

13. FULL APPLICATION – DEVELOPMENT OF SINGLE SUBTERRANEAN ‘ECO HOUSE’ SELF-BUILD DWELLING FOR EXISTING LOCAL RESIDENTS, ASSOCIATED ACCESS AND EXTENSIVE SOFT LANDSCAPING SCHEME TO PROVIDE ECOLOGICAL, ENVIRONMENTAL, LANDSCAPE AND SCENIC ENHANCEMENT AT LAND ADJACENT THE OLD VICARAGE, HEADS LANE, BOLSTERSTONE (NP/S/1015/1008, P.3597, 427078 / 396736, 23/12/2015)

APPLICANT: MR JOHN RAYNOR

Site and Surroundings

The application site is located on land adjacent to and west of The Old Vicarage, Bolsterstone. For the purposes of the Authority’s development plan (policies DS1 and LC3) the application site is located in open countryside and outside of any designated settlement. The application site is also located within the designated Bolsterstone Conservation Area.

The site is a field which is bounded on all four sides by dry stone walls and mature and semi-mature broadleaf trees. Access to the site is via Heads Lane which runs along the northern boundary of the site and which is also the National Park boundary. The land to the north and outside of the National Park boundary is located within Sheffield and is designated Green Belt.

Proposal

This is a re-submission following the refusal of planning permission for a similar development earlier this year. The application again seeks planning permission for the erection of one earth sheltered dwelling along with associated access and landscaping.

The submitted plans show that proposed dwelling would be dug into the level of the field as it drops away from the level of Heads Lane. The dwelling would effectively therefore be ‘earth sheltered’ and set under a flat roof formed out of the topography.

The proposed dwelling would provide a total of four bedrooms along with associated living space and double garage. The south facing elevation of the dwelling would be predominantly glazed with stone walling and the garage door. An open courtyard area and a number of roof lights would provide light into the rear rooms of the dwelling. A metal flue pipe would also project through the roof to serve a wood burning stove.

The curtilage of the proposed dwelling would extend to approximately 2700m². Access to the dwelling would be via the existing field access along a resin bound gravel driveway to the front (south facing) elevation of the dwelling.

An amended and comprehensive landscaping masterplan has been submitted which shows that an acid grassland would be planted on the roof of the dwelling. A mixture of acid grassland, meadow and woodland wildflowers would be planted within the curtilage of the dwelling. The majority of the existing mature trees and hedges would be retained on the site with new hedgerows planted. A gritstone paved area would be created to the front of the dwelling.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The application site is located in the open countryside within the National Park. The Authority's Core Strategy takes forward the policy approach that it is not appropriate to permit new housing simply in response to the significant market demand to live in its sought after environment. In common with the National Planning Policy Framework, the Authority's policies therefore do not make provision for housing other than in exceptional circumstances which in the open countryside would be where housing provides for key rural workers or where housing is required to achieve conservation or enhancement of valued vernacular or listed buildings.**

The proposed dwelling would not be required to meet the essential functional need of an agricultural, forestry or other rural enterprise. Therefore any approval of the proposed development would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to Core Strategy policies DS1, CC1 and HC1, saved Local Plan policies LH1 and LH2 and the National Planning Policy Framework.

- 2. The application site is identified as important open green space within the Bolsterstone Extension Conservation Area Appraisal (2009). The proposed dwelling would have a harmful impact upon the amenities of the local area and would harm the significance of the designated Bolsterstone Conservation Area contrary to Core Strategy policies GSP1, GSP3 and L3, saved Local Plan policies LC4, LC5 and the National Planning Policy Framework.**

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the designated Conservation Area and the wider landscape.

History

2015: NP/S/0615/0538: Planning permission refused for the erection of single subterranean 'eco house' self-build dwelling for existing local residents, associated access and extensive soft landscaping scheme to provide ecological, environmental, landscape and scenic enhancement for the following reasons:

- 1. The application site is located in the open countryside within the National Park. The Authority's Core Strategy takes forward the policy approach that it is not appropriate to permit new housing simply in response to the significant market demand to live in its sought after environment. In common with the National Planning Policy Framework, the Authority's policies therefore do not make provision for housing other than in exceptional circumstances which in the open countryside would be where housing provides for key rural workers or where housing is required to achieve conservation or enhancement of valued vernacular or listed buildings.*

The proposed dwelling would not be required to meet the essential functional need of an agricultural, forestry or other rural enterprise. Therefore any approval of the proposed development would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to Core Strategy policies DS1, CC1 and HC1, saved Local Plan policies LH1 and LH2 and the National Planning Policy Framework.

- 2. The application site is identified as important open green space within the Bolsterstone Extension Conservation Area Appraisal (2009). The proposed dwelling would have a harmful impact upon the amenities of the local area and would harm the significance of the designated Bolsterstone Conservation Area contrary to Core Strategy policies GSP1, GSP3 and L3, saved Local Plan policies LC4, LC5 and the National Planning Policy Framework.*

Consultations

Highway Authority – No response to date.

City Council – No response to date.

Town Council – No response to date.

PNDPA Landscape – Objects to the application for the following reasons:

The re-submission appears to utilise the same plans and Landscape Character report as previously submitted, so my original comments regarding these stand. I note that the applicant has also included a Landscape and Visual Impact Assessment (LVIA) and Planning Statement which contain new information but do not materially alter the design from that which was previously submitted.

The Landscape Character report does not accurately reflect the Peak District Landscape Character Assessment LCA as the site is located on the boundary between the 'Enclosed Gritstone Upland' and 'Slopes and Valleys with Woodland' and displays features of both; a site specific LCA would be considered appropriate to inform the applicants design response.

The Landscape Character report also states that 'the mature vegetation provides full visual screening' which is unlikely to be the case, at least in winter. On a recent site visit it seems likely that the bank of south facing glazing will be visible in winter.

The Design and Access Statement does not demonstrate the scheme enhances the setting and character of the wider landscape.

The Proposed Elevation drawing is not clear – it appears that there are level changes on site and within the root protection area (RPA) of the existing trees, but there are no existing or proposed levels indicated; and it is unclear where the sections are on the site.

The Landscape Masterplan does not demonstrate any enhancement to landscape character – if the scheme goes ahead, the existing open nature of the grassland on site will contain new elements of built form (approx. 15% of site area) and garden elements of a suburban nature and as such does not demonstrate sensitivity to or respond to the defining characteristics of the local area.

The summary findings of the LVIA are confused and indicate primarily 'neutral' landscape and visual effect significance rather than the 'beneficial' effects that are repeatedly stated within the application. The LVIA is very limited in its description of scheme effects and I think does not address two of the likely key effects of the scheme – the new elements of both built and suburban form into an undeveloped grassland area and the potential visual impact of a 3m high bank of south facing glazing. My assessment of scheme effects are that while both landscape and visual effects are likely to be either minor or negligible, they are still adverse.

The Planning Statement which primarily states that the scheme objectively and demonstrably enhances the appearance, scenic beauty and the landscape and ecological value of the site in its Peak District setting. For the reasons outlined above I do not agree with the findings of this Planning Statement.

PDNPA Cultural Heritage – Objects to the application for the following reasons:

The area of land proposed for development was historically in agricultural use and was enclosed prior to the 1782 Bolsterstone Enclosure Award map, according to the Authority's Historic Landscape Character record. The Conservation Area Appraisal for the Bolsterstone Extension (i.e. the part that lies within the National Park) identifies the area as an important open green space, edged by important groups of trees, making a significant contribution to the overall character and appearance of the Conservation Area: the Appraisal states that the removal of an important open space would be detrimental to the character of the Conservation Area. The proposal will extend the built environment of the settlement westwards, building on this important open space and altering its historic agricultural character: it is hard to see how this can be seen as an enhancement, as suggested in the application. In my view this could harm the historic character of the Conservation Area.

There are important long-ranging views across the area to the south from Heads Lane, within the Conservation Area. I have a number of concerns that the proposal may have a detrimental impact on these important views. The visuals of the proposed development all show the site in summer, surrounded by dense vegetation, which may well screen views of the site from within the Conservation Area and from the south. However, as the pictures below show, there is much greater visual permeability into the site from Heads Lane in the winter months: I think it likely, therefore, that the roof to the central open courtyard and the flat roof-lights could be visible from within the Conservation Area during these months, negatively affecting views to the south causing harm to the historic character and appearance of the Conservation Area at this point.

There are no visuals of the proposed site to show whether the eco home might be visible from the south during the winter months, looking towards the Conservation Area. The proposal is to open out the hedgerow along the southern boundary of the site, in places: it is therefore possible that parts of the house, in particular the glazing, may be visible through these gaps even in the summer months. This could potentially have a negative impact on views into the Conservation Area from the south and south-west.

Representations

A total of four representations have been received to date. All four of the letters support the application. The planning reasons for support are summarised below, the letters can be read in full on the Authority's website.

- The proposal is a design of outstanding quality in perfect harmony with the detailed and sensitive landscape. This scheme therefore fits planning policies with reference to isolated houses and exceptional design quality which enhances the surrounding area.
- The proposed development is on the edge of the village in a currently unused grass paddock which is privately owned with no public access and completely shielded on all sides by hedges and trees. The paddock could in no way be described as an "important open green space" as quoted in the Bolsterstone Conservation Area Extension appraisal. The site is also set lower than the adjoining road so its visual impact would be minimal and would if anything be beneficial rather than detrimental.
- As a local resident one empathises with the applicants, who as residents, feel they have the right to stay in their local area.

- This application and site is a rare opportunity to have development as it does not impact upon the integrity and sensitivity of the area. It contributes to the sustainable development of the area.
- The proposed development will contribute to national targets for house building.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1 and HC1

Relevant Local Plan policies: LC3, LC4, LC5, LC17, LC20, LH1, LH2, LT11 and LT18

Statutory Framework and Policy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining this application.

Policies HC1, LH1 and LH2 set out the Authority's approach to new housing in the National Park; GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development; GSP2 supports development that would enhance the valued characteristics of the National Park; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.

L1, L2, L3 and LC17 seek to ensure that all development conserves and where possible enhances the landscape character (as identified in the Landscape Strategy and Action Plan), biodiversity and cultural heritage of the National Park. LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development in the National Park.

The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Of particular note is the fact that at paragraph 55 the Framework says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting, which are essentially the same criteria that are set out in HC1 (C) I.

The Framework says in paragraphs 115, 132, 133 and 134 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks.

Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.

Assessment

Principle

For the purposes of the Development Plan the application site is considered to lie in open countryside because of the distance between the application site and any nearby named settlement (DS1 and LC3). In common with the National Planning Policy Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are

special circumstances.

There is no evidence within the submitted application which demonstrates that the proposed dwelling is intended to meet any functional need for a rural worker (HC2 and LC12). It is therefore considered that the proposed house is intended to meet general demand rather than to house a worker to meet the essential functional need of a rural enterprise. Therefore, the special circumstances in which planning permission could be granted set out in policy HC1(C) I. HC1 (C) II do not apply in this case because the application site is not in a settlement listed in policy DS1.

HC1 (C) I says in accordance with policies GSP1 and GSP2 that, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.

The supporting text to policy HC1 says that occasionally new housing (whether newly built or from the re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building) or the treatment of a despoiled site where conservation and enhancement of the building or site could only be reasonably achieved by the impetus provided by open market values.

The application site is an undeveloped field and there is no evidence to demonstrate that the erection of the proposed house on this site is required to achieve the conservation or enhancement of any other valued vernacular or listed building. Therefore it is considered that the principle of the proposed development does not represent sustainable development and is in conflict with policies DS1 and HC1.

The development is described as a dwelling for existing local residents but there is no evidence within the application to demonstrate that the dwelling is intended to be occupied by an individual with a local qualification who is in need of affordable housing (HC1 (A), LH1 and LH2). The submitted application does not propose to enter into a planning obligation to restrict the occupancy of the dwelling in perpetuity. It is also considered having had regard to the size of the proposed dwelling and associated curtilage that the dwelling would be very unlikely to be affordable by size and type to local people on a low or moderate income.

In any case DS1 and HC1 (A) make clear that there is no provision for the erection of newly built affordable dwellings in the open countryside. Therefore it is considered that no weight can be attached to the intention that the applicant would be the first occupant of the dwelling. The application makes reference to planning policies within other National Parks and while it is acknowledged that other National Park Authorities' take a different policy approach to providing local housing, it is considered clear that the application must be determined in accordance with the Peak District National Park's development plan.

Impact of the development

The application site is located within the designated Bolsterstone Conservation Area. Local policies and the framework make clear that there is a strong presumption in favour of the conservation of designated heritage assets and that other than in exceptional circumstances development which has a harmful impact should not be permitted.

The Bolsterstone Conservation Area was extended into the National Park in 2009 to include the application site along with adjacent properties on the south side of Heads Lane. The Bolsterstone Extension Conservation Area Appraisal (the appraisal) is therefore a material consideration.

In regard to the relationship of structures and spaces within the Conservation Area, the appraisal says that part of the special interest of the Conservation Area Extension lies in its landscape setting in a rural hilltop location. It is located high on the ridge overlooking the Ewden Valley and

the land drops to the south along its southern boundary. The Conservation Area Extension is characterised by its extensive tree cover, both within the area and along its boundaries. Trees surround and enclose the whole area to the west, beyond the grounds of the former school, and link the buildings and spaces within the Conservation Area Extension.

In relation to views from within the Conservation Area extension the appraisal says that because of its hilltop position in open countryside, there are extensive long range views to north, south and west from the edges of the Conservation Area Extension, across the valleys to distant countryside. There are long range views through the Conservation Area Extension from the north of the area, but these are partially obscured by tree cover in places, particularly in summer.

The maps in the appraisal identify key viewpoints on the northern and southern boundary of the application site and long ranging views looking south over the application site from Heads Lane. The appraisal goes on to say that the open green spaces within the Conservation Area Extension (including the application site) make a significant contribution to the overall character and appearance of the area. The maps within the appraisal identify the application site as important green space and the trees around the boundary of the site as important groups of trees.

It is considered clear from the evidence from within the appraisal and from the Officers site visit that the open nature of the field and the significant tree boundary tree planting around the site are important features which make a significant positive contribution to the significance of the designated Conservation Area and the landscape character of the National Park by framing the entrance of the Conservation Area and facilitating long range views to the south from Heads Lane, particularly during winter months.

The appraisal says that the Conservation Area Extension is in comparatively good condition, with few neutral or negative areas or elements requiring enhancement. There are some issues to note which could be acted on if the opportunity were to arise. In some cases enhancement may not be achievable. The appraisal goes on to say that it should be noted that the character of this area could easily be spoiled if it were to become over-manicured and that the removal of the open green spaces would be detrimental to the character of the Conservation Area.

The proposed dwelling is located within the area of land identified as open green space within the Conservation Area. It is considered to be clear from the evidence above that there is the potential for the development of this site to harm the character of the Conservation Area and that generally there are very limited opportunities to enhance the character of the Conservation Area other than maintenance of the open space and boundary trees which would typically be carried out by the land owner.

It is accepted that the proposed 'earth sheltered' design of the dwelling and the proposed landscaping scheme would mitigate the impact of the proposal upon the significance of the Conservation Area. The proposed design would not project above the level of the highest part of the field and therefore views out and over the site towards the site from within the Conservation Area would be maintained as would the mature boundary trees around the site.

Officers remain very concerned that the development would inevitably lead to the domestication of the field which would harm its existing open agricultural character. Despite the design of the proposed dwelling, the use of the site for residential purposes would inevitably lead to the use of the site, including parts of the roof as domestic garden. Vehicle movements from occupants and deliveries would also be apparent as would light from inside and outside the building.

The flue which would project above the roof would also be apparent from the lane along with the associated smoke and steam (from the roof windows above the shower rooms). These features, along with the domestic use of the site and vehicle movements, would draw attention to the fact that the site had been developed and occupied as a house.

It is therefore considered that, despite the earth sheltered design of the dwelling and the proposed landscaping, the proposed development would be very likely to lead to the domestication of the site and an over-manicured domestic character and appearance compared to the existing agricultural character. It is considered that this would have a harmful impact upon the significance of the Conservation Area, contrary to policies GSP3, L3 and LC5.

Other Issues

Despite the strong presumption against the erection of new housing on this site in local and national policy the submitted application makes the case that the proposed development is in accordance with paragraph 55 of the Framework on the basis of the exceptional quality or innovative nature of the design of the dwelling.

For brevity, the last point of paragraph 55 of the Framework says:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the exceptional quality or innovative nature of the design of the dwelling. Such a design 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.”*

It has been found in this case that the proposed development would harm and not enhance its immediate setting and that the proposed development would not be sensitive to the defining characteristics of the local area, which are a requirement of this part of paragraph 55.

The design of the proposed dwelling is of a good architectural quality and does attempt to respond to the constraints of the site and its location within the National Park. However ‘earth sheltered’ dwellings are a well-established design solution, indeed the submitted application includes a number of examples of this type of architecture as design inspirations.

If the development of a similar site outside of the designated Conservation Area for housing was acceptable in principle then a high quality design which responds to its context and the National Park along with appropriate landscaping and enhancement features for biodiversity would be a policy requirement of the development plan. The inclusion of these features within the proposed design would be a necessary prerequisite for the proposal to comply with the development plan and therefore do not provide any overriding justification for the development or indicate that the proposed design should be considered to be outstanding or innovative.

In the absence of any overriding justification for the erection of the proposed market dwelling on the application site it is therefore considered that there are no public benefits which would outweigh the harm to the significance of the designated Conservation Area which has been identified.

It is therefore considered that the design of the proposed development would not be of exceptional quality or of an innovative nature. Therefore it is considered that there are no special circumstances which indicate that an exception should be taken to the general presumption against the erection of new dwellings in the open countryside. In coming to this conclusion

officers have taken into account that there would only be limited views into the site in the wider landscape particularly during the summer months as identified by the submitted landscape and visual impact assessment and that the proposed development would not be likely to have any adverse impact upon protected species or their habitats.

The application site is located within the National Park and not within the green belt which is adjacent and to the north of the site. When viewed from within the green belt the proposed development would be read below the height of the stone boundary walls and behind the mature trees and therefore it is considered that proposed development would not impinge upon the openness of the adjacent land within the green belt.

The development would be served by adequate off-street parking and turning provision and there is adequate visibility from the existing access. Therefore it is considered that the proposed development would not be likely to harm highway safety. Due to the design of the dwelling and the distance of the site to neighbouring properties it is considered that the development would not harm the amenity of any neighbouring property or land use.

Conclusion

It is considered that the proposed development is in principle contrary to Core Strategy policies DS1, HC1 and CC1 and Local Plan policies LH1 and LH2. The proposal is for the erection of an open market dwelling which is not required to meet the essential functional need of an agricultural, forestry or other rural enterprise. Approval of the proposed dwelling would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to the framework. In these circumstances any approval of the proposed open market dwelling would represent a clear and substantial departure from the development plan. Moreover, the circumstances advanced in support of this application are relatively easily repeated in the National Park and cumulatively such development would undermine the fundamental purposes of the National Park.

Furthermore it is considered that the proposed development would lead to domestication of the existing field which would harm the character and appearance of this part of the Conservation Area contrary to Core Strategy policies GSP3 and L3 and Local Plan policies LC4, LC5.

In coming to this conclusion Officers have taken into account the revised planning statement and the submitted landscape character report and landscape and visual assessment. Officers consider that while the submitted evidence indicates that the development would have a minor or negligible landscape and visual impact, the evidence does not demonstrate that the development would result in any significant enhancement to the site or the National Park as is asserted by the Planning Statement.

The erection of the proposed dwelling would not have any significant impact upon the residential amenity of any neighbouring property or adversely affect highway safety. The proposal would not raise any additional issues in terms of flood risk or harm any nature conservation interests. However, these issues do not add any significant weight either for or against the proposal and do not overcome the more fundamental concerns that the erection of the proposed open market dwelling would not meet the requirements of a range of policies within the development plan and would represent a departure from the development plan.

The proposal is therefore considered to be contrary to the development plan. In the absence of any further material considerations having taken into account all matters raised in consultation responses and representations, the application is accordingly recommended for refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil