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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0393/FUL	ITEM 5	
Proposal:	Erection of 2 no. houses		
Address:	Cricket Club, Lyndon Road, Manton, Oakham, Rutland, LE15 8SR		
Applicant:	Mr T Haywood	Parish	Manton
Agent:	Mr M Webber Nichols Brown Webber LLP	Ward	Martinsthorpe
Reason for presenting to Committee:	Contrary to Policy		
Date of Committee:	30 August 2016		

EXECUTIVE SUMMARY

This application is contrary to the provisions of the Development Plan because it proposes two detached dwellings in the open countryside. However, it is intended to provide enabling development to fund the completion of restoration works at Martinsthorpe Farmhouse, an important heritage asset located on a Scheduled Monument, within the Gunthorpe Estate.

Enabling development can be approved, contrary to policy, if required to facilitate conservation of such a heritage asset. The current application is recommended for approval as the benefits of restoring Martinsthorpe Farmhouse outweigh the issues that would otherwise have resulted in the application being recommended for refusal.

RECOMMENDATION

APPROVAL, subject to:

- a.) A Planning Obligation intended to secure completion of the restoration works at Martinsthorpe Farmhouse, incorporating:
- Completion of the outstanding works at Martinsthorpe Farmhouse
 - Timescales for occupation of Martinsthorpe Farmhouse (to ensure that the enabling development isn't completed without the Farmhouse restoration)
 - Access to the deserted medieval village around Martinsthorpe farmhouse for educational visits
 - No further applications for enabling development for the farmhouse

b.) The following conditions:

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 630/EM/ P1, P3B, P4B, P5B, P6B, P7B, P8B, P9B, P10B, P11B, P12B, P13 P16, and P17.
Reason - For the avoidance of doubt and in the interests of proper planning.

3. No development shall be commenced until samples 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 materials of an acceptable quality, appropriate to the area, are used, and because these details were not submitted with the planning application.

4. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, based on the landscaped areas indicated on Plan 630/EM/P3B. It shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

Reason: To ensure that the development is well screened and assimilated into the rural character of the immediate area.

5. 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 development is well screened and assimilated into the rural character of the immediate area.

6. No development shall take place within the application site 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.

7. The limit of the curtilage of each dwellinghouse, for the purposes of Article 3, Schedule 2, Part 1 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) is as defined by the boundary line on Drawing 630/EM/P17 , attached to this permission.

Reason: For the avoidance of doubt and to avoid an expansion of householder development, detrimental to the character of the open countryside.

8. No development shall proceed other than in accordance with the provisions of the Ecological Mitigation Strategy set out in Section 6 of the Ecological Appraisal Report (July 2013) prepared by ADAS UK Ltd.

Reason: In order to safeguard the protected wildlife species that are known to exist on site, and to enhance their habitat.

9. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.

Reason: In the interests of highway safety and convenience by avoiding the overspill of loose material or surface water onto the highway.

10. All gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of six metres from the nearside edge of the carriageway

Reason: In the interests of highway safety and convenience, by avoiding any obstruction caused by vehicles parked on the carriageway whilst gates are being opened

Notes:

1. With regard to Condition 4, the developer is asked to consider the attached advice of the Council's Forestry Officer.
2. With regard to Condition 8, the developer's attention is drawn to the attached advice from the Council's Ecology Consultant
3. Road cleaning will need to be carried out during construction to ensure that the highway is kept clear of deleterious material.

Introduction

1. This application was deferred from the committee meeting of 16 February 2016, at the request of your officers, given the need for further clarity on valuation figures.
2. Since then, the following confidential material has been submitted:
 - an updated Valuation of Martinthorpe Farmhouse, to take account of the removal of an earlier planning condition which had restricted its occupancy to a holiday let only,
 - a further Written Statement from the applicant.
3. This report is now an updated version of that previously submitted to the February Committee. It incorporates the additional material specified above, plus the information previously set out in the Addendum Report to that meeting, and other updates where required (for example the Council's adoption of a Community Infrastructure Levy in March 2016).

Site & Surroundings

4. The application site is adjacent to the A6003, on the eastern side of Manton Top. It is of a broadly triangular shape, with the A6003 to the west, Lyndon Road to the north, and Lodge Lane at the east, tapering southwards towards the A6003. The site is outside the Planned Limits to Development of Manton Village and therefore in the Open Countryside. Manton does not have a Conservation Area.
5. The site is open and grassed, currently used for agricultural grazing. It was previously rented by Manton Cricket Club until they disbanded in circa 1999. There are no obvious traces of this earlier use.
6. Ground levels drop southwards and westwards across the site, as Manton Top gradually gives way to the valley of the River Chater. There is tree and hedgerow cover on all

boundaries and a single sycamore tree within the north-east area of the site. A telecommunications tower is located in the north-east corner.

7. There are two access points on Lodge Lane. Firstly, a hardsurfaced and gated entrance adjacent to the telecommunications tower, used by telecom operators, then secondly an unsurfaced gated entrance (now overgrown) further south.
8. Lodge Lane also serves Manton Lodge Farm and Manton Lodge Cottage at the south-east of the application site. Beyond here, the carriageway is gated, and impassable by vehicle.

Proposal

9. This application proposes two new detached dwellings at the north-east of the former cricket ground close to the sycamore tree, which is proposed for felling. Although the application site extends across the whole of the former ground (2.3 hectares), the proposed dwellings and associated development are within clearly defined residential curtilages (0.4 hectares in total).
10. The only other proposed development is a bund and acoustic fencing inside the north and west boundaries, located within a structural planting belt of 15 metres width. Land outside the residential curtilages remains in grazing use, with access available via the northernmost of the two entrances on Lodge Lane.
11. Both proposed dwellings take shared access from the southernmost of the two entrances on Lodge Lane. Each then has a hardsurfaced front curtilage with an open-fronted double garage. Private garden areas are proposed at the rear (west). There is a shared outbuilding at the north, for use as wood pellet boiler and woodchip storage area. Amended plans have reduced the size of both plots and adjusted their layout.
12. Both proposed dwellings are now four-bedroomed and two-storey, with an additional single storey element on one side. They are designed in a plain form, intended to match the Rutland vernacular. The key materials are coursed local limestone and artificial stone slates.
13. The application has been submitted as “Enabling Development”, whereby the development value is intended to part-fund the restoration of Martinsthorpe Farmhouse, an iconic listed building within the Gunthorpe Estate and in the same ownership as the application site.
14. Various documents were submitted with the application, with some of these explaining the need for enabling development:
 - Design & Access Statement
 - Enabling Development Statement
 - Noise Survey
 - Ecological Appraisal

Relevant Planning History

Application	Description	Decision
<u>Martinsthorpe Farmhouse (Works to the Listed Building):</u>		
APP/2011/0633	Side extension and restoration works	Approved 18-10-11
APP/2011/0634	Extension, and external & internal alterations (LBC)	Approved 18-10-11
APP/2012/0154	Extension, and external & internal alterations (including new staircase & fire doors) (LBC)	Approved 07-09-12
2013/1132/FUL	Removal of Holiday Let Condition	Approved 15-05-14
2014/0095/LBA	New dormer onto extension	Refused 15-05-14 Appeal Dismissed 30-03-15
<u>Gunthorpe (Previous applications for Enabling Development):</u>		
2013/1130/FUL	New dwelling	Withdrawn 03-03-14
2013/1128/FUL	New dwelling (part subterranean)	Refused 03-06-14

Manton (current application site):

None Relevant

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Paragraphs:

55	Housing in the Countryside
56 & 64	Design
118	Biodiversity
128, 129, 131 & 132	Heritage Assets
140	Enabling Development
215	Relationship of the NPPF to existing Development Plans

The Rutland Core Strategy (2011)

Policies:

CS3	Settlement Hierarchy
CS4	Location of Development

CS8 Developer Contributions
CS11 Affordable Housing
CS19 Design
CS21 Natural Environment
CS22 Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

Policies:

SP6 Housing in the Countryside
SP15 Design and Amenity
SP19 Biodiversity and Geodiversity
SP20 The Historic Environment
SP23 Landscape Character in the Countryside

Other Material Considerations

Enabling Development and Conservation of Significant Places (English Heritage: 2008)

Enabling Development

The NPPF and English Heritage Guidance (both referenced, above) provide a framework for considering applications that are contrary to policy, but justified as necessary to provide funding for the conservation of a heritage asset. Following a restructure in 2015, the English Heritage Guidance is now administered by “Historic England” but, in the absence of a replacement publication, is still referenced by its original title, below. The following paragraphs specifically examine the Guidance in greater detail to provide an appropriate background for consideration of the current application.

Firstly, any negative gap between the final value of the restored heritage asset and the cost of restoration is known as the “Conservation Gap”, with the additional proposals intended to fund this gap then known as Enabling Development”.

Secondly, it should be noted that enabling development is only applicable in situations where the cost of conserving the heritage asset cannot be met via developments that accord with policy. This is relevant to the current case, as the landholding is wholly within the open countryside where new market housing would be contrary to policy.

The key guidance is set out in paragraph 140 of the NPPF:

“Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

The English Heritage Guidance “Enabling Development and Conservation of Significant Places” then provides detailed advice on how to address this. It commences with an overriding policy which establishes various criteria to be satisfied:

“Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a it will not materially harm the heritage values of the place or its setting

- b it avoids detrimental fragmentation of management of the place
- c it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e sufficient subsidy is not available from any other source
- f it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- g the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

These are robust criteria, to ensure that any permission granted for such enabling development can be accepted as a justifiable departure from normal policy. The final criterion is the most critical as it deals with the potential extent of departure from normal policy.

The Policy is then expanded into further guidance:

“If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:

- a the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission
- b the achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05, Planning Obligations NOTE: this element of the guidance remains in place, albeit that circular 05/05 has been deleted
- c the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation.
- d. the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.”

This is intended to ensure that anything granted permission as an exception to normal policy can be justified as providing a net gain as “enabling development” and then be implemented as such. For this reason, it is also implicit that the planning application(s) for enabling development be submitted at the same time as those for the heritage asset.

The current application is assessed against the English Heritage Policy and Guidance later in this report.

Consultations

15. Two separate consultations were undertaken; firstly on receipt of the application and then on receipt of amended designs for the proposed dwellings.
16. Manton Parish Council
First Consultation:
Objection, as the public benefit of restoring Martinsthorpe Farmhouse is outweighed by the harm caused by breaching other policies. The submitted documentation does not justify enabling development in this case, especially as the application for works to Martinsthorpe Farmhouse and this application for enabling development were not submitted concurrently (in accordance with the English Heritage Guidance). The proposed location also contravenes Core Strategy Policies CS4 (Location of Development), CS10 (Housing Density & Mix) and CS19 (Design). Some of the supporting documentation is also out of date.
Second Consultation:
The amended plans and additional landscaping do not overcome the Parish Council's objection to the principle of development.
17. Highway Authority
First Consultation:
No objection, subject to conditions and an advisory note on any grant of permission.
18. Public Rights of Way Officer
First Consultation:
No comments, given that proposal doesn't appear to impact on an adjacent bridleway.
19. Environmental Health Officer
Second Consultation:
No objections, given that noise levels within the proposed dwellings are likely to be lower than those indicated from the monitoring points used in the submitted survey report. However a mitigation scheme, supported by further assessment should be required by conditions on any grant of permission.
20. Ecological Consultant
First Consultation:
No objections subject to the mitigation measures set out in the applicant's Ecological Appraisal.
Second Consultation:
No additional Comments
21. Archaeological Consultant
Second Consultation
Due to known early medieval remains in the vicinity, a condition is recommended for any grant of permission, requiring archaeological investigation and mitigation.

Neighbour Representations

22. Again, two separate consultations were undertaken; firstly on receipt of the application and then on receipt of amended plans.
23. Seven letters of objection were received in response to the first consultation; five of these respondents wrote again after the second consultation. The various objections can be summarised as:

Site-specific concerns

- New residential development in such an unsustainable location in the open countryside is contrary to Development Plan policy
- Large “executive type” houses are out of place in this location
- Detrimental impact on the approach to the village from Oakham and Uppingham
- If subsequently extended, the dwellings would have greater detrimental impact
- A greater mix of housing, at affordable levels, is required for Manton
- The present no-through road would become busy with additional cars
- Approval of this application would effectively erase the Planned Limit to Development around this side of the village
- The proposed design and landscaping is inappropriate for this location
- Approval would be inconsistent with previous refusals of planning permission for new housing outside the Planned Limits to Development of Manton village.
- Justification for enabling development:
- This site was previously dismissed by the applicant when an earlier proposal was submitted for enabling development on a different site
- The application does not accord with English Heritage Guidance on Enabling Development
- The application for works to Martinsthorpe Farmhouse, and this application for enabling development, should have been submitted concurrently, in accordance with English Heritage Guidance; no mention of enabling development was made when the applications were submitted for restoration of Martinsthorpe Farmhouse
- Enabling development is no longer required as Martinsthorpe is now secure and in no danger of structural damage; is the current proposal intended to support the future use, not just restoration?
- Use of enabling development to fund a commercial operation such as the use of Martinsthorpe as a holiday let is inappropriate
- Even if accepted that the application accords with English Heritage Guidance, the benefits of the restoring Martinsthorpe Farmhouse do not outweigh the conflicts with established planning policy
- The benefits of the proposed enabling development seem greater than necessary to just secure the future of Martinsthorpe Farmhouse
- Any references to the benefits of Enabling Development for the Martinsthorpe Medieval Deserted Village cannot be justified if the only proposed works are to the Martinsthorpe Farmhouse
- English Heritage Guidance requires that other funding options for works to the heritage asset be explored before relying in enabling development
- The applicant should be directed towards funding sources for restoration of Martinsthorpe that do not contradict established planning policies

- Any Enabling Development would be more appropriately situated within Gunthorpe itself; Manton should not have to accept the impact of this proposal
- English Heritage should be consulted on the application
- Amended Design and Layout
- The amendments do not affect the key points raised earlier
- The smaller plot sizes leave further land available for future development

24. In response to the amended plans, solicitors acting for one of the objectors have referred to the absence of dialogue with English Heritage. They also suggest that enabling development has not been substantiated in this case, and specify that further actions would be considered if RCC concludes that enabling development is justified.

Planning Assessment

25. This application raises two overriding considerations. Firstly, an assessment of the justification for enabling development to secure the future of Martinsthorpe Farmhouse. Secondly an analysis of the current application, to establish if the extent of conflict with policy is justified because of the benefits arising from the restoration of Martinsthorpe.
26. The final sections of this report offer some conclusions and then addresses some outstanding consultation comments.

Principle of new Housing in the Countryside as a means of providing Enabling Development for Martinsthorpe Farmhouse

(i) Housing in the Countryside

27. This proposal is for two new dwellings in the open countryside, not justified as required for an agricultural worker or to satisfy local affordable housing needs. It is therefore contrary to key national and local policies and could be recommended for refusal as a matter of principle.

(ii) Martinsthorpe

28. The applicant has specified, however, that this proposal is intended to provide “enabling development” for completion of restoration works at Martinsthorpe Farmhouse. The public benefits of restoring this building are central to consideration of the current application.

29. This is a late 17th Century listed building (Grade II) in an isolated location at the south of the Gunthorpe Estate, 1 km to the west of Manton Top and 1km south of Gunthorpe Hall. Located on higher ground, on a ridge line, it is visible for some distance across open countryside, and provides a very distinctive and characterful feature. Its key materials are stone walls with a stone tiled roof.

30. It was initially constructed as a service wing to the former Martinsthorpe House, which was itself built on the site of the “Martinsthorpe deserted medieval village”. When the House was demolished in the 18th century, the service wing was converted into a separate farmhouse with livestock accommodation. It is surrounded by (but not included

within) the earthworks of the deserted medieval village, now designated as a Scheduled Monument.

31. The only vehicular access is by a concrete track from Gunthorpe Hall. To the south of the building is a bridleway and footpath following the line of the ridge. This forms part of the Macmillan Way long distance footpath.
32. The farmhouse has been unoccupied since the 1950s, and has fallen into a state of disrepair, but was never regarded as an “abandoned dwelling”. Although its listed building status is no higher than Grade II, its appearance, setting and location contribute significantly to the character of Rutland. Given this, the recent efforts to restore the building to a habitable condition and secure its future, are welcomed.

(iii) Restoration

33. Planning Permission and Listed Building Consent (refs: APP/2011/0633 and APP/2012/0154) were granted respectively on 18 October 2011 and 7 September 2012, for works necessary to restore Martinthorpe Farmhouse and use it as a holiday let. This included a two storey extension to the western side elevation to provide a store / boiler room on the ground floor, with new bedroom above. Works commenced later in 2012.
34. The developer has indicated that, at the time of applying for the restoration works on the farmhouse, he was not aware of any impending Conservation Gap. However, he subsequently provided a Written Statement indicating that financial figures were recalculated when the building contractor who commenced the restoration works ceased trading in February 2013 and works halted on site. In particular, a post-commencement inspection of the roof structure had indicated that significantly more restoration work would be required.
35. Consequently, the post-commencement costs had escalated significantly. The shell of the building and its extension were made watertight but without the works being completed. No further restoration work has been undertaken since then.

(iv) The Case for Enabling Development

36. The developer entered then pre-application discussions with your Officers to establish if it would be possible to submit applications for a package of enabling developments to fund the completion of these works.
37. As a first step, your officers sought independent advice (at the applicant’s expense) from a quantity surveyor specialising in historic buildings, and from a property valuer. After an analysis of the developer’s revised costings, the final reports from these independent advisors indicated that there was a significant Conservation Gap between the cost of the restoration works and the final value of the property.
38. A full copy of the Quantity Surveyor’s Advice is set out as **APPENDIX 1**, in the exempt papers for this report. He broadly agreed with the revised costs for each element of the building works at Martinthorpe, although his report does identify areas where he revised the costs downwards. This was accepted by the applicant.

39. The extent of this Conservation Gap could justify additional housing as enabling development to provide the necessary funding. Mindful that enabling development is not a justification for putting all planning policy to one side, your officers strongly advised the developer to seek locations close to the central part of the Gunthorpe Estate so that the new development would become part of the existing complex of buildings (Gunthorpe Farm, Gunthorpe Hall, and its associated dwellings), rather than sporadic development in an isolated location.
40. An enabling package was then submitted, including an application for one dwelling on higher ground at the north of Gunthorpe Farm (2013/1128/FUL) and an application for an additional dwelling adjacent to other estate dwellings on South Lane, the main driveway to Gunthorpe Hall (2013/1130/FUL).
41. The applicant accepted that the proposed enabling development would not bridge the entire Conservation Gap, but that he would be in a position to complete the restoration with the development value from these applications. However, the South Lane application was withdrawn on 3 March 2014, for land ownership reasons. The other application was then refused permission on 3 June 2014 because the visual impact of the proposal was too significant to be justified as necessary to secure the restoration of Martinsthorpe Farmhouse.
42. Further applications were submitted at Martinsthorpe Farmhouse for removal of the restriction on use solely as a holiday let and for the addition of a rear dormer on the part-constructed side extension. Albeit not part of any enabling development, the applicant advised that these further proposals would increase the value of the property and help to make the restoration viable.
43. A new planning permission without the holiday let restriction was granted on 15 May 2014. The application for listed building consent for an additional dormer was refused under delegated powers on the same day, due to its detrimental impact on the character and setting of the listed building. An appeal against this refusal was subsequently dismissed on 30 March 2015.
44. The new planning permission for restoration as a market dwelling, not holiday let, is significant to the current application as it increases the value of the restored farmhouse and potentially reduces the Conservation Gap. A further independent valuation was therefore undertaken, albeit not until early 2016.
45. Also significant is that the applicant had provided a detailed breakdown of the outstanding restoration works at Martinsthorpe; ie those proposed works beyond the external works identified in paragraph 32 above. These are included within the exempt papers as **APPENDIX 2**.
46. Given that other options were exhausted (above), the current application was submitted for two dwellings as enabling development to bridge the Conservation Gap. **APPENDIX 3** in the exempt papers for this report, identifies the likely market value of the new dwellings, then deducts the total build costs to establish the available profit for use in restoring Martinsthorpe Farmhouse.

47. **APPENDIX 4** to this report then incorporates the recently submitted Valuation of the restored Martinsthorpe Farmhouse as a market dwelling, not a Holiday Let. To ensure consistency with the Quantity Surveyors Report, this is the value as at 2013. The cost of works and final value are likely to be higher if 2016 figures were used, but the difference between them is also likely to be of the same magnitude.
48. This Appendix updates the Conservation Gap by comparing the total costs of restoring Martinsthorpe Farmhouse (**APPENDIX 1**) against the previous valuation as a holiday let and then against the recently submitted valuation as a market dwelling. Given the uplift in value resulting from removal of the holiday let condition, the Conservation Gap is now reduced but still remains as a significant sum. The enabling development, proposed via this planning application, would not fully cover this gap.
49. However, **APPENDIX 4** then offers the same comparison against just the cost of the outstanding works (**APPENDIX 2**). It is clear that these costs are below that of the final valuation of the Farmhouse. Consequently, if these are the only costs to be considered at this stage, there would be no Conservation Gap and no justification for enabling development. That said, the Appendix is also clear that the enabling development currently applied for, is less than the cost of outstanding work at Martinsthorpe.
50. Consequently, the outcome of this application is dependent on whether, at this stage, account is taken of the total restoration costs or just the cost of the outstanding works, and whether the lower costs involved in just the outstanding works would still justify enabling development. These questions are addressed in the following sub-section of this report.

(v) Assessment

51. The restoration of Martinsthorpe offers public benefit, given that it is a “significant place” with a distinctive character arising from its open and isolated location. However, consistent with paragraph 140 of the NPPF, an assessment of any application for enabling development must commence with two key questions:
- can the future conservation of this heritage asset be secured without enabling development ?
 - if not, does the public benefit of conserving this asset outweigh the disbenefits of the enabling development departing from normal policy ?
52. In dealing with the first of these questions, it is implicit in the key policy at the front of the English Heritage Guidance that the works being funded by enabling development should be those necessary to conserve the heritage asset, not any additional works. This is pertinent to the current application, as the restoration works at Martinsthorpe Farmhouse include a new extension as well as works to the existing building. However, the extension is considered necessary for the restoration of the building and for its future viable use, as it accommodates ancillary equipment such as the heating system, in a manner that does not impact on the historic fabric. It also provides storage space and thereby reduces the pressure for detrimental external storage.
53. Furthermore, for reasons set out in the previous sub-section of this report, it is accepted that enabling development is justified due to the extent and cost of works necessary to restore Martinsthorpe Farmhouse. However, as with the two previous applications for

enabling development at Gunthorpe, this application was submitted after works had commenced. This raises the question of why enabling development is now necessary when the landowner was clearly in a position to commence the restoration works without (at that stage) requiring such assistance. English Heritage Guidance is unclear on this specific point, but a key element of the guidance is that the enabling works be considered as part of the same overall “package” as the restoration works to the historic asset. It is therefore reasonable to consider that, unless there are clearly identified special circumstances, any enabling development at this stage should only be accepted if necessary to fund the outstanding works, which are primarily (but not entirely) internal.

54. An assessment is therefore required to establish if there are such special circumstances that justify enabling development to cover the total cost of restoration. It is clear from the detailed advice given to your Officers by the independent quantity surveyor, that the total estimated cost of restoration works anticipated at the time of commencement were too low. It is also accepted that a significant element of these increased costs (ie: restoring the roof), only became obvious after commencement of the works.
55. It is also clear from the reports of the independent quantity surveyor and valuer that, if this had been realised at the outset, any application for enabling development received at the same time as the applications for restoration would, in principle, have resulted in the same advice that enabling development is justified. This is summarised in **APPENDIX 4** of the exempt papers for this report which includes a comparison of the **total** costs of restoration against the revised final valuation of the restored farmhouse. This indicates that there is a Conservation Gap.
56. Consequently, if the applicant’s explanation is accepted for why these costs weren’t clear until after works had started, it can be accepted that the need for enabling development to cover the whole costs of restoration is justified even though the current application was submitted after commencement of the restoration works.
57. However, specific consideration also be given to the outstanding works at Martinsthorpe. The applicant has provided a detailed breakdown of these, included within the exempt papers as **APPENDIX 2**. Each item includes the costings previously accepted by the Council’s independent quantity surveyor, adjusted downwards for any works that are already completed. A comment from the surveyor on why he accepted each figure is also included within his report in **APPENDIX 1** of the exempt papers.
58. Following discussions with your Officers, the applicant then excluded various items from the schedule of outstanding works in **APPENDIX 2** as as they are desirable rather than essential for conservation of the building. These are identified separately in the appendix. The applicant has also acknowledged that any increased costs since that previous assessment will be borne by himself.
59. In **APPENDIX 4** of the exempt papers, these outstanding works are compared against the revised valuation of the restored Farmhouse. This indicates that the final value is greater than the cost of the remaining works. Consequently, if only these outstanding works are considered, there is no Conservation Gap and no justification for enabling development. However, the use of enabling development to fund the total costs of restoration is justified in this case for the reasons set out earlier.

60. Given the total figures involved, any small variation in individual costs since the surveyor and valuer submitted their reports is unlikely to affect this conclusion. They based their advice on the restoration costs and final value of the heritage asset, not the circumstances of the landowner. Also, there are no other subsidies available for the restoration works. It should be noted that work ceased on Martinsthorpe Farmhouse and has not recommenced.

(vi) Conclusion

61. The current application satisfies the following criteria in the English Heritage Policy.
- c. The heritage asset has a secure future in a sympathetic use
 - d. The enabling development addresses the needs of the place, not the circumstances of the landowner
 - e. No subsidy is available from other sources

NOTE: Criteria a, b, f and g, are considered via the “Analysis of the Current Application”, below.

62. The principle of further development to enable the full restoration of Martinsthorpe Farmhouse can be accepted. Consideration must now move on to whether the current proposal can be accepted. Although undertaken in a similar manner to the assessment of any proposal that isn't required as enabling development, this analysis must also take the English Heritage Policy and Guidance into account.

(vii) Additional Comments

63. Removal of the holiday let condition and subsequent uplift in value of the restored Farmhouse has reduced the Conservation Gap, but not removed the justification for enabling development for the total costs of restoration.
64. The applicant has accepted that he will have to bear the cost of the remaining gap and that no further applications for enabling development will be submitted. This is incorporated into the recommended Planning Obligation.

Analysis of the current application

65. To satisfy criteria “f” and “g” of the English Heritage Policy, consideration must be given to the issues that would normally be addressed in dealing with new housing proposals. This is to establish the extent to which the enabling development conflicts with normal restraint policies. If the current application is to be approved, the benefit of the enabling development should decisively outweigh the disbenefits of breaching those policies, as also required by the English Heritage policy.

(i) Site Selection

66. Given the need for restoration of Martinsthorpe Farmhouse, the landowner has maintained regular dialogue with your Officers in recent years. This has focussed on potential sites for enabling development. In their pre-application advice, your Officers suggested that the Gunthorpe Estate would be the most appropriate location, given that

new development can be more easily assimilated into a landscape that already contains a number of existing buildings, such as Gunthorpe Hall, Gunthorpe Farm and various other estate dwellings. Long distance views and the associated impact on the open countryside are then mitigated by the significant tree screening within this central part of the Estate.

67. That said, many potential locations within this area were discounted by the landowner because of conflict with the working farm or because other locations within the wooded areas would be very enclosed and not raise sufficient development value. Nevertheless, this initial analysis identified two potential sites and resulted in the two separate applications for individual detached dwellings, referenced above.
68. However, as these didn't succeed for reasons other than the need for enabling development, attention moved to other, less central, locations within the Gunthorpe Estate and associated landholdings, including the current application site. Your Officers advised against most of these as they would have created isolated, unsustainable development within the open countryside.
69. With regard to the currently proposed site, your Officers provided written advice on the issues to be addressed, whilst also repeating that any suitable site within the central area of the Estate would be preferable in principle.

(ii) Location

70. The application site is in the open countryside, but close to the village of Manton. If the current proposal were not being considered as enabling development, it is most likely that it would be recommended for refusal because it is contrary to the key principles that restrain new housing development in the open countryside.
71. However, if it is accepted that attempts to find a more suitable location within the central part of the Gunthorpe Estate were not successful, and that other locations within the same landownership would result in isolated and unsustainable development in the open countryside, it can be concluded that the current site is the best available. Unlike the more isolated sites considered at pre-application stage, it is close to road links and to the village of Manton, which is identified as a Smaller Service Centre via Core Strategy Policy CS3.
72. With specific regard to English Heritage criteria, there is some intervisibility between Martinthorpe Farmhouse and the proposed enabling development, but the distance of 1,000 metres between them (across the A6003), ensures that the proposed enabling development would not have any impact on the setting of Martinthorpe. It thereby also satisfies these criteria within the English Heritage Guidance:
 - a. No harm to the heritage asset or its setting
 - b. No detrimental fragmentation of the place

(iii) Bulk and Design

73. The design of these dwellings is based on the Rutland vernacular and is appropriate in the context of Manton village. The key finishing materials of coursed local limestone and artificial stone slates are also appropriate.

(iv) Landscaping

74. Although the site boundaries contain well established tree and hedgerow planting, this is thin in places and would allow views of the proposed new dwellings with associated impact on the rural character. Total screening of a new development is rarely justified and could often become a contrived and discordant feature by itself. In this case, however, it is justifiable to incorporate additional structural planting inside the site boundaries to enhance the setting of the new dwellings and ensure that any views are within a rural context dominated by soft landscaping.
75. The site is currently open to limited views through the existing boundary planting, from Lyndon Road at the north and Lodge Lane at the east. It is not open to longer views from these directions. The site is open to similar restricted views from the A6003 at the west and also to longer views from open countryside to the west and south west. However, due to existing woodland planting, the site is not open to views across the Chater Valley from higher ground at the south, particularly from Preston and from the A6003 when traveling northwards.
76. Given all this, the applicant has proposed additional structural planting of 15 metres width along the western and northern boundaries of the site (ie the A6003 and Lyndon Road), incorporating native species. An additional group of such planting is then proposed at the north-east of the site, separating the new dwellings from the telecommunications mast and field access.
77. This is a significant extent of structural planting and, subject to appropriate conditions on any grant of planning permission, would achieve the objective of providing an appropriate setting for the development and minimising its impact on views from outside the site. However, it wouldn't have a significant immediate impact, as the new planting would take some years to mature.
78. Individual new tree planting is proposed on the eastern (front) boundary, facing Lodge Lane. The curtilage of each plot is then demarcated by new shrub planting and further individual tree planting along post and rail stock fencing. Subject to conditions on any grant of planning permission, this is all appropriate to the location and proposed development. Given the extent of new planting, the loss of the existing sycamore can also be accepted.
79. A Tree Protection Condition is recommended above, given that construction of the driveway and front courtyards could impact on the root protection areas of existing trees along the eastern site boundary.

(v) Ecology

80. The Ecology Report submitted with the application concluded that the proposal is unlikely to impact on Rutland Water or any of the other wildlife sites within the area. It also concluded that the existing hedgerows around the site have ecological value as wildlife corridors, but that the proposed development would not cause any direct impact on this provided the corridors are retained within the proposed development. However, further bat and reptile surveys would be required if the proposal is changed. Various mitigation measures are also recommended.

81. The Council's Ecology Consultant has raised no objections subject to these mitigation measures. The Applicant's Design and Access Statement confirms that all existing trees and hedgerows will be retained, albeit that the isolated sycamore tree will need to be felled to accommodate the northernmost new dwelling. This is all incorporated in the recommended condition and advisory note.

(vi) Noise Disturbance

82. Noise mitigation from A6003 traffic was assessed via a Noise Survey Report submitted with the application. This concluded that noise levels can be controlled internally, but that road noise would be audible within external areas. The application therefore includes a 2metre high acoustic fence located on a 1 metre high bund inside the northern and western site boundaries. As this is within the proposed 15 metre structural planting belt (see above), it would not have a detrimental visual impact.
83. The Environmental Health Officer has raised no objections to this, given that the noise monitoring points were located closer to the source of road noise. Noise levels within the proposed dwellings are therefore likely to be lower than those indicated in those survey results. He has advised that, notwithstanding the proposed acoustic fencing, a mitigation scheme supported by further assessment is required by a condition on any grant of permission. This advice is not taken up within the recommended conditions above, as the proposed development does not cause any off-site impacts.

(vii) Highways and Access

84. The proposed access and parking arrangements are acceptable, and the Highway Authority has raised no objection.

(viii) Conclusions

85. Given all this, it is concluded that the site-specific issues arising from this proposal have all been addressed satisfactorily. However, such development in the open countryside is still contrary to the principle of resisting new dwellings in the rural area.
86. Therefore, the key consideration is whether the principle of two dwellings in this location (albeit with all other matters addressed) can be accepted as an exception to normal policy, given that this scheme would provide for completion of the restoration works at Martinsthorpe Farmhouse.
87. Given that a suitable site is not available within the central part of the Gunthorpe Estate, and that other sites within the same landholding are isolated and more unsustainable, it is now acknowledged that this site is the best available. Given the substantial landscaping proposals, softening the visual impact of the scheme, and given the benefits of this enabling development for the listed building at Martinsthorpe, an approval of the current application is recommended.
88. This requires acceptance of two new houses (otherwise unacceptable in principle within the open countryside), in order to secure the future of one dwelling. However, this is an appropriate "trade off" given the special characteristics of Martinsthorpe Farmhouse.

89. Given the above, this site is acceptable as enabling development to secure the restoration of Martinsthorpe Farmhouse, notwithstanding that it wasn't the "first choice" of your Officers during pre-application discussions. It is also more appropriate than the site previously refused permission at the north of Gunthorpe Farm.
90. That said, a Planning Obligation is required with any approval of enabling development to ensure that the specified benefits for the heritage asset are used in the agreed manner. The applicant's supporting statement identifies his willingness to include the following commitments:
- Completion of the outstanding works at Martinsthorpe Farmhouse
 - Timescales for occupation of Martinsthorpe Farmhouse (to ensure that the enabling development isn't completed without the Farmhouse restoration)
 - Access to the deserted medieval village around Martinsthorpe farmhouse for educational visits
 - No further applications for enabling development for the farmhouse
91. Notwithstanding the forthcoming changes to the Council's policy on affordable housing contributions (Cabinet Decision of 21 June refers) an off-site affordable housing contribution is not required with any grant of permission for enabling development, as this would deflect the benefits away from the intended purpose or possibly result in an application for greater development to cover these costs as well as restoration of the heritage asset. Hence no such contribution is requested with this application.
92. However, consideration must also be given to the adoption of a Community Infrastructure Levy on 1 March 2016, subsequent to when this application was previously reported to committee. Applications for two dwellings are CIL liable but, for the same reasons set out above in relation to affordable housing, the applicant may apply for "exceptional relief" from the CIL requirements.

Outstanding Consultation Comments

93. This final section of the report deals with comments offered by consultees and other third parties that have not been addressed above.
94. The Parish Council and various neighbours are factually correct that the current application contravenes the key policy of restraint on development in the rural area. This is accepted, but consideration must then move on to whether this is justified by the associated restoration of Martinsthorpe Farmhouse.
95. Comments regarding the size of the proposed dwellings are noted, but they are designed to fit in with the general character of Manton and to provide sufficient value for the landowner to complete the Martinsthorpe restoration. A development of smaller dwellings could also be considered, but would require a greater number of properties and land area to achieve the same result. This would be a less justifiable conflict with current policies.
96. Given that the breach of current policy arising from approval of the current scheme is only justified by the enabling development, it does not establish any principle that other

residential development in this area or any expansion of the Manton PLD would then be more likely.

97. Given that the most recent permission for restoration of Martinsthorpe Farmhouse did not retain the holiday let condition, it cannot be argued that the enabling development would be subsidising a commercial operation.
98. Solicitors acting for one of the objectors have referred to the absence of dialogue with English Heritage, and specied that further actions would be considered if RCC concludes that enabling development is justified. It should be noted, however, that English Heritage was consulted on the restoration works at Martinsthorpe and raised no objection. The English Heritage Guidance of 2008 was also followed closely in preparing this report; this has set out the necessary requirements for the current application which has no direct impact on a heritage asset and does not therefore warrant any further consultation.