

## Item No. 7

<b>APPLICATION NUMBER</b>	<b>CB/15/02273/FULL</b>
<b>LOCATION</b>	<b>The Long Barn, Limbersey Lane, Maulden, Bedford, MK45 2EA</b>
<b>PROPOSAL</b>	<b>Erection of new dwelling. (Paragraph 55 House)</b>
<b>PARISH</b>	<b>Maulden</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Judy Self</b>
<b>DATE REGISTERED</b>	<b>23 June 2015</b>
<b>EXPIRY DATE</b>	<b>18 August 2015</b>
<b>APPLICANT</b>	<b>Mr Tye</b>
<b>AGENT</b>	<b>Phillips Planning Services Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The proposed development is in open countryside and therefore is contrary to Policy DM4 of the Core Strategy and Development Management Policies</b>
<b>RECOMMENDED DECISION</b>	<b>Application recommended for refusal</b>

### Summary of Recommendation:

The planning application is recommended for refusal as it is considered that the proposal does not fully comply with all the provisions of paragraph 55 of the National Planning Policy Framework (NPPF) which requires proposals to significantly 'enhance its immediate setting' and 'be sensitive to the defining characteristics of the local area'.

It will introduce a new landmark into the Greensand landscape, a building designed to be unique and distinctive. At a height of 17.4m it would be the dominant structure in the locality, in an area where traditional rural buildings are characteristically one or two storey and of traditional style. Whilst it is considered that the proposed dwelling is innovative in its design and represents the highest standards of architecture, in terms of landscape character it would be located within an open field currently devoid of any screening and will be incongruous in short distance views for at least twenty years and would have a significant impact on the character of its immediate setting.

The proposal is therefore contrary to the NPPF (in particular paragraph 55), policy DM4 of the Core Strategy and Development Management Policies (2009) and policy 38 of the emerging Development Strategy for Central Bedfordshire 2014.

### Site Location:

The application site is a 2.5 acre field which lies to the east of the Long Barn and the Studio which are currently both within the applicants ownership. The site is outside of the settlement envelope for Maulden. It is not in the Green Belt.

### The Application:

The application seeks full planning permission for the erection of a detached dwelling which measures 17.4m in height. There are three levels above ground and a basement which contains a home cinema and gym. Each layer is separated by narrower circulation area containing the central lift shaft and stairs. The roof of the highest floor will accommodate angled photovoltaic and hot water panels. The layout of accommodation is as follows:

Ground floor – main entrance foyer

First floor – the applicants architectural studio, kitchen, living room and dining room

Second floor – four bedrooms and laundry room

Third floor – master bedroom and visitors' bedroom, each with a balcony.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012)**

Sets out the Government's planning policies for England and how these are expected to be applied. The NPPF sets out a clear presumption in favour of sustainable development.

Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances.

### **Core Strategy and Development Management Policies (CS&DMP) - North 2009**

CS14: High Quality Development

DM1: Renewably Energy

DM2: Sustainable Construction of New Buildings

DM3 High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape and Woodland

DM15: Biodiversity

### **Emerging Development Strategy for Central Bedfordshire 2014**

Policy 38: Within and Beyond Settlement Boundaries

Policy 43: High quality development

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 57: Biodiversity and Geodiversity

Policy 59: Woodlands, trees and hedgerows

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

### No specific planning history

### Planning History at The Long Barn, Limbersey Lane:

#### Long barn

Application Number	CB/14/03867/FULL
Description	construction of new garage and store block
Decision	Granted
Decision Date	10/11/2014
Application Number	CB/13/03727/FULL
Description	Erection of single storey extension to create residential annexe
Decision	Granted
Decision Date	19/12/2013
Application Number	MB/06/01983/FULL
Description	Erection of wind turbine
Decision	Granted
Decision Date	16/02/2007
Application Number	MB/06/01082/FULL
Description	Single storey building for B1 offices. Use of agricultural access to serve B1 offices. Conversion of existing building to residential use
Decision	08/08/2006
Decision Date	Granted
Application Number	MB/05/01443/FULL
Description	Change of use from residential to mixed use to include B1 office space. (retrospective)
Decision	Granted
Decision Date	07/11/2005
Application Number	MB/04/01107/FULL
Description	Provision of new access to field.
Decision	Granted
Decision Date	16/08/2004
Application Number	MB/01/01489/FULL
Description	CHANGE OF USE FROM BARN TO SINGLE DWELLING
Decision	Granted
Decision Date	03/12/2001
Application Number	MB/00/01221/FULL
Description	CONVERSION OF REDUNDANT AGRICULTURAL BUILDING INTO ONE DWELLING HOUSE.
Decision	Granted
Decision Date	31/10/2000

#### The Studio

Application Number	CB/15/01240/PADO
Description	Prior approval: change of use of office to dwelling
Decision	Approved
Decision Date	21/05/2015
Application Number	CB/13/03729/Full

Description	Single storey extension to office
Decision	17/3/13
Decision Date	Approved
Application Number	MB/06/01082/Full
Description	Single storey building for B1 offices; use of agricultural access to serve offices; conversion of existing building to residential use.
Decision	Approved
Decision Date	9/8/06

### **Consultees:**

Maulden Parish Council	After discussion Maulden Parish Council wish to object to the above planning application on the grounds that is outside the delivery of the village and it is not in keeping with the low level surrounding properties.
Haynes Parish Council	No comments received
The Greensand Ridge Trust	Objects. Our main objection is on visual/landscape grounds. We also feel that the ecological measures suggested are poorly designed and lacking in real reference to the surrounding environment.
Amphill & District Archaeology & Local History Society	Objects on two counts, it interferes with a known archaeological site and it introduces a building of such a proportion and unusual appearance that it would have what we consider an adverse impact on the rural scene.
CPRE	Objects on various grounds. Reference are made to Central Bedfordshire's " <i>Core Strategy &amp; Development Management Policies</i> " adopted in November, 2009 and central governments National Planning Policy Framework. <ul style="list-style-type: none"> <li>• Outside Settlement Envelope - DM 4 &amp; NPPF Para. 55</li> <li>• Out of Keeping with Local Character &amp; Countryside - DM14: Landscape &amp; Woodland</li> <li>• Inappropriate to Setting, Sense of Place &amp; Local Distinctiveness - DM3: High Quality Development</li> <li>• Development Fails to Significantly Protect &amp; Promote Flora &amp; Fauna - DM15: Biodiversity</li> <li>• Mitigation - Soft Landscape Proposals</li> </ul>

### CBC Officers:

Highways (Development Management)	No objection
Trees & Landscape Officer	No objection
Archaeology Officer	No objection subject to a condition requiring a written scheme of archaeological investigation
Landscape Officer	It is accepted that the Tree House is an innovative design, designed to create a modern contrast with the vernacular style. However, in terms of landscape

character, it will result in the effective loss of the moat ,a valuable feature and will be intrusive in short distance views for at least twenty years. Whilst views from the wider countryside will mainly be partial, for the immediate neighbours the visual intrusion will be highly significant.

Ecology Officer

No objection subject to a condition requiring a Great Crested Newt (GCN) survey

Conservation Officer

No objection in principle subject to detailed consideration of materials which can be secured through condition.

**Other Representations: 29 letters of support have been received which have been summarised as following** (full details will be available on the Councils website):

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| <ol style="list-style-type: none"><li>1. Meadowside<br/>Limbersey<br/>Lane, Maulden</li><li>2. 9 The Avenue,<br/>Sandy</li><li>3. 8A St Johns<br/>Villas, N19<br/>3EG</li><li>4. 6 Holland<br/>Road, Ampthill</li><li>5. Redhills Close,<br/>Maulden</li><li>6. Flitwick Mill,<br/>Flitwick</li><li>7. 31 Eagle<br/>Gardens,<br/>Bedford</li><li>8. 33 Great<br/>George Street,<br/>Leeds</li><li>9. West Park<br/>Farm, Haynes</li><li>10. Fusion House,<br/>Aldenham,<br/>Watford</li><li>11. (Fusion House<br/>x2 responses)</li><li>12. 14 Goodrich<br/>Green,<br/>Kingsmead,<br/>Milton Keynes</li><li>13. 15 Bell Yard</li></ol> | <ul style="list-style-type: none"><li>• Outstanding contemporary design</li><li>• Celebrates the character of the site</li><li>• Innovative &amp; clever and sustainable design of exceptional quality</li><li>• Imaginative</li><li>• Eco friendly</li><li>• Visionary forward-thinking, eco-friendly, resource friendly</li><li>• The design is incredible with fantastic vision</li><li>• The way that it will become part of the woodland is very clever</li><li>• It will bring diversity to the landscape and consequently create jobs and investment into the area</li><li>• Part of the criteria should be local business should be heavily involved in the construction and supply of materials</li><li>• A great icon for Bedfordshire</li><li>• Good to see such ambitious scheme being put forward</li><li>• A positive contribution both to housing in the area, and the image of progressive UK architecture</li><li>• CBC have been very proactive and forward thinking in their actions in allowing more progressive &amp; sustainable designs in the borough, which this is</li><li>• Sympathetic with its surroundings</li><li>• Demonstrates the design qualities required for Para 55 of the NPPF</li><li>• Screened from neighbouring properties by dense hedgerows</li><li>• Great project made with clean forms attached with a geometric pattern, reveals itself like a majestic modern tree house</li><li>• Raises the standard for rural developments</li></ul> |
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- Mews, London
  - 14. Valley Barn,  
Ashurst,  
Tunbridge  
Wells
  - 15. Brook Farm,  
Salford Road,  
Hulcote
  - 16. Flight Design  
Projects Ltd,  
13a Chapman  
Road, London
  - 17. 78 Rupert  
Road, Sheffield
  - 18. Urb Alto Sto  
Antonio,  
Portugal
  - 19. 9 Victoria  
Road, Preston,  
Lancs
  - 20. 1 Alfred Place,  
London
  - 21. Transfomis Ltd,  
27 Old  
Gloucester  
Street, London
  - 22. Reeley Farm,  
Flitwick Road,  
Maulden
  - 23. 10 Matcham  
Road, London
  - 24. 11 Parkgate  
Road,  
Wallington,  
Surrey
  - 25. 34 Whitworth  
Way, Bedford
  - 26. 221 Bellenden  
Road, London
  - 27. The yews,  
Quadring  
Road,  
Donington,  
Spalding
  - 28. Wickham Barn  
Station Road,
- Brings a touch of fun, childhood memories but in a very settled and stylish way
  - A mark of beauty for many decades to come
  - This gem deserves to be built
  - Too often unusual architecture is restricted to cities, and the countryside is a neglected area of the expression of architectural concepts

Wickham  
Bishops, Essex  
29.35 Ermine  
mews,  
Laburnum St,  
E2 8BF

**54 objections and 1 comment have been received which have been summarised as following** (full details will be available on the Council's website):

1. 1 Harrow Piece, Maulden
  2. 3 Snow Hill, Maulden
  3. 2 Wheatlands Close, Maulden
  4. 3 George Street, Maulden
  5. The Spinney, Limbersey Lane, Maulden
  6. 17 Almers Close, Houghton Conquest
  7. Bury Leys Farm, London Lane, Houghton Conquest
  8. 81 Dunstable Street, Ampthill
  9. 114 West End, Haynes
  10. Chandos Road, Ampthill
  11. The Berries, Limbersey Lane, Maulden
  12. 58 Bedford Road, Houghton Conquest
  13. 6 Lea Road, Ampthill
  14. 76 High Street, Clophill
  15. Davis Farms, Haynes
  16. Barnicles,
- Loss of privacy as it will overlook many of the houses nearby
  - Un-neighbourly, visible and offensive from many local amenity areas
  - The architectural style is out of character and not in-keeping with the surrounding rural area
  - The defining character of Maulden and Haynes West End are two storey dwellings of many architectural styles and an array of agricultural buildings and rural outlooks
  - More in-keeping with an urban area
  - The materials are not sensitive towards the traditional building materials used in the area
  - An eyesore due to its height and location
  - A major visual impact and it will brutally dominate the skyline
  - It looks like a commercial enterprise not a private home
  - It looks like a six storey office building and at 17.4m, is unnecessarily high
  - The proposal equates to 4 double decker buses; 6 storey block of flats or a light house
  - The proposed property would be the highest dwelling in Bedfordshire
  - It will overwhelm and ruin the locality and does not in any way reflect the name tree house which suggests natural materials designed in harmony and with respect to the surrounding landscape
  - It falls into a blot-on-the-landscape category
  - The distant views from long distant paths has been underplayed by the applicant and requires computer generated photomontages
  - It involves development in a "valued" landscape (with specific reference to paragraphs 109 & 113 of the NPPF)
  - Light pollution
  - Glare from the glass and from the solar panels

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| <p>Haynes West End</p> <p>17. Corner House, Limbersey Lane, Maulden</p> <p>18. Arkle Lodge, Haynes West End</p> <p>19. Northwood End Farm, North Lane, Haynes</p> <p>20. North Limbersey Farm, Limbersey Lane (x 2 responses)</p> <p>21. Appletree Cottage, Haynes West End</p> <p>22. Postern Piece Farm, Bedford Street, Ampthill</p> <p>23. Flat 1, 106 High Street, Kempston</p> <p>24. Reeley Farm, Flitwick Road, Maulden</p> <p>25. Apple Tree Barn, Limbersey Lane (x2 responses)</p> <p>26. Oakwood, Limbersey Lane, Haynes</p> <p>27. 107 Haynes West End</p> <p>28. Oak Barn, Limbersey Lane, Maulden</p> <p>29. 24 Limbersey Lane (x2)</p> <p>30. Roseview, Limbersey Lane</p> <p>31. The Berries, Limbersey Lane</p> <p>32. The bungalow, Grove Farm,</p> | <ul style="list-style-type: none"> <li>• The proposal is contrary to current planning rules</li> <li>• Unacceptable on the footpath and ancient monument site</li> <li>• The application incorrectly describes it as a para 55 house which is incorrect as the dwelling is for mixed residential and B1 office</li> <li>• The building fails to achieve the 4 key areas required to be met by 'NPPF Paragraph 55'</li> <li>• It does not qualify as a Paragraph 55 house as it mixes residential and B1 office space</li> <li>• The landscape assessment failed to consider the seasonal changes on the landscape and has been based narrowly on spring/summer</li> <li>• There are no trees anywhere near the proposed site that would help to hide or conceal it</li> <li>• The timescale for the trees to grow is not short and local people will have to put up with this eyesore before it is camouflaged</li> <li>• If the proposals were on a flat location in a less sensitive location the proposals would be more suitable</li> <li>• In the applicants 'Landscape and Visual Impact Assessment' the use of a camera with a wide angle lens and the merging of several photographs is misleading and greatly under-estimates the visual effect of the proposed dwelling on its immediate surroundings and on distant views from the Greensand Ridge walk, Pulloxhill and the Chiltern Ridge.</li> <li>• Insufficient trees are detailed to enable the creation of a wildlife corridor between Montague and Maulden Wood</li> <li>• I can see no benefit that the building offers and there are no local design features and no local or authentic skills in its structure</li> <li>• The proposal is unlikely to help provide services in a sustainable manner</li> <li>• If this new development is allowed it will set a precedent for other sites in the locality, which are large areas in comparison with their dwelling footprint</li> <li>• Highway safety</li> <li>• The development is in the centre of a Scheduled Ancient Monument and is in an AGLV</li> <li>• Concern over the time taken to update the number of objections. Misleading those interested as to the level of opposition – can there be an audit into this and made public</li> </ul> |
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- Slip End
33. Medlar House,  
59A Kings  
Road, Flitwick
  34. Limbersey  
Nurseries,  
Lambersey  
Lane
  35. 256 Turnpike  
Drive, Luton
  36. 7 Pine Mews,  
Chandos Road,  
Amphill
  37. 24 Westell  
Close, SG7  
6RY
  38. Howcroft,  
Amphill
  39. Flitwick Road,  
Amphill
  40. Hawthorns,  
London Lane,  
Houghton  
Conquest
  41. 105A Haynes  
West End
  42. 119 High  
Street, Clophill
  43. 10 The  
Moorlands,  
Four Oaks  
Park, Sutton  
Coldfield
  44. 49 High Street,  
Clophill
  45. Highfields,  
Lambersey  
Lane, Haynes  
West End
  46. The Bungalow,  
Brickhill  
Pastures,  
Lambersey  
Lane (x 3  
responses)
  47. 68 Amphill  
Road, Maulden
  48. 81 Dunstable  
Street, Amphill
  49. Crooked Oak,  
Toddington
  50. 44 Amphill  
Road, Maulden

51. Oakwood,  
Limbersey  
Lane
52. West End Farm  
Cottage,  
Haynes West  
End
53. 6 Kenmare  
Close, SG1  
3XW
54. The Croft,  
Limbersey  
Lane

6 Flitwick Road,  
Maulden

### **Determining Issues:**

1. The Principle of development (whether the proposed development complies with the Core Strategy and Development Management Policies and National Planning Policy Framework)
2. Design and Impact on the character and appearance of the area
3. Impact on amenities of neighbouring properties
4. Other considerations

### **Considerations**

#### **1. The Principle of Development (whether the proposed development complies with the Core Strategy and Development Management Policies and National Planning Policy Framework)**

- 1.1 The main issues to be taken into consideration in the determination of this application is an assessment of the proposal against local and national planning guidance and in particular whether the site constitutes a sustainable location; the impact of the proposal upon the character and appearance of the area and the design and environmental sustainability of the proposed dwelling.
- 1.2 The application seeks full planning permission for the erection of a detached dwelling with office accommodation. The site is outside of the settlement envelope for Maulden. The site is therefore located in the open countryside and some distance from the settlement envelope limit as defined by the Core Strategy & Development Management Policy. In this location Policy DM4 does not permit new residential development unless the proposal complies with other policies in the plan which, for example allow for replacement or agricultural workers dwellings.
- 1.3 The proposed dwelling is not connected with agriculture or forestry or provides for tourist facilities. Whilst there is some provision under Policy CS11 to provide for new small-scale employment allocations in the rural area (where appropriate) the proposal is primarily for residential purposes and this policy is not particularly relevant to the current proposal. Therefore, as the proposal does not comply with another policy of the Core Strategy & Development Management Policies

the application is in conflict with policy DM4.

1.4 Whilst the proposal is contrary to local plan policy Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside **unless** there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use a redundant or disused building and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

The application has been made on the basis that the proposal complies with this paragraph insofar that the dwelling is of exceptional quality and innovative in design terms. This will be assessed below.

## **2. Design and Impact on Character and Appearance of the area**

2.1 The number of dwellings approved under paragraph 55 of the NPPF has been very small and the extent to which any particular proposal satisfies the requirements is a matter of judgement. It is clear, however, that the clause is intended only to be satisfied as an exception and should consequently be applied with care to avoid undermining the normal restrictive approach to isolated dwellings in the countryside.

This is an exceptional application for a primarily private dwelling set within a central position on the Greensand Ridge, the escarpment which is the defining landscape feature within Central Bedfordshire. The site is a relatively small meadow, less than 1ha in extent, which is well enclosed by hedgerows on the elevated plateau to the north of Maulden. It lies in open countryside where settlement is dispersed; nearby properties are typically one or two storey and of traditional style. The landscape is highly characteristic of the Greensand, with a mosaic of arable land, grazing pastures and ancient woodland and the "timeless feel" described in the National Character Area report produced by Natural England.

The NCA provides guidance on the conservation and enhancement of the Greensand Ridge, which is identified as a unique landscape in mainland England. Key issues are the importance of safeguarding the undeveloped nature of the skyline, traditional habitats, the relative tranquility and the importance of the area for recreation.

The locality is valued for informal recreation, with Limbersley Lane designated a "Scenic Route" and the public footpath adjacent to the site linking with the Greensand Ridge path and accessible woodland at Maulden Woods.

### **2.2 Very Special Circumstances**

The applicants have put forward, as a very special circumstance, the argument that the building is of exceptional and innovative design, in line with paragraph 55 of the NPPF

The principle of the development and the supporting planning statements submitted refer to the four tests set out in Paragraph 55 of the NPPF which need to be satisfied as an exception to the normal policy restriction on constructing new dwellings in the open countryside. Any building should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

**2.3 The proposal should be truly outstanding or innovative, helping to raise standards of design in rural areas.**

The design of the tree house is considered to be innovative, demonstrating a new approach to combining a residential dwelling and office accommodation. The use of raised platforms and a central core with exposed steelwork does make for a striking building in the landscape and makes no effort to disguise itself as anything but new and different. Therefore any evaluation needs to take this into account.

Design is subjective and based on personal taste and aesthetics. The proposal as already mentioned is unique, forcing the observer to look question and challenge their own views of design. It is not attempted pastiche nor has it particularly responded to the local vernacular in the use of materials but this does not render it poor design or lowering standards.

The Conservation Officer considers that In terms of design it responds well to its setting respecting the height of the existing trees but with a minimal footprint. It offers a unique and modern interpretation of this historic references of the site and its environs.

**2.4 Reflects the highest standards of architecture**

The proposal is considered to demonstrate high standards of architecture using high quality materials and construction methods.

**2.5 Significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area**

The Conservation Officer makes comment that at present the site consists of an open field/clearing which does not relate in any specific way to the barn conversion or tells the story of the place and its history. The proposal could be considered to offer a modern interpretation of historic references to the recorded moated manor and its surroundings. The verticality of the proposal which is set within woodland is considered to respond well to the characteristics of its immediate setting. Given the eclectic mix of structures dispersed throughout the Central Bedfordshires landscape such as medieval church towers, industrial structures reflecting past industries and their associated human involvement this will also tell a story of the site and its development.

Whilst the Conservation Officer is supportive of the proposal some concern has been raised by the Council's Landscape Officer with regards to the impact upon the immediate setting and defining characteristics of the local area.

The special circumstances require a dwelling of "exceptional quality or

innovative design" ie "be truly outstanding or innovative and reflect the highest standards in architecture". It is the opinion of the Landscape Officer that there is no doubt that the design meets this aspiration. However, the relationship between the site and the structure is a fundamental aspect of good design and the application does not provide evidence of the design solution evolving with reference to the site and its location, apart from the physical protection of the archaeology of the moat.

It is the opinion of the Landscape Officer that the proposal will result in the loss of the setting of the moat, which is a valuable historic feature. The surrounding flower rich meadow (seeded so a positive recent enhancement ) creates a very sympathetic setting and an attractive and an appropriate contribution to landscape character and ecology. The defining characteristics of the area are primarily the variation in landform and land use and the strong wooded horizons but also include the traditional scale and materials used for rural buildings.

The Tree House has been designed as a distinctive contrast to local vernacular. The Long Barn and Studio have strong horizontal lines and are in scale with the site. Inspiration for the Tree House include iconic buildings set within expansive landscapes, including wooded settings. Set within a framework of trees, the Tree House will eventually become a building within a glade, but there is concern whether the site is large enough to create a wooded framework in scale with the innovative design or provide sufficient screening separation for the neighbouring property.

It is noted that the application drawings tend to over-emphasise the screening contribution made by the existing trees and the new planting, with Drawing 1410.02.23 illustrating the Tree House with mitigation at full maturity, after 75 years. At 25 years growth, Drawing 1410.02.22 and the section 02.25 at 15-20 years growth indicates that there will be significant winter impact for at least two decades.

## 2.6 Proposed mitigation and visibility

The Landscape Officer however is satisfied that the proposals will in time create a sufficient screen to filter views of the building when seen in the wider landscape. Direct views into the site are limited by the strong hedgerow boundary along Limbersley Lane and by the site's position on the plateau. That said the scale and proximity of the building to the adjacent property, South Limbersley House, will mean it will be highly visible as the screen planting is limited by the space available, less than 20m in order to protect the archaeology of the moat, and the timescale required for growth. Existing trees within the neighbours property provide some screening but include some poplar which are of poor quality and short lived.

From limited locations the Tree House would be highly visible eg from Limbersley Lane (viewpoints 21,23 and 24 in LVIA ). It would also appear incongruous in views from the footpath beside Montague Wood (vp 13 and 14 ) and the footpath to the south, particularly during the winter months when trees are bare. There would also be open views from the east e.g. from the boundary of Maulden Wood where footpath and bridleway access points provide clear views to the site. Current views are of the characteristic rural landscape.

## 2.7 Night time impact

The building has the potential to create light impact, particularly at an unexpected height, but the design includes features to limit this.

Mitigation could be enhanced through the planting of a greater proportion of fast growing species trees which would be removed when the more characteristic species have established sufficiently to filter views.

- 2.8 In conclusion the proposal will introduce a new landmark into the Greensand landscape, a building designed to be unique and distinctive. At a height of 17.4m it would be the dominant structure in the locality, in an area where traditional rural buildings are characteristic. The strong form of the building is softened through the use of patterned, light reflective materials, which could both draw the eye but also help to reduce the scale of the structure. The building would be incongruous in short distance views from areas valued for recreation but over time these views would be reduced to glimpses, particularly during the summer months. The building contrasts with the Long Barn and Studio, where the roof lines and cladding are recessive and the other residential properties in the locality which are traditional in style and scale. The building will be particularly intrusive in the views from South Limbersley House as a result of the immediacy and scale of the development.

The landscape policy for the Greensand Ridge is to conserve and enhance the features which are characteristic or distinctive, which would include the moated site, and the undeveloped vistas which contribute to rural tranquility.

It is accepted that the Tree House is an innovative design, designed to create a modern contrast with the vernacular style. However, in terms of landscape character, it will be intrusive in short distance views for at least twenty years. Whilst views from the wider countryside will mainly be partial, for the immediate neighbours the visual intrusion will be highly significant.

### **3. Impact upon amenities of neighbouring properties**

- 3.1 South Limbersey House which lies to the south west of the site and properties on the other side of Limbersey Lane (The Berries; Oak Barn, Apple Tree Barn, The Spinney, Roseview, Milita, Meadowside, Roseview, The Bungalow) are all located a minimum of 100m from the proposed dwelling

Objections have been received from the occupiers of these properties and their concerns have been noted in this report. With regards to any direct impact upon residential amenity (by way of overbearing impact, overlooking or loss of light) given the degree of separation no significant harm to residential amenity would arise.

54 letters of objection; 29 letters of support and 3 comments have been received from residents of Maulden, Haynes and from the wider area. The letters of support relate to the contemporary design within the setting. The objections have been summarised follows:

- the proposal is a major eye sore and is out of character with the rural area

This is considered in Section 2

- the materials are not sensitive to the traditional building materials used in the

area

This is considered in Section 2

- it is unnecessarily tall

Clarification from the applicant: The site is surrounded on its north and south sides by dense wooded landscaped trees of some mature 17.5-20metres high. The proposals sit just below this to ensure that for the majority of potential long reaching views ensure that the proposals are not seen. This tree cover has been in place for a considerable time, in the majority to the north certainly hundreds of years and is not predicted to change. The proposals are carefully considered in relation to the enhancements of the landscaping within the application site with a mixture of trees surrounding the proposals. The building height is reflective of the existing and proposed surroundings. As the proposals are based on innovative and outstanding architecture that relates to its local distinctiveness of context as well as landscape enhancements (as required in paragraph 55), it is therefore appropriate that the dwelling mimics the surrounding tree height but respectfully remains just below the upper canopy level.

- a period of 20-25 years for the building to recede into the environment is not acceptable or fair

This is considered in Section 2

- light pollution and glare from the glass and from the solar panels

Clarification from the applicant: The building is designed to be reflective of the local landscape by using the reflectivity nature of glass. It is also of note that the building is not completely solid and as such there is also transparency and snapshots of seeing into and through the building that consequently breaks up the impact of mass. In the evening during, just the winter months, there is also 100% perimeter electronic control blinds as shown in the visuals for the proposals internally to the ceiling outer edge to limit light spill. The building will also be specified with movement detection lighting so that most of the areas most of the time (whilst lights may be on through winter) would be off in unoccupied areas (for example the tall circulation core) to again limit light spill.

- it does not qualify as a Paragraph 55 house as it mixes residential and B1 office space

No specific planning or appeal case history could be found which relates to the above. The proposal would be primarily a dwelling and occupied for this purpose although it is noted that new small-scale employment allocations in the rural area have some provision under Policy CS11 of the Core Strategy & Development Management Policies. The number of dwellings approved under paragraph 55 of the NPPF has been very small and the extent to which any particular proposal satisfies the requirements is a matter of judgement. In this particular case given the nature of the business which currently operates at Limbersey Lane is considered to be acceptable.

- the development is in the centre of a Scheduled Ancient Monument

This is considered in paragraph 4.2.

- if approved it would set a precedent for other sites locally

Every application is considered on its own merit in accordance in local and national planning policy.

#### **4. Other Considerations**

##### **4.1 Impact upon Highway safety**

No objection has been received and as such the proposal is acceptable in this regard

##### **4.2 Impact upon Archaeology**

The proposed development site contains the remains of a medieval moat and associated enclosures (HER 220). Under the terms of the *National Planning Policy Framework* (NPPF) this site is a heritage asset with archaeological interest.

This application proposes the erection of a house with a basement and associated infrastructure on the island of the medieval moat. Excavations on settlement moats elsewhere have demonstrated that the islands generally contain the remains of the primary residence and associated buildings. The development proposals also include the planting of numerous new trees; this however is restricted to the area outside the moat.

The impact of the proposed development on the medieval moated site does not present an over-riding constraint on the development. However, if the application is granted consent, the applicant will need to accept that the nature of the proposals are such that it is very likely that a full open area excavation of the moat island will need to be undertaken prior to the development commencing. There will then need to be a full analysis of any archive material generated and the work will have to be published in a recognised archaeological journal.

Whilst the comments are noted from the Landscape Officer the moat only survives as a below ground feature which means that its setting is rather difficult to define and one might argue that it has no setting as such because it is no longer visible. The current proposal will not result in the loss of the moat. It has been designed so that the majority of the monument will remain in tact and the Council can mitigate the development within the moated enclosure.

Unfortunately the quality of the moated site is insufficient to prevent development (it's not designated) and as a consequence there are no reasonable archaeological grounds to refuse the current proposal.

In conclusion no objection has been raised by the Archaeology Officer subject to a condition to secure the archaeological works.

##### **4.3 Financial Contributions**

The Ministerial Statement of 28 November 2014 set out the Government's new policy that tariff-style planning obligations should not be sought for certain small



developments (10 dwellings or less or 1,000 square metres of gross floorspace). This is a material consideration of significant weight to be taken into account in decision-making on planning applications.

**4.4 Human Rights issues:**

The development has been assessed in the context of the Human Rights and would have no relevant implications.

**4.5 Equality Act 2010:**

The development has been assessed in the context of the Equality Act 2010 and would have no relevant implications.

**Recommendation:**

That Planning Permission be refused for the following reason:

**RECOMMENDED REASON**

- 1 The application has been submitted under Paragraph 55 of the National Planning Policy Framework (2012) as it is acknowledged that the proposed dwelling falls outside of a defined settlement limit and is not supported in principle by any policy of the Core Strategy and Development Management Policies (2009) and as such contrary to Policy DM4 of the Core Strategy.

Paragraph 55 of the NPPF does permit new isolated homes in the countryside in specific circumstances. Any building should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting;
- and be sensitive to the defining characteristics of the local area.

The proposal will introduce a new landmark into the Greensand landscape, a building designed to be unique and distinctive. At a height of 17.4m and having considerable bulk it would be the dominant structure in the locality, in an area where traditional rural buildings are characteristic. Whilst it is considered that the proposed dwelling is innovative in its design and represents the highest standards of architecture, in terms of landscape character it is considered that the proposal by reason of its excessive height, bulk and siting within the open countryside is contrary to the provisions of Paragraph 55 of the NPPF as it fails to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area and would result in harm to the character and appearance of the area.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Planning permission has been refused for this proposal for the clear reasons set out in this

decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.