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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **LE** | | | | **Date:** | **18.3.2022** | **Manager:** | | **NH** | | **Date:** | **04.05.22** |
| **Site Notice displayed** | **Y** | **Photos uploaded** | | | | **Y** |  | | | | | | |
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| **Application Ref:** | | | 3/2021/1008 | | | | | |  | | | | |
| **Date Inspected:** | | | 14.3.2022 | | | | | |
| **Officer:** | | | **LE** | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | **Decision** | | **REFUSE** | | |
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| **Development Description:** | | | | | Proposed new house of exceptional quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements. | | | | | | | | |
| **Site Address/Location:** | | | | | Land at Higher Hodder Bridge (Field to South) Chipping Road Chaigley Clitheroe BB7 3LP | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | |
| No comments received | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | |
| **LCC Highways:** | | | | | More information required with regard to visibility splays | | | | | | | | |
| **LCC AONB partnership:** | | | | | No objections | | | | | | | | |
| **United Utilities:** | | | | | Attention drawn to the drainage hierarchy in the NPPG | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | |
| 4 letters of support  4 letters of objection  The points raised are summarised as  **Objections:**  Not in keeping with the area harmful to the AONB landscape  Harm to wildlife  No need for additional housing in this area  Does not meet tests at para 80  Lack of information within the submission  Impact on traffic and parking  Detrimental impact on the beaty and tranquillity of the area  **Support:**  The proposal will enhance the local area  The design is outstanding and meets the tests of para 80e  Ecological and environmental benefits | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  **Policy DS1: Development Strategy**  **Policy DS2: Sustainable Development**  **Policy EN2: Landscape**  **Policy EN3: Sustainable Development and Climate Change**  **Policy EN4: Biodiversity and Geodiversity**  **Policy EN5: Heritage Assets**  **Policy DMG1: General Considerations**  **Policy DMG2: Strategic Considerations**  **Policy DMG3: Transport and Mobility**  **Policy DME1: Protecting Trees and Woodlands**  **Policy DME2: Landscape and Townscape Protection**  **Policy DME3: Site and Species Protection and Conservation**  **Policy DME4: Protecting Heritage Assets**  **Policy DME5: Renewable Energy**  **Policy DME6: Water Management**  **Policy DMH3: Dwellings in The Open Countryside & The AONB**  **National Planning Policy Framework 2021 (NPPF)**  **National Planning Practice Guidance (NPPG)** | | | | | | | | | | | | | |
| **Relevant Planning History:**  None | | | | | | | | | | | | | |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The site is located to the South of Chipping Road and is an agricultural field surrounded by other agricultural fields. The topography is gently undulating and trees are growing along field boundaries. The land drops down towards the River Hodder. A public footpath (3-20-FP1) leading from Chipping Road past a group of houses skirts the northern boundary of the site and continues back to Clitheroe Lane. A further footpath (3-3-FP48a) runs to the south side of the river.  There are two clusters of dwellings to the North of the site on either side of Chipping Road. | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks consent for the construction of a detached dwelling with associated landscaping and biodiversity enhancements. | | | | | | | | | | | | | |
| **Principle of Development:**  The application seeks consent for a detached dwelling on land to the South of Higher Hodder Bridge. The site is outside any settlement boundaries and therefore clearly contrary to the spatial strategy for the borough (core strategy policies DS1 and DMG2) which seeks to direct development towards the more sustainable settlements. Policy DMH3 prevents new dwellings in the open countryside unless it is for persons employed in agriculture or forestry or meets a local need.  Para 80 (formerly para 79 and before that para 55) of the National Planning Policy Framework 2021 (NPPF) also states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:  *a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*  *b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage*  *assets;*  *c) the development would re-use redundant or disused buildings and enhance its immediate setting;*  *d) the development would involve the subdivision of an existing residential building; or*  *e) the design is of exceptional quality, in that it:*  *- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*  *- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*  Although Paragraph 80 contains several circumstances where an isolated home would be allowed as set out above, Paragraph 80 (e) is the only circumstance which is relevant in the assessment of this  application.  In order to apply the exception at para 80e it must first be considered whether the dwelling is isolated.  *Would the dwelling be isolated?*  The approach to the meaning of the term ‘isolated’ was considered by Court of Appeal in **Braintree District Council v Secretary of State for Communities and Local Government and Others** [2018] EWCA Civ 610.  The approach set out in **Braintree** was usefully summarised more recently by the Court of Appeal in **City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government** [2021] EWCA Civ 320 (at 32 and 33):  *“There is, therefore, no need for any further discussion of what is meant by the concept of "isolated homes in the countryside" in this policy. The essential conclusion of this court in Braintree District Council , in paragraph 42 of the judgment, is that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider "whether [the development] would be physically isolated, in the sense of being isolated from a settlement". What is a "settlement" and whether the development would be "isolated" from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case……*  *To adopt remoteness from other dwellings, instead of remoteness from a settlement, as the test for "isolated homes in the countryside" would seem inconsistent with the Government's evident intention in producing the policy in paragraph 79. It would mean, presumably, that the policy would not apply to a development of housing in the countryside – large or small – on land next to an individual dwelling remote from the nearest settlement, because although the new homes might be "isolated" from the settlement, they would not be "isolated" from existing development. It would prevent the policy from applying to the development of additional dwellings, one or two at a time, on sites next to other sporadic rural housing, again on the basis that they would not then be "isolated".*  In relation to this matter it is also useful to have regard to Lindbolm LJ judgment in **Braintree** in relation to the meaning of settlement (at 32):    *What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definition of a "community", a "settlement", or a "village". There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement or a "village" for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. …*  As such whilst para 55 is now replaced by para 80 there is no statutory definition of an isolated home, and therefore, each case will be considered individually and will be a matter of fact and degree planning judgement for decision-maker to decide whether a dwelling is ‘isolated’. The requirement is that the homes is isolated from a settlement rather than simply from other dwellings. Therefore, the presence of nearby other dwellings alone will not mean that the home is not isolated. But if the characteristics of the area could considered a settlement, for the purposes of assessing whether the development is isolated, (which is a question of fact and degree rather than of policy) then the home will not be isolated.  Whilst it is evident that the site is not located within a defined settlement (Adopted Core Strategy) whether the site is isolated from a settlement is the test in respect of para 80. The key points in assessing whether this development would fall to be considered ‘isolated’ for the purposes of para 80 are as follows:   * The site lies in an area of open countryside to the South of Higher Hodder Bridge 3 miles west of the centre of Clitheroe. * The area is accessed via a well-used C classified road * The site is within the settled area and a very well used road is only a short walk from the site. * The density of development in the area is common of rural communities * By car it is approximately a 5-minute journey to the edge of the principal settlement of Clitheroe and there is a limited bus service which takes approximately 10 minutes and stops adjacent to the end of the secondary access point. * The main vehicular entrance to the site is directly adjacent to Hodder Bridge and opposite the former Hodder Hotel now converted to 8 dwellings. These dwellings are approx. 100 metres to the site entrance. * The secondary entrance to the site passes 3 dwellings, linking to a public footpath skirting the site, the nearest being approx. 60 metres to the site boundary. * There are a few other dwellings in the vicinity in small clusters; 500 metres to the East is Withgill farm which has former outbuildings now converted; Including the farmhouse there are 20 dwellings here. * On the opposite side of the river within 250 metres of the site are another 6 dwellings the nearest being approx. 80 metres away and visible from the site.   The planning statement asserts that the applicant considers that the site is isolated being remote or separate from a settlement. As noted in the **Braintree** judgement there is no definition of settlement, village or community or required number of dwellings that would constitute this.  In this case the characteristics of the immediate surrounding area, despite the lack of local services such as a shop, is akin to that of a small hamlet. As such whilst the application site it outside of the core strategy defined settlements it is considered that the characteristics of the area reflect a settlement for the purposes of assessing whether the site is isolated in para 80 terms  As such it is not considered that the proposed development complies with the key component of Paragraph 80 of the Framework in terms of being isolated. Therefore 80 is not engaged and the proposal would be considered against the council’s development plan policies (DS1, DMG2 and DMH3) with which there is direct conflict.  *The 80 e) Criteria*  Notwithstanding this matter of principle with regard to the “isolation” criteria of para 80, the application submits that it would meet the tests of para e below  *e) the design is of exceptional quality, in that it:*  *- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*  *- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*  *Is the design - “truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas? “*  The proposal claims to meet the tests at para 80e as it would be the first country house in a traditional style to meet passivhaus plus standards globally. It is submitted that it would significantly enhance the site which is currently agricultural land both visually and through landscape and biodiversity improvements. It is submitted that the proposal would raise the standard of design in rural areas.  The dwelling presented is a house which takes reference from Georgian architecture but is to be built to modern standards of energy efficiency and is claimed to be the first Passivhaus plus.  Georgian country houses in the area such as Stoneyhurst have historic interest and as well as their architectural quality have significance because of their relationship to surrounding land uses, such as estates and parks and gardens. These houses developed due to a unique set of social, economic and political circumstances at the time. The reflected the status of the occupants and the clear social hierarchy of the time. Their influence on the landscape remains far reaching. In this regard the proposal is a pastiche and therefore not unique in terms of its style it could also detract from and confuse the significance of the historic country house.  The energy efficiency credentials and the intention to combine Passivhaus standards with traditional building styles are unusual but there is a question as to how this would be maintained and whether it would be truly outstanding being easily replicated elsewhere being that a minimum standard of energy efficiency is expected by building regulations and generally speaking consumers are conscious of the environment and wish to include eco-friendly features into their homes.  Passivhaus is split into 3 categories,  Passivhaus classic - of which it is understood there are 152 new build dwellings in the UK  Passivhaus plus – which achieves net zero annual energy balance and it is understood there are 8 in the UK  Passivhaus premium – typically far more energy is produced than needed and there are 24 in the world.  Therefore, the creation of energy efficient homes is an upward trend and there is a higher level of Passivhaus certification available than is proposed here.  The high standards of energy efficiency are welcomed, but that in itself is not considered outstanding. As discussed above there are numerous houses to Passivhaus standards in this country and globally as well as a higher level of certification being available. Furthermore, it would be difficult to monitor whether the dwelling was performing to those standards or indeed take enforcement action if it were not. Conditions or planning obligations requiring this would not be considered to meet the tests set out in planning practice guidance. It is not considered that a condition could be sufficiently precise or enforceable nor a planning obligation be considered to be sufficient make the proposal acceptable.  The proposal has been subject to an independent design review panel -The Traditional Architecture Group (TAG).  TAG conclude that: *“the resulting building design and integrated enhancements in landscape, ecology and*  *energy efficiency that are part of the scheme represent a scheme that should be considered of a quality that will fulfil the requirements of NPPF paragraph 80(e).”*  It is not disputed that the proposed dwelling would be attractive and of high quality, however as discussed above it is a pastiche of a historic country house introduced into an area that is agricultural in character. As aforementioned the historic estates grew up from a specific set of circumstances and contribute to our understanding of historic relationships between places. This cannot replicate that and given that it is taking influence from historic houses some of which are cited in the supporting information and are high grade listed, in this respect is not raising standards of design.  Would the proposal “*significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”*  This site has changed very little since the OS maps of 1847 and has been agricultural land. It is noted that field boundaries have been lost but the character of this landscape is agricultural with small clusters of buildings relating to historic land use in the vicinity. The application states that the area would be restored. It is unclear what this means as the area has been agricultural land for at least 150 years and the only perceivable change is loss of field boundaries which are not proposed to be reinstated.  It is considered that the building will have an impact on the landscape which is currently open agricultural land. The design does reflect the vernacular of the wider AONB in terms of the Georgian style architecture and use of natural materials. It could probably be assimilated into the landscape due to the proposed screening and location on low lying land but it is not accepted that this fundamental change to the character of the area would be a visual enhancement or be sensitive to the defining characteristics of the local area being a small hamlet of agricultural type lower status buildings in an agricultural setting.  It is not considered that the site is isolated but notwithstanding that, it would not meet the tests at para 80e of the NPPF for the reasons above.  It is noted that the description of the development included on the application form is as follows:  *New House of Exceptional Quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements.*  This has been reflected in the description of this planning application however for the reasons set out above it is not considered that the new dwelling will be of exceptional quality.  Furthermore, whilst a house which meets the criteria of para 80 could be an exception to the spatial policies for the borough it is also subject to the other material planning considerations. | | | | | | | | | | | | | |
| **Residential Amenity:**  As aforementioned the dwelling is located in its own substantial grounds and is positioned as such that there would be no loss of amenity through overshadowing or loss of privacy. The surrounding area is residential in character and as such there are no concerns raised with respect to residential amenity. | | | | | | | | | | | | | |
| **Landscape / Visual Amenity:**  NPPF para 176 states that: “*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”*  Core Strategy Policy EN2 is engaged which requires that *‘any development will need to contribute to the conservation of the natural beauty of the area. The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced’ with the requirements of EN2 further stipulating that ‘the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials’.*  The site is within landscape character type, undulating riparian meadowland. Comments have been received from LCC’s AONB manager and whilst these do not assess the proposal in terms of para 80e advise that in their opinion the proposals would have some impact on local landscape and visual amenity, but the proposed house, associated buildings and curtilage (which appear to reflect local vernacular of nearby historic houses) are likely to be able to be accommodated within the local and wider landscape without significant impact on the character of the AONB.  Whilst it is stated that they consider the impact is not significant, there is still an impact.  In addition, the proposed site is currently intensively managed, improved grassland for silage.  The proposed wider landscaping could be beneficial in terms of landscape character with more trees/woodland along the river corridor.  However, as the proposal is considered unacceptable in principle these improvements are not considered to outweigh the fundamental harm caused by the construction of a new dwelling in open countryside and the changes to the character of the immediate area and historic patterns of development. The character of the AONB comes from the relationships between people and land and so whilst the site is currently a field it reflects historic land uses in this area and whilst the building would be in a vernacular style found in other areas of the AONB the character of the landscape would be irreversibly changed by the construction of a residential property. | | | | | | | | | | | | | |
| **Heritage Assets:**  The site lies to the South of the Grade II listed Higher Hodder Bridge with the entrance directly adjacent to it. The duty at section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says: *“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*  Higher Hodder Bridge is a graceful structure which is isolated and provides a focus to views in this part of the valley. The submission states that the house is not visible from the bridge and this is not disputed but the entrance to the field is currently via a simple metal gate at the same height as the stone boundary wall. Grand entrance gates proposed directly adjacent to the bridge in its immediate setting would draw the focus away from it. It is not agreed that this would enhance the setting of the bridge as stated within the submission and it is considered that it would cause harm  The house itself would be located further away from the listed bridge but the changes to the landscape here will still have an impact in terms of confusing the significance of historical land uses and the historic hierarchy of country estates and lower rural workers properties.  The enhancements proposed include tree planting/landscape design on land which has remained as pasture/meadow for at least a century and a half as evidenced of the 1847 Ordnance Survey Maps.  The design is a restrained neo-classical and it is suggested that the scheme borrows from nearby historic large houses – however, it has no panache, distinction or invention. It is considered that, borrowing in detail and form from historic precedents diminishes their historic importance and uniqueness.  It is considered that the proposal would constitute harm to the wider setting of the nearby listed historic houses, the immediate setting of the bridge and the cultural heritage of the AONB.  The enhancements proposed would attempt to mitigate this harm caused by the introduction of a dwelling here, but it is not considered that it would sustain or enhancing the significance of heritage assets or make a positive contribution to local character and distinctiveness as set out at para 197 of the NPPF. Nor would the proposed enhancements required by the construction of the dwelling which is harm in itself represent a public benefit as set out at para 202 of the NPPF.  The proposal is also considered contrary to policies EN5 which requires development proposals *“to make a positive contribution to local distinctiveness/sense of place.”* And DME4 which states that *“in considering development proposals the council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings”* | | | | | | | | | | | | | |
| **Ecology / Trees;**  An ecological assessment of the site has been carried out and it currently is intensively farmed land with fragmented habitats. It is accepted that the area at present will provide habitats particularly along the river corridor but the proposed measures included are estimated to result in a biodiversity net gain of 609.2%.  In terms of ecological improvements, the proposed woodland creation and riparian habitat creation would constitute a significant improvement on the intensively managed, improved grassland on the site at present; helping to link up fragmented woodland habitat along the River Hodder corridor.  In this respect the proposal would be considered to provide significant benefits in terms of biodiversity enhancement provided this was secured and maintained and that the construction phase is carefully managed to prevent harm to these habitats. RVBC’s countryside officer has suggested conditions to ensure this. | | | | | | | | | | | | | |
| **Highways:**  The site would be accessed via an existing entrance adjacent to Hodder Bridge which has a set back from the road allowing vehicles to easily pull clear of the highway but is located on a tight bend with an embankment covered in trees to one side. It would appear that historically this was an agricultural entrance. The house is accessed via a new private drive and there is adequate parking within. A secondary access is proposed adjacent to the 3 houses to the immediate north of the house. However, the submitted plans do not show a scaled drawing of the access and visibility splays on either entrance and as such the LHA have been unable to provide detailed comments. It is likely that the vehicle speeds here would be lower than the national speed limit, but this detail is required to demonstrate that there would be no highway safety implications. | | | | | | | | | | | | | |
| **Flood Risk:**  Parts of the site lies within Flood Zone 2 and 3 and it is directly adjacent to a main river. The submission fails to include a flood risk assessment. Whilst these areas fall outside the area of the site where the house is located they do cross the entrance. Tit may be that this refers to the land under the bridge however and a flood risk assessment should be submitted to address these issues. | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  Letters of representation have been received which are both in favour of an against the proposal. The planning issues raised are considered in the report.  The proposal is not considered to meet the fundamental test of para 80 of the NPPF and is also contrary to the spatial strategy for the borough (policies DS1, DMG2 and DMH3). The submission fails to provide key information to allow a full assessment of the proposal in terms of heritage, highway safety and flood risk.  There are no material planning considerations that would outweigh the matters of principle and as such it is recommended accordingly. | | | | | | | | | | | | | |
| **RECOMMENDATION:** | | | | To refuse planning permission | | | | | | | | | |