

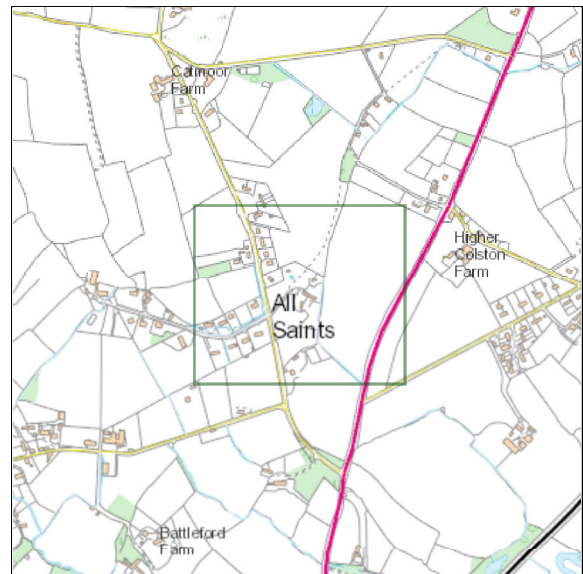
Ward Yarty

Reference 19/0078/FUL

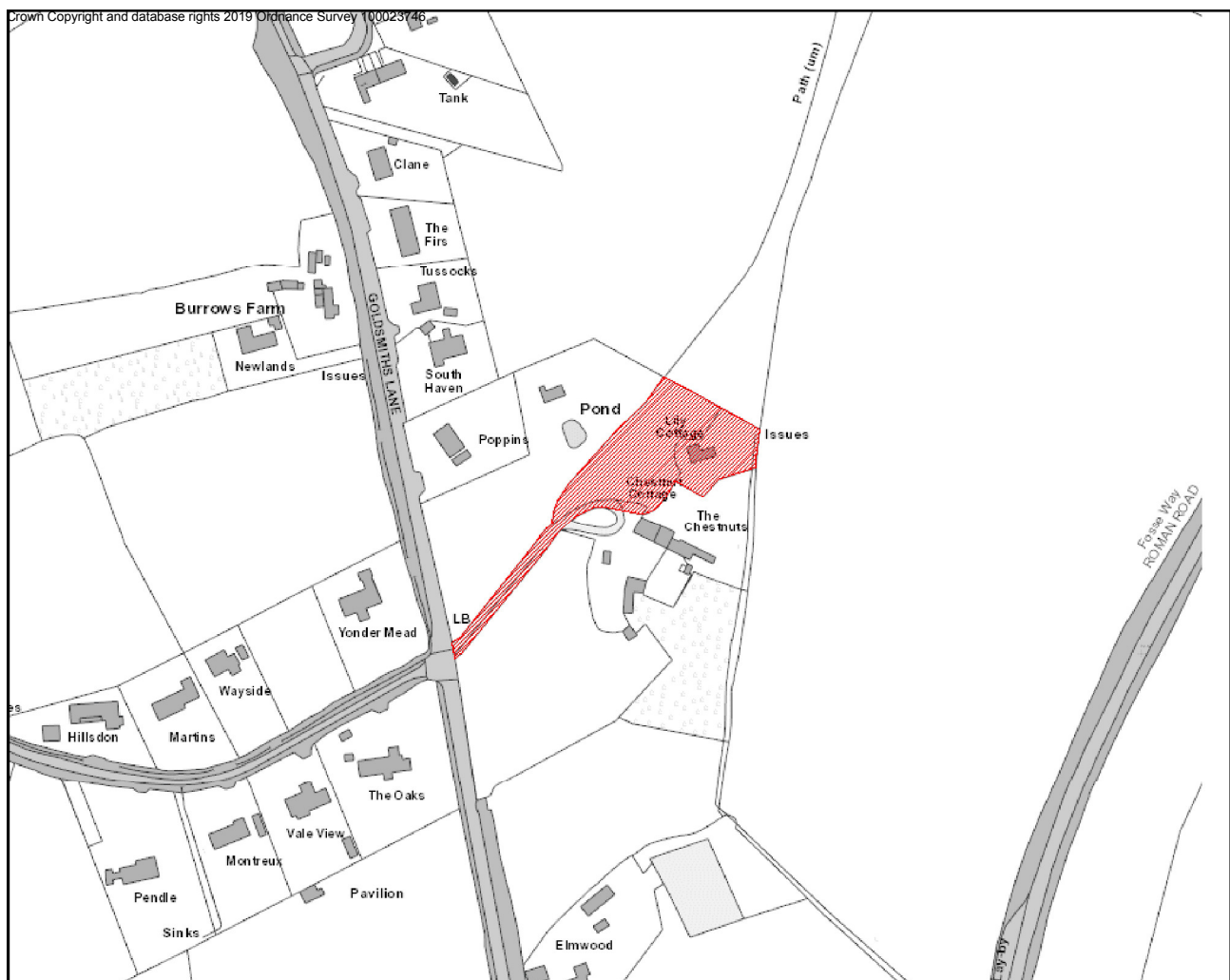
Applicant Mr & Mrs Raggio

Location Land East Of Goldsmith Lane All Saints
Axminster EX13 7LU

Proposal Demolition of former cottage and construction
of new dwelling.



RECOMMENDATION: Refusal



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| | | Committee Date: 30.04.2019 |
| Yarty (ALL SAINTS) | 19/0078/FUL | Target Date: 25.03.2019 |
| Applicant: | Mr & Mrs Raggio | |
| Location: | Land East Of Goldsmith Lane | |
| Proposal: | Demolition of former cottage and construction of new dwelling. | |

RECOMMENDATION: Refuse

EXECUTIVE SUMMARY

The planning application is before Members as the officer recommendation differs from the view of the former Ward Member.

The proposal seeks planning consent for the creation of a dwelling.

Due to its isolated location the proposed dwelling would conflict with the development plan. However, the NPPF identifies circumstances to permit dwellings in such isolated positions subject to certain criteria including where the design is truly exceptional and where the development would significantly enhance its immediate setting. The bar to reach such circumstances is a high one and is one which is ever evolving.

Members will have to decide, taking into account the officer recommendation, whether this design meets the very high bar set by national guidance and whether this proposal represents a truly outstanding design raising the architectural standards generally within the district and significantly enhances its setting.

There are un-common uses of traditional materials most notably the integration of straw bales and cob walls to provide air tightness whilst allowing vapour to escape, and the design is of high quality. Indeed it should be noted that the design has the support of the Design Review Panel that the applicant took the proposal too prior to submission of the application.

Balanced against this is that the sustainability levels reached by the use of traditional materials appears not to be ground breaking and there is doubt regarding the wider application of such construction methods to other types of development. This aspect has to be balanced against the potential learning outcomes from the methodology of the construction.

Nevertheless, officers have doubts on how the form of the building originated from and references its context. Further, the development takes place almost 10 years after the development of an exceptional cob dwelling at Dingle Dell, Ottery St Mary and searches on the internet demonstrate that combining cobb and bale in construction is neither truly exceptional nor innovative. Officers struggle therefore to see how the concepts now proposed result in an evolution of cob buildings to meet the ever rising bar of exceptional quality and do not believe that the proposal will significantly enhance its setting and be sensitive to the local area given its location, prominence and relationship to the landform.

Taking the above into account a balanced recommendation of refusal is made.

CONSULTATIONS

Local Consultations

Clerk To All Saints Parish Council

Proposed by Chair that Council does NOT support the application (Oppose) on the following grounds:

- That Council notes the outcome of the previous two appeals against planning refusal for this site and believes that nothing has changed since that time.
- That Council believes there to be a covenant on the land relating from the prior construction of the property known as "Poppins" (which prevents further development) and would require further reassurances in this respect.
- That the site does not warrant, nor can support, a building of this proposed scale, design and overall size.
- That the use of Paragraph 79 of the NPPF is not justified as the proposed dwelling is not innovative nor outstanding as it uses established building methods.
- That, even if the building were to be considered architecturally outstanding, the land on which it will sit is not and the building would be out of keeping with neighbouring buildings.
- That Council fundamentally disagrees with the Highways Dept. opinion that the entrance to the site is NOT hazardous and that the addition of another 3 or more vehicles onto this site would adversely impact on traffic in the parish.
- That Council believes that any approval given by virtue of Paragraph 79 would establish a precedent whereby other applicants could seek to obtain planning consent for similar designs contrary to the approved ED Local Plan and the designation of "unsustainable" settlement as determined for All Saints parish within the Blackdown Hills AONB.

Resolved unanimously (5/0)

Ward Member – Yarty – Cllr P Hayward

Whilst the Design Review Panel may have considered these plans in the context of a paper submission, I can not see any evidence that they were considered in the context of the proposed dwelling's over-bearing physical presence and its geographic location and scale in relation to the other buildings in the proximity.

The sentiments already expressed by both the parish council and other objectors are valid, in as much as the building is not in keeping with the existing street scene, will dominate the landscape to such a degree as to diminish the aesthetic of the existing dwellings and skyline, and that it does not appear to be a truly innovative building in terms of the proposed construction methods. I accept that it has architectural merit but only when viewed in the context of a complementary location to accommodate and support a building of this size, design and scale. As another contributor has already mentioned, the proposed dwelling will be nearly the size of our parish church and, on this basis alone - given that the parish is designated as "unsustainable" and that the land sits adjacent to the designated Blackdown Hills AONB - I do not agree that consent should be granted. Because of the relative infrequency in which applications seeking to use Paragraph 79 are put in front of the LPA, I believe that this case most definitely requires a review by the DMC to allow intensive and detailed consideration of the delicate balance between protecting rural communities from inappropriate development, and the need to accept that architectural innovation and "outstanding" design are things to be encouraged, albeit always in the right place, at the right time.

Previous Ward Member - Yarty - Cllr P Diviani

I am familiar with the procedure that provides for dwellings of exceptional quality to be built in areas where normal policy may not otherwise permit and note the process of examination that this scheme has been through by referral to the Design Review Panel.

It is apparent that the Panel now supports the rationale of the design as meeting the criteria set out in the National Policy Framework for designs of innovative or outstanding quality.

Our Local Plan encourages good design and recognises the value of the Panel in that process.

Given the level of examination to which the design has been subjected, coupled with its obvious outstanding quality, I would wish to see this application referred to DMC for consideration and determination, should officers disagree with my assessment of the case.

Technical Consultations

Tree Officer

Although in principle I believe on arboricultural grounds it is possible to develop something on site however I am concerned that there is no Arboricultural information submitted which should show tree survey, tree constraints, Tree protection and a

method statement on the listed tree matters, it should include all trees possibly affected by the development including the entrance driveway to BS5837:2012 standard, until this is submitted I cannot give a fully informed response.

Other Representations

Three letters of objection have been received to date (in summary);

- Impact on wildlife using the dilapidated dwellinghouse.
- Not in keeping.
- Harmful impact on drainage.
- Hazardous entrance.
- Blocks current pictureseque view.
- Inappropriate location within open countryside.
- Chestnut Cottage would be severely and adversely compromised by the insensitively designed, overdeveloped and unsuitably sited proposal.
- Inappropriate and overly large scale.
- Unwanted glare from solar panels.
- Sound for driveway.
- Conflicts with para 79 of the NPPF.

PLANNING HISTORY

In the early 1990s two applications were submitted seeking permission for a new dwelling on the site of The Cottage. The first application, 91/P1528, was refused on the grounds of the impact of the proposal on the surrounding AONB and the derelict nature of the existing building making it incapable of occupation, and any proposal to replace it being contrary to policy in respect of residential development in rural areas. The committee report relating to that application refers to an earlier appeal decision, in 1963, which was against the refusal of planning permission to erect 'Poppins' (the bungalow to the west of the site). That appeal was allowed and Poppins built. The report quotes the appeal Inspector's comments on 'The Cottage' as follows:

"The derelict and condemned four roomed cottage on the land is sub-standard and incapable of satisfactory and economic reinstatement."

The then Ministry of Housing and Local Government, in accepting the report, commented that:

"It would not be right to refuse the erection of a bungalow providing accommodation to facilitate the agricultural needs of this small unit and offering a replacement for the condemned cottage."

The committee report referencing the earlier appeal decisions therefore clearly considered that 'The Cottage' had effectively already been replaced by 'Poppins'.

The appeal Inspector on the 1991 application dismissed the appeal. The Inspectors' report refers to 'The Cottage' as being 'in very poor structural condition' and 'considered unfit for human habitation about 30 years ago'. In dismissing the appeal,

the Inspector considered it contrary to policy (acknowledging that 'Poppins' had already acted as a replacement for 'The Cottage' and that The Cottage was unfit for habitation). The Inspector also considered that the enlarged curtilage and extended driveway would be out of character with the rural area and that, despite the Council's erroneous reference to the site being within an AONB, this did not affect his decision.

In 1992, a further application, 92/P1672, was submitted for a dwelling and a detached garage, with the agent at the time arguing that the erroneous reference to the site being within an AONB undermining the decision. That application was again refused as it was clear that the Inspector had considered this matter.

On 5th September 2013, application 13/2037/FUL, for the construction of a new dwelling on the site of the former dwelling, was validated by the Council. However, on 11th November 2013, this was withdrawn. Following on from this, application 14/0253/FUL, for the same proposal, was validated by the Council. This application was refused by the Council on 13th March 2014. The applicants lodged an appeal against the refusal, and this was dismissed by the Planning Inspectorate on 2nd September 2014; this dismissal was on the grounds that the proposal was unsustainable and would harm the character and appearance of the area.

After this planning application 15/0032/FUL for the creation of a dwelling, under the restoration of the former cottage was submitted with the emphasis on enhancing its immediate setting. This was subsequently refused and then dismissed at appeal on 21st April 2015.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

Strategy 1 (Spatial Strategy for Development in East Devon)

EN5 (Wildlife Habitats and Features)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

The application site relates to a derelict and dilapidated building located within a grassed paddock area to the north of the group of properties known as 'The Chestnuts'. The site is approached via a gravelled drive/public footpath from Goldsmiths Lane to the southwest and which terminates in a turning circle to the southwest of the building. There is an existing dilapidated cottage building on the site. This would, in its original form, have been a two storey cottage constructed from render and random stone under a tiled roof. In its present condition, the roof has partially collapsed and, at the western end of the building, part of the southwest gable has fallen in. Consequently, this end of the building is supported by a scaffold frame.

The field in which the building is sited is defined by native hedgerow to the northeast, by mature trees and fencing to the east and hedging to the south, the northwest boundary with the adjoining paddock is marked by post and rail fencing. Beyond the site to the west, alongside Goldsmiths Lane, there are residential properties forming the hamlet of All Saints. To the north, east and south (beyond 'The Chestnuts') is open countryside.

All Saints is not a designated settlement in the Adopted East Devon Local Plan and, therefore, is classed as being in the open countryside. Smallridge to the southwest is situated approximately 700 metres away and Axminster to the south approximately 2 kilometres away. The land on the opposite side of Goldsmiths Lane is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

At a previous appeal the Inspector stated that 'the appellant accepts that the residential use of The Cottage has been abandoned and the proposal is not being advanced on the basis of it being for a replacement dwelling'. The same Inspector considered that the site was remote from all but a narrow range of services and facilities and access to most of these would be very reliant on car. There is a dilapidated cottage on the site, residential use of which has been extinguished by abandonment. This confirms that the current scheme would result in a net gain of one dwelling. Both previous Inspectors considered that 'this small building has become something of a 'picturesque ruin' with a largely benign effect on the character and appearance of the area'. There is no reason to disagree with that assessment.

Proposed Development

The proposal seeks the creation of a single dwellinghouse under paragraph 79 of the National Planning Policy Framework (NPPF) which allows for isolated dwellings provided:

- 'e) the design is of exceptional quality, in that it:
 - Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help 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.

The dwelling aims to be a contemporary take on traditional cob and thatch Devon Cottage, or in the words used in the Design and Access Statement 'a Contemporary Devonshire Cottage'. Internally the dwelling would provide three bedrooms. Positioned on the footprint of the former cottage currently on the site the proposed dwelling would take an S shaped form with tight curves. The roof form would feature a copper apex and also solar panels to contribute towards its sustainability qualities.

The property would benefit from a parking and turning area. Elsewhere within the curtilage of the proposed dwelling low level planting and improving the diversity of the grassed areas is proposed. To the immediate east of the proposed dwelling a surface water and cleansed water from bio disc treatment plant is proposed. This plant would drain into an attenuation area before debiting into an existing water course.

The applicant has engaged with the Design Review Panel and approached the Local Planning Authority under pre-application advice. The Design Review Panel showed support for the scheme at the second time it was presented at the panel, while under the Preapp the Local Planning Authority stated that officers would not support such a proposal as if was not considered to meet paragraph 79 e) of the NPPF.

Paragraph 128 of the National Planning Policy Framework (NPPF) states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion are promoted and is important for clarifying expectations and reconciling local and commercial interest. Given this national guidance the applicant has approached the planning process in the correct manner prior to its submission.

ANALYSIS

The main issues for consideration are the planning policy context, whether the proposal is truly outstanding or innovative, whether it enhances its setting and other matters such as highway safety.

Policy analysis and whether the application site is 'isolated'

There is no policy in the development plan which would explicitly facilitate the creation of a dwelling in this countryside location. The strategic approach of the adopted local plan is to focus development in identified settlements through allocation within other plans or within identified built up area boundaries. The matter that the proposal lies within a location of poor access to services and facilities has been confirmed by previous Inspectors. Whilst development plan changed this consideration it has not changed to the extent that this would now bring about a different conclusion on this issue.

Instead the proposal seeks to rely on a material consideration within the NPPF (published 2019). This document provides circumstances under paragraph 79 which states;

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, 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.

The NPPF at paragraph 131 goes on to state;

131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

There are natural tensions arising from such design projects. On one hand isolated buildings being considered worthy of being seen for its qualities and on the other hand also being suitably screened to avoid the risk of not fitting in with the surroundings. Inspectors have cited that such a tension that would be far less of a concern in an 'isolated' (it's meaning within the confines paragraph 79e) proposal where being visible is often one of the proposed benefits in order to display the architectural quality.

Paragraph 79e) demands that such a scheme is truly outstanding or innovative which results in a very high bar for any proposal to meet. Further, the bar is one that is ever moving and progressive as architectural styles evolve and as technologies advance over time. The NPPF recognises the importance of well designed, attractive and healthy places whilst the amended NPPF policies have added a general emphasis on quality of design.

It needs to be made clear that the circumstances of paragraph 79 only apply to development which would be 'isolated'. The meaning of 'isolated' within the context of paragraph 79 of the NPPF is addressed in Braintree District Council V Secretary of State for Communities and Local Government and Others (2018) EWCA CIV 610. The aim of the NPPF is to avoid new isolated homes in the countryside which Lindblom J stated 'Simply differentiates between the development of housing in a settlement, or village and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement'. The judgement makes it clear that 'whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand'.

In this instance the proposed dwelling would have existing dwellings to the west and south, further there is the linear built form of dwellings situated along Goldsmith Lane to the north east. However to the north and east of the proposed dwelling are agricultural fields. Further, the main settlement of Smallridge lies further afield to the west of the site and this appears to be the main concentration of the built form. Taking all of this into account, notwithstanding the close proximity of the adjacent dwellings, the site is considered to be 'isolated' within the context of paragraph 79 as it is physically remoted from the built form of the nearest settlement of Smallridge.

Whether the proposal is truly outstanding

The Design Review Panel, within their latest review of proposal and taking into account paragraph 79 of the NPPF, have shown support for the scheme. Specifically the panel have identified that the new ways of using very traditional materials to create a contemporary low energy house that holistically links back to a strong architectural concept represents a truly innovative proposal. The panel stating:

'The Panel considers that the proposals have met the specific criteria set out within paragraph 79 of the NPPF, in that the proposals:-

- Have demonstrated that they are truly innovative and of the highest standards in architecture;
- Subject to undertakings from the applicant in terms of publicity sharing images and details during the construction process, and post occupancy monitoring, may help to raise the standard of design more generally in rural areas;
- Do reflect the highest standards in architecture;
- Have demonstrated that the proposals would significantly enhance the immediate setting;
- Do demonstrate a sensitivity to the defining characteristics of the surrounding area.

The proposed composition of cob and thatch is, of course, not a novel approach and indeed harks back to a traditional era of a Devon Cottage. Rather the proposal has been presented as a reinterpretation of a Devon Cottage.

A previous iteration of the scheme was reviewed by the South West Design Review Panel. Whilst the panel considered that the design of the proposal is a contemporary take of the Devon Cottage, at this meeting the panel did not consider that the proposal complied with paragraph 55 (as it was then). As a result the panel suggested that the scheme would benefit from further consideration of the character of the wider setting, explaining how the concept is linked to and what drives this concept. They suggested that contextual analysis may help to further inform and justify some of the early design decisions.

However, to officers mind such an approach 'puts the cart before the horse' in that contextual analysis should have led clearly to the design decisions taken, not vice versa. To clearly demonstrate how design principles and concepts have been applied to a development avoids instances of post-rationalisation. Given how strongly contextual analysis impacts on how well related the design is to the context it could be argued that a more fundamental re-design should have taken place between the first and second time it was presented to the Design Review Panel.

Good design will demonstrate an understanding of its context and illustrate how the design is rooted in place.

There is little doubt that the meandering serpentine design showcases how malleable the main building components would be. Producing accentuated curves of the built form does make the overall design more striking, original and further reinforces the

properties of cob as construction material. However, it is not clear why this form is a strong architectural concept and the comments of the Design Review Panel do not clarify why such a concept is apt for this location or how it is sensitive to the local area.

To be sure there is merit in utilising cob as a building material, derived straight from the site itself the building material would clearly reference its immediate surrounds and use the existing earth tones. Further, locally sourced craftsman - experts in the application of cob and thatching - could provide a bespoke built form with a quality finish. The natural tones of the cob, material directly from the ground of the site, would mean that the palette of the wall colours would blend seamlessly with that of the surrounding land.

That said within such countryside locations it would be expected for such buildings to reflect the local context. However, this does not necessarily mean that such an approach would meet the high bar set under the terms of an exceptional design or innovative approach to a design.

Arguably the dominant feature of the proposed design, given the wall to roof ratio, would be the thatched roof. Thatched roof is often used in this part of Devon and is not in itself reflective of outstanding design thereby raising the general standards of design in rural areas. Concern has been raised regarding the use of the integration of solar panels with the thatching in particular the clash between the natural tones and rough texture of thatch conflicting with the smooth dark colour and texture of the solar panels.

However, it appears within the submitted material accompanying this planning application that solar panels within a thatched roof slope have been successfully applied elsewhere resulting in cohesive designs. On one of the side elevation is the use of solar panels positioned upon copper. Traditionally copper is positioned on the apex of roof pitches as this provides a physically buffer from the natural elements and moreover the chemical reaction between the rain and copper ions offer protection against the built up of algae and moss on the thatch. The application of copper on the roof slope to provide a structure on which to attach the solar panels makes their appearance overly harsh and less appealing, as there would be stark contrast between the smooth texture and colours of the copper/solar panels and the thatching.

Another paragraph 55 (now paragraph 79) dwelling within the district at has been granted consent for Land at North Grays Farm, Membury (reference 14/0088/FUL), and one of the noteworthy aspects of that ammonite inspired design was the complex and intricate roof structure, which itself was manufactured utilising bespoke flexi solar material. That design utilised construction techniques not previously used in a residential building before and used a number of ground breaking technologies in its construction.

It should be noted that there has been another cob buildings constructed within the district, under the umbrella of paragraph 55 including a dwelling at Dingle Dell, outside Ottery St Mary (under reference 09/2484/FUL). Comparing the present application to the dwelling at Dingle Dell this also utilised cob in its construction, but arguably to a far greater extent as that dwelling was 2/3 stories high and was conditioned to meet code level 6. That said, straw bales were not used in the construction and instead this

construction relied on synthetic Jablite geofoam insulation. The Dingle Dell scheme incorporated a curved cob design within our district, but it remains unclear as how the current scheme would progress a cob concept house in a meaningful way some 10 years later, save for the installation of insulating straw bales (which in themselves is not unique as a simple search on the internet will demonstrate). The comments of the Design Review Panel do not shed any further light on this, although it should be noted they were not explicitly asked to make such comparisons.

Traditional cob buildings are often of a smaller scale, and often sit 'quietly' and unobtrusively within a landscape. The proposed dwelling by reason of its size and scale and shape would be markedly different in this respect. Specifically the design raises the issue that just because the 'S' shape can be achieved in the proposed materials, should it, taking into account this context?

The purpose of the bend in the built form given is to shield public views into the building from nearby public vantage points and take advantage of solar gain. It is not to harmonise with some topographical constraint (e.g. mounds or depressions in the ground) or reflect a meander in a brook, river or stream within or near the site for example. The 'S' shape does not appear to derive from its context and so there is disagreement with the Design Review Panel that this necessarily represents 'strong' architectural concept in this respect. A question does remain if this is enough to have this considered a 'strong architectural concept', especially where there is a requirement for a design of 'outstanding architectural quality'. This does not mean that simple reasons or design solutions cannot be strong, but in this case there is not necessarily recognition as this design being 'outstanding'.

The ten year anniversary of the Dingle Dell planning consent is approaching and officers would argue that outstanding design and innovative nature is not static. This 'rising of the bar' is also evident in that the planning application at Dingle Dell was submitted two years after the Code for Sustainable Homes was first introduced and was considered an 'exemplar' in sustainability terms at that time. This code as a standard has mostly fallen by the wayside of late at a national level (indeed the adopted local plan only seeks to 'encourage' its use) which in itself is evidence of the evolution of sustainability criteria and the continual (and inevitable) 'raising of the bar'.

For information, there have only been 4 dwellings approved in the district under these provisions demonstrating how truly exceptional the design needs to be.

Whether the proposal is innovative

A combination of solar panels, ground source heat pump, mechanical heat vents may help to achieve code for sustainable homes level 5 or zero carbon, but these technologies either alone or in combination are not novel and do not push the boundaries of new technology to be considered truly innovative.

The proposal seeks to achieve zero carbon status by utilising natural, renewable and locally sourced material with techniques which are inherently linked to the rural vernacular tradition of Devon. In addition the applicant claims the proposal has been designed in line with Passivhaus approach, but on the other hand, as the Design Review Panel have identified the dwelling would not be Passivhaus accredited.

Straw bale Passivhaus have been constructed before in England. For example a straw bale house designed by Anne Thorne Architects and was constructed in North Norfolk, 2016. This was a 1.5 storey house was constructed to the Passivhaus standard.

It is agreed that crucial to Passivhaus approach is a highly efficient thermal envelope with low u values, and maximising solar gains. Key to such an approach is achieving air tightness which is draught free so as to not leak energy through heat loss. An excellent level of air tightness is required.

Perhaps the most progressive element of the proposal is the duality of air tightness and breathable construction in a cob build, which are not mutually exclusive concepts. The applicant claims the walls would be vapour permeable enable the walls to dry out whilst at the same time not leaking energy through heat loss. The following measures are proposed in order to achieve an excellent level of air tightness;

- The malleable nature of the cob would enable a robust approach to construction minimising air paths at source.
- Robust detailing to ensure materials are interfaced to eliminate air paths.
- Lime and clay plasters to the ceilings and walls and earthen floor will provide continuous airtight barrier on the inner skin of the envelope.

In the summary the proposal has a SAP rating of 108 meaning that the proposal represents zero energy with the potential to possibly export energy. Whilst the code for sustainable homes has been withdrawn the applicant claims level 5, yet optimistic that with a performing cob mix it could achieve level 6. Whilst such levels are not unto themselves innovative the means of reaching of these through the use of traditional cob/thatch materials claims to be.

This noted the combination use of cob and compact straw bales, on the scale presented, is considered somewhat innovative for East Devon – noting its apparent use elsewhere in England. However, the combination of these materials result in a thick mass of walls. As such a construction utilising this method requires larger spaces and would be likely to result in larger dwellings being produced to make a build worthwhile.

The pursuit of innovation would have little merit if such construction methods utilised could not be replicated or introduced for wider application. Cob as a construction material has its constraints which makes wider application inherently prohibitive. Such construction requires the application of a high degree of expertise, is time intensive and is somewhat dependant on the elements in order to be successful. Further, due to the sheer thickness of the walls and area need to construct these types of dwellings this also represents a significant barrier to its wider application. That said it is recognised that the same argument could have been aimed at the cob dwelling approved at Dingle Dell. Moreover, as the Design Review Panel have noted the application of such design principles and methodology could provide the opportunity to contribute to education and learning outcomes.

Reference has been made to the CobBauge Project being carried out by Plymouth University in association with ESITC Caen, PnrMCB and Earth Building UK and

Ireland. According to the CobBauge website cob as a material does not meet current thermal regulations as the current thermal conductivity is close to medium density concrete. Cobs material thermal insulation value therefore needs to be increased. Accordingly an objective of this project is to create new inexpensive cob technologies that meet building standards including Building Regulation 2018. CobBauge will develop, test and establish an innovative low carbon cob technology and the stated duration of the project is 07/2017 to 03/2019. The concern with giving this study weight in support of this scheme is a) at the time of writing it is not known what the outcome of the study is and whether any findings could be directly applied to this scheme, b) whether funding for this study would continue and c) it appears to be that the aim of the study is for cob to meet current 2018 building regs standards which are, by no measure, ground breaking or innovative.

Taking all of the above into account this limits the suitability credentials of the scheme, measured against paragraph 79 of the NPPF.

Does the proposal significantly enhance its immediate setting and sensitive to the defining characteristics of the Locality?

The site forms part of an open area between a pair of dwellings, Nos 1 and 2 The Chestnuts, (the 'Chestnuts'), and a line of detached dwellings on the east side of Goldsmiths Lane. The closest of the latter dwellings, 'Poppins', was erected as a replacement for a dilapidated cottage that still sits on the appeal site, having not been subsequently demolished. This is in a state of disrepair, having partially collapsed and is supported by scaffolding. A previous Inspector described the nature of development as small ribbons of low density residential development, rather than being sporadic development. Those dwellings along Goldsmiths Lane and those along nearby Knights Lane exemplify this form of development.

The previous Inspector noted that the former cottage on the site was clearly visible from Goldsmith Lane and also from the public footpath that follows a route along the access track and parallel to the north-west boundary of the site. Further, that the area surrounding the former cottage had reverted to the appearance of agricultural land to the extent that there was no longer a defined curtilage. The fact that the building would be seen from the public realm appears to have been recognised by the applicant whom state 'this proposal is set next to a public footpath which offers an incredibly exciting opportunity to inform and inspire a wider public and this should be embraced'.

The dwelling itself aims to create a fresh confident entity with a contemporary design. Within this locality, although different in form, scale and shape to other dwellings, there is no harm created by such an approach to the dwelling itself. Overall, given the plot size, the dwelling would well-proportioned in itself and the spaces it created.

The development would also inevitably result in the introduction of domestic paraphernalia into the countryside, in addition to the provision of the proposed parking and turning area. This could harm the intrinsic character of the countryside and detract from the appearance of the locality. Even leaving the grounds of the dwelling to flourish to a flower meadow either through a non-interventionist approach or increasing the diversification of grass types does not mean that the immediate setting would be *significantly* enhanced – which is the requirement.

It should be noted that the quality of the area is already fairly high – the previous Inspector noting the ‘picturesque ruin’ of the former cottage. On balance it is considered that the design does not necessarily lift this environment.

The introduction of the domestic nature of the proposal including its size and design relative to that of the nearby buildings and spaces would not accord with the requirement in paragraph 131 to *fit in* with the overall form and layout of the surroundings, and would be contrary to Development Plan policies and national guidance which seek to protect the character and appearance of the countryside and recognise its intrinsic character and beauty, and to protect Areas of Outstanding Natural Beauty in particular.

Other Matters

Paragraph 78 of the NPPF states;

78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Often the above paragraph is cited in support of dwellings in the countryside, in that general increase in occupation would give rise to local expenditure. However, this is only applicable where there are existing services in nearby villages. In this instance Smallridge has minimal services on offer to support, and it is arguable whether this settlement is ‘nearby’ within this context. Moreover, this paragraph promotes plan-led opportunities for growth via ‘planning policies’ which the local plan in tandem with the villages DPD identifies. The development plan does not identify opportunities within Smallridge for growth, after assessing its sustainability credentials through adoption of the local plan.

It is noted that there has been concern with regard to the potential glare resulting from the solar panels. Officers disagree as clearly the intention of the panels is to absorb light, rather than reflect, in order to efficiently convert the light into energy. This means that any resulting glare is very unlikely to harm amenity levels of adjacent neighbouring occupiers.

Comparisons between the size and scale of the dilapidated cottage and proposed dwelling have been submitted by a third party. However, the proposal is not for a replacement dwelling and therefore such direct comparisons would not, as a matter of principle, act as a constraint on the development. Rather, the assessment to be made is whether the development reinforces and relates well to the site constraints and context. It matters not in planning policy terms that this proposed dwelling is comparatively larger than the former cottage which occupied the site.

The comments of the Design Review Panel have been recognised throughout the above assessment. These have not been ignored and the expertise of the Panel is recognised. However, whilst these comments are welcome and have aided the

assessment of this proposal the Council are not duty bound to follow these. Where the views of local planning authority departs from that of the Design Review Panel such views has been qualified and it is the role of the Local Planning Authority to assess the proposal in light of Paragraph 79 of the NPPF and to determine whether the proposal meets the exceptional high tests set out.

The tree officer has commented on the proposal and has not made any substantive comments citing that there is no arboricultural information submitted. However, it should be noted that there are no TPO's surrounding the proposed dwelling itself and that the two most recent planning application, which proceeded to appeal, did not request such information or were refused on this basis.

It is recognised the along the frontage of the main road there are TPO's however these would not be affected by the proposal.

A protected species survey has been conducted and this identifies protection and mitigation measures. The findings of the survey found two common Pipistrelle Bats return to roost around the canopy of a nearby oak. The surrounding grass land was found to house low populations of slow-worm, grass snake and common lizard and suggests a translocation programme is required. In the event that the application was approved the applicants would need to apply for the appropriate licence and details of the recommended mitigation strategy, to be carried out prior to commencement of development, would need to be conditioned.

CONCLUSIONS

Due to its isolated location the proposed dwelling would conflict with the development plan. The NPPF identifies circumstances to permit dwellings in such isolated positioned subject to certain criteria including where the design is exceptional and where the development would significantly enhance its immediate setting.

The design is of a high quality but officers are not convinced that the use of traditional materials in the manner proposed is truly outstanding or innovative, having been used before in the country. The design has the support of the Design Review Panel but it is the role of the Local Planning Authority to determine if the design meets paragraph 79 of the NPPF, bearing in mind the very high bar set and officers do not feel on balance that the proposal clearly demonstrates this.

In addition, the sustainability levels reached by the new use of traditional materials has not been shown to be ground breaking and there is doubt about the wider application of such construction methods to other types of development, restricting the weight attributed to the innovation element. Furthermore, officers have doubts on how the form of the dwelling originates and whether it suitably references and follow from its context.

Taking the above into account a recommendation of refusal is made.

RECOMMENDATION

REFUSE for the following reason:

1. The proposal, by reason of its design, is not considered to meet the requirements of paragraphs 79 and 131 of the National Planning Policy Framework (2019) as it is not of exceptional quality and would not fit within the overall form and layout of its surroundings. The design is not considered to be truly outstanding or innovative and accordingly fails to reflect the highest standards in architecture. Furthermore, the dwelling would not significantly enhance the immediate setting or be sensitive to the defining characteristics of the local area by virtue of the introduction of domestic curtilage, paraphernalia and drive/turning area. Accordingly, and without any such material considerations suggesting otherwise, the dwelling would lie within the open countryside, adding towards the built form outside recognised building area boundaries as identified within the development plan. As the proposal is not in accordance with the spatial strategy for the allocation of housing and due to the position divorced from a suitable range of facilities and services the proposal would invite and lead to the reliance on private modes of transport. Accordingly the proposal is in conflict with Strategies 1 (Spatial Strategy for Development in East Devon), 7 (Development in the Countryside) and policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan, and guidance contained within the National Planning Policy Framework).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant listed building concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

| | | |
|------------|----------------------|----------|
| E-100 RevB | Location Plan | 28.01.19 |
| P-100 | Proposed Block Plan | 15.01.19 |
| P-101 RevA | Proposed Site Plan | 15.01.19 |
| P-102 | Landscaping | 15.01.19 |
| P-401 RevA | Sections | 28.01.19 |
| P-200 RevB | Proposed Floor Plans | 15.01.19 |
| P-201 RevA | Proposed Floor Plans | 15.01.19 |
| P-202 RevA | Proposed roof plans | 15.01.19 |

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|-------|---------------------|----------|
| P-900 | Perspective Drawing | 15.01.19 |
| P-901 | Perspective Drawing | 15.01.19 |
| P-300 | Proposed Elevation | 15.01.19 |
| P-301 | Proposed Elevation | 15.01.19 |
| P-400 | Sections | 15.01.19 |

List of Background Papers

Application file, consultations and policy documents referred to in the report.