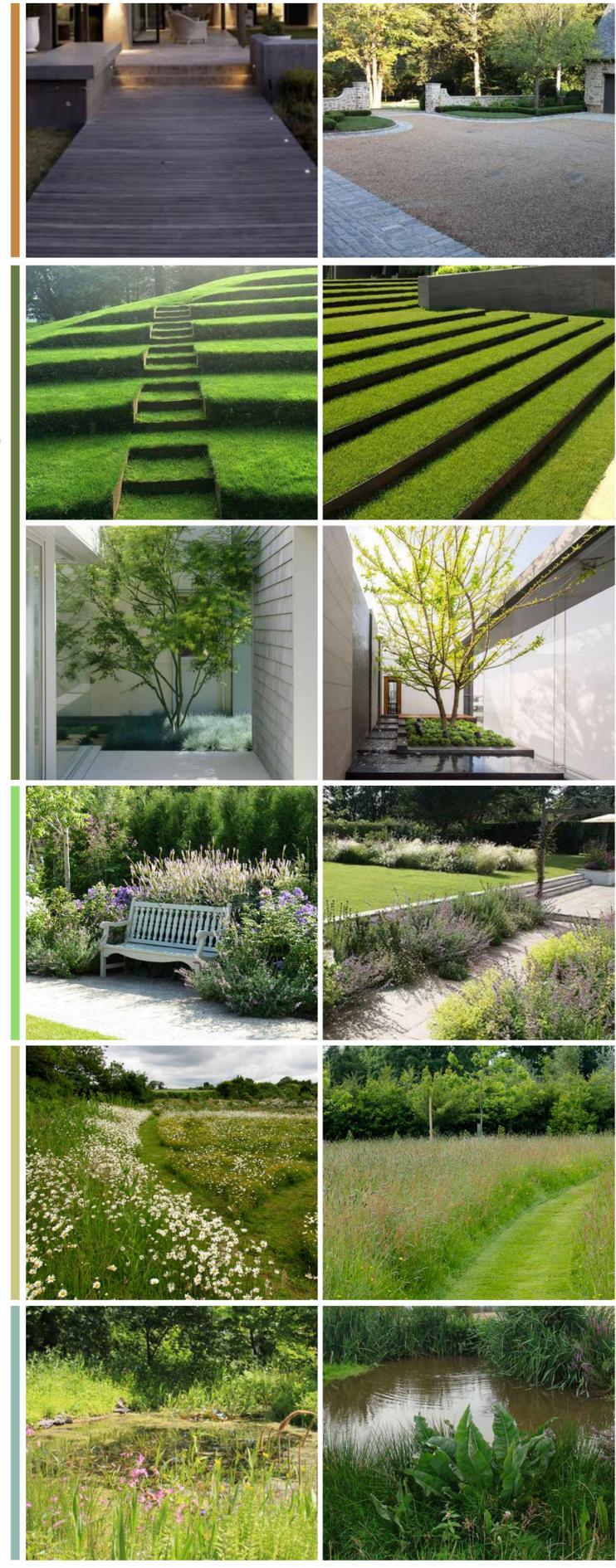
107. The scheme is submitted under Para 80(e) of the Framework as an exemplar country house. The design has been through 2 Design Reviews and has evolved to a scheme which is acceptable. Ecological gains would be made, there would be minimal impact on any interests during construction and other public benefits would be achieved.
108. In view of the lack of a 5 year housing land supply, the locational policies of the current Local Plan are out of date (Framework Para 11(d)) and the fact that the site is outside the PLD is no longer a sustainable reason for refusal, this takes some of the importance off the Para 80 issues as Morcott is deemed a sustainable settlement for low key development in any event. Notwithstanding the fact that it can be argued whether the site is isolated or not the proposed development is considered to comply with the requirements of Para 134 of the NPPF which gives significant weight to schemes of outstanding or innovative design such as this.



- KEY**
- APPLICATION BOUNDARY
- HARD LANDSCAPE**
- ACCESS DRIVE AND PARKING  
Buff coloured, locally sourced loose gravel to access drive and parking area
  - PROPOSED PAVING TO PRIMARY PATHS AND COURTYARD  
Natural stone paving - various unit sizes as surfacing to main access paths to dwelling and to courtyard
  - PROPOSED GRAVEL SURFACING TO SECONDARY PATHS  
Loose pea gravel to garden paths with timber edging
  - PROPOSED STEPS  
Proposed steps to match proposed paving
  - PROPOSED WALL  
Natural stone walling - locally sourced
  - PROPOSED GATES  
New vehicular gates to parking area and forecourt.
- SOFT LANDSCAPE**
- EXISTING TREES  
To be retained
  - EXISTING TREES TO BE REMOVED  
To be removed
  - PROPOSED TREES  
Tree planting to wider landscape to be native rural species to include but not limited to, Salix alba, Sorbus aucuparia, Salix caprea, Corylus avellana. Proposed trees within kitchen garden and closer to the house to be smaller ornamental species Prunus x subhirtella 'Autumnalis', Malus sylvestris or similar
  - PROPOSED WILDFLOWER MEADOW AREAS  
Wildflower meadow seed mix with management regime to establish and maintain new swathes of meadow and wildflower. Wildflower meadow treatment to continue onto the roof of the dwelling.
  - EXISTING VEGETATION  
Existing vegetation to boundaries of the site to be managed to retain a well screened and mature setting to the dwelling. Any gaps to be filled with new planting to match existing.
  - PROPOSED PLANTING  
Proposed areas of mixed herbaceous and shrubby planting to immediate garden areas adjacent to the dwelling. Kitchen garden to include areas for veg and annuals.
  - PROPOSED LAWN  
Small areas of lawn to the Kitchen Garden
  - PROPOSED POND AND WETLAND PLANTING  
Proposed pond to encourage wildlife. Plug planting to marginal areas. Species to include but not limited to Caltha palustris, Myosotis scorpioides, Veronica beccabunga, Meniha aquatica. Wet meadow seed mix to be sown to all areas to feather into dry soils on the slope.
  - PROPOSED MOWN PATHS  
Mown path through meadow area during spring and summer months



- KEY FEATURES**
1. EXISTING STREAM
  2. PROPOSED WETLAND
  3. WILDFLOWER MEADOW
  4. KITCHEN GARDEN
  5. ARRIVAL AREA AND GARAGE
  6. COURTYARD
  7. STEPPED PLANTING
  8. NEW TREE PLANTING
  9. WILDFLOWER MEADOW ROOFSCAPE



REV B - 19.12.2019  
Layout and red line boundary updated  
REV A - 15.10.2019  
Layout and red line boundary updated