

Parish: LAVENHAM**Location: Clay Hill Farm, Clay Hill Lane****Proposal: Construction of dwelling and associated outbuildings****Applicant: Mr C Whitton****Case Officer: N J Ward****Date for Determination: 23.06.09**

A panel of Members inspected the site on 24 March 2009 to assess the impact of the proposal upon the countryside and the wider landscape.

THE SITE

1. Clay Hill Farm extends to 18 hectares and is located to the east of Lavenham. The farm is in arable production and the land is classified as predominantly Grade 3. It is traversed by a public footpath and a bridleway.
2. The application site comprises an open agricultural field that is situated to the south of Clay Hill Lane. The site extends to 1.65 hectares and is bounded to the north by an existing hedgerow, a section of which has been recently planted. There is a further hedgerow to the east but the southern and western boundaries are largely undefined. There is an existing pond within the western portion of the site. The land slopes away from Clay Hill Lane towards the south and west.
3. To the north-west of the site there are two modern agricultural buildings that are within the applicant's control. To the west of these buildings there is a residential property and further buildings which are in a different ownership.
4. The site adjoins the Lavenham Conservation Area and is within a Special Landscape Area. There are extensive views from the site over the surrounding countryside to the south. The parish church is clearly visible to the west.

THE PROPOSAL

5. This application has been submitted for the erection of a modern single storey dwelling with four bedrooms and ancillary buildings. The proposed dwelling would have a maximum height of 6.8 metres, an overall depth of 20 metres and a maximum length of 65 metres. These figures are, however, deceptive because of the way in which the mass of the proposed dwelling would be broken down into separate elements and the way in which the property would follow the existing site contours.
6. The dwelling would be finished externally with lime render and lime-washed using natural earth pigments. The roofs would be finished in a variety of materials. The main roof over the living area would be clad in natural zinc while the northern roof would be finished in Sedum. The central core to the dwelling would be partially glazed.
7. The dwelling would be constructed to achieve high levels of energy efficiency in line with Level 6 of the Code for Sustainable Homes.

8. Subsequent to the submission of the application amended plans have been received which seek to address the comments made by an independent Design Review Panel.
9. The planning application has been accompanied by a:
 - Design and Access Statement,
 - Landscape Master Plan,
 - Ecological Statement, and
 - Contamination Survey.
10. Copies of these documents can be viewed via the planning pages on the District Council's website.
11. The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 1999, as amended. The application did not need to be accompanied by an Environmental Statement.

RELEVANT HISTORY

12. In 1989 planning permission was refused for the construction of a golf course (B/89/00470)
13. In 1990 planning permission was granted for the construction of a golf course on land to the north and south of Clay Hill Lane, which included the application site (B/90/00306).
14. In 1991 planning permission was granted for the construction of a Driving Range on land to the east of the existing agricultural buildings (B/91/01330).
15. In 1995 planning permission was renewed for the construction of a golf course (B/9500304).
16. In 1998 there was a further renewal of the golf course permission (B/98/00727).
17. In 2006 planning permission was granted to change the use of the existing agricultural buildings to permit car and coachwork restoration (B/06/00770).

NATIONAL GUIDANCE

18. **PPS1** – Delivering Sustainable Development
19. **PPS7** – Sustainable Development in Rural Areas
20. **PPS9** – Biodiversity and Geological Conservation

PLANNING POLICIES

21. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and saved policies in the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan, 2008

- **SS1** (Achieving Sustainable Development)
- **ENV7** (Quality in the Built Environment)
- **ENG1** (Energy Performance)

Babergh Local Plan (Alteration No.2), 2006

- **LP01** (Planning Obligations)
- **HS04** (Protecting the Countryside)
- **HS32** (Public Open Space)
- **CR01** (Landscape Quality)
- **CR04** (Special Landscape Areas)
- **CN01** (Design Standards)
- **CN08** (Development in or near Conservation Areas)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

22. Lavenham Parish Council: No Objection. Consider the proposed dwelling to be unobtrusive. It would sit within the landscape and would not have a visual impact. The proposals meet the highest standards of sustainability. The Parish Council have considered the amended proposals and have no further comments to add.
23. Local Highway Authority: No Objection subject to the imposition of conditions relating to access construction, parking and turning. Has no further comment to make in connection with the amended proposals.
24. County Archaeologist: No Objection. Recommends the imposition of a condition if planning permission is forthcoming to secure a programme of archaeological investigation before development commences. Has no further comment to make in connection with the amended proposals.
25. Landscape Officer (SCC): No Objection. Although the proposal is for the construction of a new dwelling in the countryside, it would not have a significant impact upon the character of the landscape. The design of the dwelling means that it would have a relatively low impact and the proposed planting will help to integrate the development into the landscape. No further comments have been received in connection with the amended proposals.
26. Footpaths Officer (SCC): Notes that Public Footpath No.19 and Bridleway No. 7 are within the vicinity of the site but not affected by the proposals. Has no further comment to make in connection with the amended proposals.
27. Inspire East (EEDA): Consider the scheme to be good but do not consider it to be exceptional. Recommend that the proposal is thoroughly reviewed to ensure that it complies with PPS7, paragraph 11.

REPRESENTATIONS

28. One letter of representation has been received in connection with the proposals. Concerns have been expressed that the application appears to make provision for the construction of an additional agricultural building and questions have been raised as to why it is required. Questions have also been raised about the number of people that might be employed on the agricultural land to the north of the site and the suitability of the existing means of access to serve additional development. No further comments have been received in connection with the amendments to the application.

PLANNING CONSIDERATIONS

29. The issues to be considered in relation to this application are set out in the following sections of this report but broadly they are whether:
- the proposals are acceptable in principle having regard to the provisions of the Development Plan,
 - the intended design and appearance of the dwelling and its proposed environmental credentials are a sufficient material planning consideration to outweigh the provisions of the Development Plan,
 - the proposal would cause any adverse harm to the character and appearance of the surrounding countryside which has been identified as a Special Landscape Area,
 - there are any other issues that need to be taken into account, and
 - wider planning objectives can be fulfilled via the completion of a planning agreement.

Planning Policy Context

30. This application was submitted under the auspices of Local Plan Policy HS41 which indicated that the District Council was prepared to encourage the construction of 'low impact dwellings' as an exception to the prevailing policies of restraint relating to residential development in the countryside. For such proposals to be considered acceptable they had to be largely self-supporting in terms of energy consumption and have limited environmental impact.
31. The provisions of this policy were, however, set aside by the by the Secretary of State on 1 June 2009 and have not been saved. As a consequence this policy is no longer relevant to the determination of this application. The proposal must therefore be assessed against the provisions of Local Plan policies HS04 and CR01. These policies seek to protect the quality and character of the countryside by restricting development to that which is essential to the efficient operation of agriculture and similar special land-use activities. No agricultural or similar justification has been advanced in support of the proposal. As such the proposal would be in direct conflict with Local Plan policy CR01 and the guidance given in PPS7 in relation to agricultural dwellings.
32. PPS7 does, however, contain a provision in relation to the construction of outstanding and ground-breaking dwellings in the countryside. In particular paragraph 11 states that:

Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example in its use of materials, methods of construction or its contribution to enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of the immediate setting and its sensitivity to defining the characteristics of the local area.

33. Members must therefore consider whether the design and appearance of the dwelling and its relationship to the surrounding landscape is so exceptional to overcome the strong planning policy objections to additional development in the countryside outlined above.

Design Considerations

34. In order to assist the District Council with its consideration of the application the proposals were presented to an independent Design Review Panel that is administered by the East of England Development Agency. Overall Inspire East did not consider the scheme was sufficiently exceptional to satisfy the requirements of PPS7. Inspire East did, however, make several suggestions in order to improve the design and appearance of the dwelling. These included:
- the context and position of the dwelling relative to Clay Hill Lane,
 - the visual relationship of the proposed dwelling to the existing farm buildings,
 - the building form and legibility of the design,
 - the relationship of the dwelling to the landscape, and,
 - environmental performance.
35. In response to these observations the application has been amended. The dwelling has been repositioned on the site to improve its relationship with Clay Hill Lane and the existing farm buildings. As a consequence the dwelling is likely to make more of a statement within the landscape rather than being hidden from view. The building form has also been revised and now follows the contours of the land. In addition the geometry of the building has also been amended so that the two main elements curve in opposite directions to achieve more of a statement and distinction between the living and working wings. The roof pitch has also been increased on the southern wing and the entrance has been visually strengthened.
36. Corresponding revisions have also been made to the landscaping proposals. These have resulted in the removal of an artificial mound at the approach to the dwelling and strengthened planting to reinforce the linear nature of the plan form. The existing agricultural buildings have not been addressed because they are in different use, but the revised landscaping proposals have taken them into account as part of the overall response to the site.
37. In addition to the above it is proposed that the dwelling is constructed to achieve high levels of energy efficiency in line with Level 6 of the Code for Sustainable Homes. As such it is proposed to construct the dwelling with locally sourced materials and insulate it to a high standard. Water consumption would be controlled and use wood be made of a wood burning stove to heat the property using locally sourced fuel. In due course part of the farm would be planted with woodland and coppiced to serve future heating requirements. The remainder of the farm would be cropped in rotation following traditional methods. At present the land is farmed as one block producing a single crop each year.

38. While the design of the dwelling and the landscaping proposals have been revised in response to the comments made by Inspire East, as a matter of principle Members must consider whether the design of the dwelling “...is truly outstanding and ground-breaking” within the meaning of PPS7 to warrant an exception to the general policies of restraint that apply to development in the countryside.
39. The design and appearance of the dwelling would be uncompromisingly modern, and acceptable within the context of Local Plan policy CN01. Indeed it would sit comfortably within the landscape and be of an appropriate scale and form given the sensitive nature of the surrounding countryside. The dwelling is not, however, truly breath-taking or imaginative in comparison with similar dwellings that have been constructed under the auspices PPS7 nationally. As such the proposal cannot be said to comply with the requirements of paragraph 11.

Landscape Impact

40. The application site is situated on the upper slopes of the Brett Valley and is visible from the south and west. It also adjoins the Lavenham Conservation Area. The surrounding countryside, including the application site, lies within an area designated as a Special Landscape Area. As such it is afforded protection by Local Plan policy CR04. This policy indicates that development proposals will only be permitted where they maintain or enhance the special landscape qualities of the area and are designed so as to harmonise with the landscape setting.
41. In this instance the application has been accompanied by comprehensive landscaping scheme that seeks to integrate the proposed dwelling into the surrounding countryside. The scheme also provides for the reinstatement of field boundaries on land within the applicants control to the north of the site. As such the proposed dwelling would not conflict with the objectives of Local Plan policy CR04. Furthermore the landscaping proposals will ensure that views into and out of the Conservation Area will be preserved and enhanced as required by Local Plan policy CN08.

Other Considerations

42. The local highway authority is satisfied with the proposed access arrangements, and subject to the imposition of conditions, has raised no objection to the development. The comments made by the Footpaths Officer can be addressed by the inclusion of advisory notes to any subsequent permission if members are minded to approve the development. The comments made by the County Archaeologist are also capable of resolution through the imposition of an appropriate condition.
43. Although planning permission has been granted in the past for the formation of a Golf Course and a Driving Range on land which includes the application site, these approvals were given some time ago and have not been implemented. They have subsequently lapsed and as such they should be afforded little weight in the assessment of this application.

Planning Obligations

44. In order to ensure that the development is integrated into the surrounding countryside the applicant is proposing to implement a comprehensive landscaping scheme. If Members are minded to approve the development a planning obligation would be required to ensure that the scheme is implemented in conjunction with the dwelling. Likewise a planning obligation would be required to ensure that the dwelling is constructed to the high environmental credentials proposed. The applicant has not offered to enter into a legal agreement in relation to these matters and in view of the proposed recommendation the issue has not been pursued.

45. Local Plan Policy HS32 requires that on sites containing one dwelling or more public open space provision should be made either on site or in a nearby alternative location via the payment of an appropriate financial contribution. In this instance the applicant has agreed to make a contribution towards the provision of off-site facilities and a legal agreement has already been concluded to this effect.

Conclusion

46. No agricultural or similar justification has been advanced in support of the application and as such the proposal conflicts with the provisions of Local Plan policies HS04, CR01 and the guidance given in PPS7 in relation to dwellings for farm-workers. Although the applicant is intending to revert to more traditional farming methods this is not in itself a reason to allow the development. Likewise the environmental credentials of the proposed dwelling should not be seen as providing sufficient justification for the development or override the strong planning policy objections.
47. As submitted the proposal is not truly outstanding and ground-breaking within the meaning of paragraph 11 to PPS7 to warrant an exception to the general policies of development restraint applicable in the countryside.

RECOMMENDATION

That planning permission be refused on the following grounds:

- In appropriate development in the countryside contrary to Local Plan policies HS04, CR01 and PPS7.
- The design and appearance of the dwelling is not sufficiently ground-breaking to warrant an exception to the general policies of restraint as required by PPS7.