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**8. FULL APPLICATION - ERECTION OF LOCAL NEEDS AFFORDABLE DWELLING AT SHUTTS FARM, SHUTTS LANE, BAKEWELL (NP/DDD/1016/1044, P11737, 19/10/2016, 421299/367498/ALN)**

**APPLICANT: MR CORBRIDGE AND MISS ALDERSON**

**Site and Surroundings**

The application site is located on the western side of Shutts Lane, a classified road that leads into Bakewell from Youlgreave to the south.

The site is 610 sqm in area and is positioned in the north western corner of a larger field parcel. It is served by an existing gated vehicular access to the highway.

The site lies outside of the Bakewell Development Boundary and the site is not within the Bakewell Conservation Area. There are residential dwellings on the opposite side of Shutts Lane and the grounds of Lady Manners School about the northern boundary.

**Proposal**

Planning permission is sought for the erection of a single, detached, two-storey affordable dwelling to meet local needs.

The dwelling would be located close to the boundary with the highway, with its front elevation facing south towards open fields. It would have a traditional double fronted design with a lean-to projection of the rear (west facing) elevation. The dwelling would have three bedrooms. The application forms state that the building would be constructed in natural limestone but the submitted plans state natural gritstone. The roof would be clad in natural blue slate. Two parking spaces would be provided to the west of the dwelling. The residential curtilage surrounding the property would be defined by new drystone boundary walls on the western and southern sides.

The current proposals differ from those previously submitted in that the orientation of the house has been turned by 90 degrees, it has been brought closer to the road and the residential curtilage has been reduced from 610 sqm to 444 sqm.

**RECOMMENDATION:**

**That the application be REFUSED for the following reasons:**

- 1. The application site is outside of the Bakewell Development Boundary contrary to Saved Local Plan policy LB1 and exceptional circumstances have not been demonstrated that would warrant a departure from the adopted policy.**
- 2. In the absence of sufficient evidence to demonstrate that the applicants cannot afford to meet their needs within the existing housing stock the proposals are contrary to Saved Local Plan policy LH1(ii) and the Adopted SPG on Meeting the Needs for Affordable Housing.**
- 3. By virtue of its siting, the dwelling would not respect and would be harmful to the established pattern and character of the settlement contrary to Core Strategy policy GSP3 and Saved Local Plan policies LH1 (v) and LC4.**

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## **Key Issues**

1. Whether the applicant is in housing need and whether the need can be met by the existing housing stock
2. The acceptability of the location of the site outside of the Bakewell Development Boundary
3. The acceptability of the design of the proposed house, and its landscape and visual impact.
4. Whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income.

## **History**

Planning permission was refused under delegated powers in August 2016 for the erection of a local needs dwelling on the same site for the following reasons:

1. The application site is outside of the Bakewell Development Boundary contrary to Saved Local Plan policy LB1 and exceptional circumstances have not been demonstrated that would warrant a departure from the adopted policy.
2. In the absence of sufficient evidence to demonstrate that the applicants cannot afford to meet their needs within the existing housing stock the proposals are contrary to Saved Local Plan policy LH1(ii) and the Adopted SPG on Meeting the Needs for Affordable Housing.
3. By virtue of its siting, the dwelling would not respect and would be harmful to the established pattern and character of the settlement contrary to Core Strategy policy GSP3 and Saved Local Plan policies LH1 (v) and LC4.
4. By virtue of the size of the proposed residential curtilage the dwelling would be unlikely to remain affordable to those on low or moderate incomes contrary to Saved Local Plan policy LH1 (iv).

Officers were able to refuse the application under delegated powers because the Town Council objected to the proposal and there were only 3 representations of support.

Following refusal of planning permission in officers have held further discussions with the applicant and agent.

## **Consultations**

Highway Authority - no objections subject to conditions with regard to modifications to the access, provision of parking/manoeuvring and position of any gates.

District Council - no response

Town Council - *'recommend approval of the proposal in view of the special circumstances of the application on the following material planning grounds: Design and appearance of the development; layout and density of buildings; local needs e.g. housing provision. It is felt that the local need outweighs the site being outside the development boundary because the applicant has strong agricultural ties with the site.'*

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## **Representations**

Seven letters of support have been received raising the following points:

- The applicant is involved in important work that supports many local farms.
- The siting would not be detrimental to the local area.
- There are not enough suitable affordable houses in the area.
- The community suffers if local people have to move out of the area.

One letter of objection has been received on the grounds that:

- The site is outside of the Development Boundary.
- Approval could set a precedent for other development in the field in question and elsewhere outside the Development Boundary.
- Any development outside of the Development boundary should be part of a strategic plan to provide affordable homes for the community rather than just for one family.

## **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1P HC1, L1

Relevant Local Plan policies: LC4, LH1, LH2, LB1, LT18

### **National Planning Policy Framework**

The National Planning Policy Framework (The Framework) is a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date.

Paragraph 55 of the Framework says that housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight. Paragraph 115 refers to the National Parks and the Broads Circular which states that Government Policy is that the National Park should encourage affordable housing to meet local need and that the Parks are not suitable locations for unrestricted housing and therefore does not provide general housing targets.

### **Development Plan**

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly That new residential development should normally be built within existing settlements within the National Park. Core Strategy policy DS1 B states that the majority of new development (including about 80% to 90% of new homes) will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements.

Core Strategy policy HC1 also sets out the exceptional circumstances where new housing can be accepted in open countryside. These exceptional circumstances are where the new house would be for key workers in agriculture, forestry or other rural enterprises (in accordance with Core Strategy policy HC2), or where the conversion of an existing building is required for the conservation and enhancement of a listed building or building with vernacular merit, or where the conversion of an existing building would be for affordable housing to meet local need.

### Development in Bakewell

Saved Local Plan policy LB1 states that the future development of Bakewell will be contained within the Development Boundary.

### Affordable Housing Policy

In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy, saved policy LH1 of the Local Plan says that, exceptionally, residential development will be permitted either as a newly built dwelling in or on the edge of Local Plan Settlements (Policy LC2) or as the conversion of an existing building of traditional design and materials in the countryside provided that:

- (i) there is a proven need for the dwelling(s). In the case of proposals for more than one dwelling, this will be judged by reference to an up to date housing needs survey prepared by or in consultation with the district council as housing authority. In the case of individual dwellings, need will be judged by reference to the circumstances of the applicant including his or her present accommodation;
- (ii) the need cannot be met within the existing housing stock. Individuals may be asked to provide evidence of a search for suitable property which they can afford to purchase within both their own and adjoining parishes;
- (iii) the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2). In the case of proposals for more than one dwelling, where the intended occupants are not specified, a satisfactory mechanism to ensure compliance with the local occupancy restriction will be required - normally a planning obligation;
- (iv) the dwelling(s) will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity;
- (v) the requirements of Policy LC4 are complied with.

Policy LH2 of the Local Plan sets out criteria to assess local qualification for affordable housing whilst the supporting text to LH1 and the Authority's supplementary planning guidance (SPG) offers further details on size guidelines, need and local qualifications to support the assessment of applications for local needs housing against the criteria set out in LH1.

### **Issue 1: whether the applicant is in housing need and whether the need can be met by the existing housing stock**

Policies DS1 and HC1 of the Core Strategy and LH1 of the Local Plan policy state that housing that addresses *eligible local needs* can be accepted in or on the edge of named settlements.

Local Plan policy LH1 also sets out five criteria for local needs housing, all of which must be met before a scheme can be deemed to be compliant with the Authority's housing policies.

Of these five criteria, LH1(i) states that applications must demonstrate that there is a proven need for the dwelling, and in the case of an individual dwelling, need will be judged by reference to the circumstances of the applicants including his or her present accommodation. LH1(ii) also states that the applicant must demonstrate that the need cannot be met within the existing housing stock. LH1(iii) says that the intended first occupants of newly-built affordable dwelling shall meet the Authority's local occupancy criteria as set out in saved Local Plan policy LH2.

In this case the submitted Design and Access Statement explains that Mr Corbridge (age 30) has lived at nearby Shutts Farm all his life and still lives there with his partner Miss Alderson and his parents. Shutts Farm is located approximately 140m to the south west of the application site. The applicants are looking to get married and would like to move into a house of their own.

As background the Design and Access statement explains that there are 5 existing dwellings at Shutts Farm. One is owned and inhabited by a family unrelated to the applicant. The second is the dwelling lived in by the applicants and their parents. The third dwelling is owned and occupied by Mr Corbridge's brother and his family, the fourth is rented out to a local family and the fifth is a holiday cottage.

It is clear therefore that the applicant has 10 years residency in the Parish and is forming a household for the first time. As such he meets part (i) of the local qualifications laid out in Local Plan policy LH2 and is considered to be in 'need' in terms of the requirements of LH1 (i).

LH1(ii) states that the applicant must demonstrate that the need cannot be met within the existing housing stock. The Authority's SPD on Meeting the Need for Affordable Housing states at paragraph 4.4 that unless there is written evidence that all options have been explored, planning consent is unlikely to be forthcoming.

When the first application was submitted earlier in 2016, some evidence of a search for alternative properties was provided but officers had identified other properties for sale in the local area that appeared to be within the applicant's price range. No evidence was provided to demonstrate whether the applicant could afford to buy one of those houses with a mortgage for example and what the maximum mortgage the applicant and his partner might be offered.

Further clarification and evidence of a more extensive search has been provided with this revised application. Mortgage quotations have been provided which indicate that the applicants could afford to buy a property with a value of up to £110,000. The land on the application site would be gifted to the applicant and the build costs of the proposed dwelling are estimated at £87,000. (£1000 per sqm) Officers consider that this is likely to be an underestimate. Figures produced for the National Park Authority by the Valuation Office Agency in 2013 indicate that build costs for a 5 person 87sqm detached property are more likely to be in the region of £2000 per sqm.

Only one property has been identified within the £110,000 price range. This is a 2-bedroom first floor flat on the market at £85,000 to £95,000. The applicants do not feel that this property would meet their needs as it has no garden or off street parking, the second bedroom is small and the overall size of the flat at 47 sqm means that the building would not be suitable as a home for a couple, who would like to establish a family. The Design and Access Statement also explains that the £110,000 property that officers had previously identified at Highfields Drive is no longer on the market and in any case was a 'shared ownership' property where the applicants would have had to pay £270/month rent on top of the mortgage repayments

Having done a further 'online search', officers are aware that there is currently one other two bedroomed flat with off street parking for sale at Vernon Court Bakewell (with Derbyshire occupancy clause) for £110,000 but it is presumed that the applicants would consider that this would not meet their longer term needs.

In addition, whilst 4 of the dwellings at Shutts Farm are not available to the applicant, the holiday cottage could potentially meet the applicant's initial needs. Whilst the Highway Authority indicated in 2004 that the use of the holiday cottage as an independent dwelling would lead to an intensification of the use of the existing substandard access, officers consider that it is unlikely that there would be a material difference in vehicle movements between a holiday use and a permanent dwelling, especially given that the applicant already lives at Shutts Farm and uses the same access.

In conclusion, whilst the existing properties identified would not meet the applicant's aspirational needs for the future, they could meet their immediate need and therefore whilst the applicant fulfils the local needs criteria set out in LH1 (i) and (iii) and LH2, insufficient evidence has been provided to demonstrate that the applicants' needs cannot be met within the existing housing stock as required by LH1 (ii).

## **Issue 2: the acceptability of the location of the site outside of the Bakewell Development Boundary.**

In general terms Core Strategy policy HC1 supports the principle of the provision of new affordable housing to meet a local need in or on the edge of settlements listed in policy DS1. (Bakewell is one such settlement) in order to improve the sustainability and vitality of communities within the National Park.

The application site might be considered to be 'on the edge' of Bakewell being located opposite other residential properties located directly to the east. However Core Strategy policy GSP1 makes it clear that policies should not be read in isolation and the more detailed Saved Local Plan policy LB1 states that the future development of Bakewell will be contained within the Development Boundary. Bakewell is subject to greater development pressure than elsewhere in the National Park and the Development boundary has been drawn to include land which would be acceptable for infill development to meet the social and economic needs of the community without causing harm to the character and setting of the town. The Local Plan makes it clear that the National Park Authority is not prepared to allow encroachment beyond this boundary other than in exceptional circumstances.

In this case the application site edged red is wholly outside of the Development Boundary. The boundary of the main body of the Development Area runs to the east of the application site, along Shutts Lane to include the houses on its eastern side and then along the boundary between the school playing fields and the houses on Moorhall. In addition Lady Manners secondary school, the grounds of which sit adjacent to the application site has been included separately as a detached area, with the Development Boundary encircling it. To the north the Development Boundary runs east to west approximately 60m away from the site.

In principle therefore the proposals are contrary to Saved Local Plan policy LB1. In terms of whether 'exceptional circumstances' exist to warrant a departure from policy, it is clear that the applicant does have an established local need. However as already discussed insufficient evidence has been provided to demonstrate whether or not that need can be met elsewhere. Another factor to take into account (bearing in mind that the applicant does not have an essential need for an agricultural workers dwelling, which might otherwise justify a new build dwelling outside the Development Boundary) is whether the proposals represent a truly innovative or

outstanding design that might warrant, under paragraph 55 of the NPPF a new isolated home in the countryside or whether in fact the development would cause harm to the established character of the area contrary to Core Strategy policies GSP3 and LH1 (v) and LC4.

### **Issue 3 - the acceptability of the design of the proposed house, and its landscape and visual impact**

When approaching the edge of the town from the south, along Shutts Lane, presently the western side of the lane, until the Moorhall Estate is reached is characterised by its open character, being made up (with the exception of the school grounds) by agricultural land and the playing fields associated with the school. On the western side of Shutts Lane, residential development stretches further to the south and so has a different, more 'developed' character. Paragraph 3.7 of the Authority's Adopted Design Guide states that *'new development, be it a single building or a group, should respect the grain of the settlement.'* In this case it is considered that a single, isolated detached dwelling on the western side of the road would stand out as an incongruous feature which would not respect the established pattern of development in the area contrary to Core Strategy policy GSP3 and saved Local Plan policies LH1 (v) and LC4.

In terms of the detailed design of the dwelling, the submitted plans show a traditional design in local materials and subject to confirmation that the dwelling should be constructed in natural gritstone rather than limestone to match the other dwellings in the vicinity and subject the proposed lean-to being set in from the north facing gable in order to articulate the gable end in a more traditional manner, the form, detailing and materials are considered to be acceptable. However the building is of a fairly standard design and is not considered to be innovative or outstanding in the terms referred to in paragraph 55 of the NPPF.

The position of the dwelling has been amended since the previous submission such that it is now closer to the eastern boundary with its gable facing towards the road. This is a more satisfactory arrangement in that the dwelling would relate better to boundary features than was previously the case. Nevertheless despite these amendments, the building would still stand out as an incongruous feature in its surroundings contrary to GSP3 and LC4.

### **Issue 4 - whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income**

Saved Local Plan policy LH1 (iv) states that in meeting local need for affordable housing, the dwelling in question must be affordable by size and type to people of low or moderate incomes.

The Authority's Adopted Supplementary Planning Guidance on Meeting the Need for Affordable Housing states that dwellings with a floorspace of up to 87sqm are likely to remain more affordable. The submitted plans show that the dwelling would have an internal floor area of 88 sqm which is only marginally above the 87sqm guideline and is therefore acceptable.

Since the previous application the size of the residential curtilage has been reduced from 610 sqm (including the footprint of the dwelling) to 444sqm. The plot size is therefore more modest and would not put the dwelling out of reach to those on low or moderate incomes. The proposals therefore accord with policy LH1 (iv) in these respects.

### **Other Issues**

#### **Other Sites**

At the pre-application stage, officers tried to identify other sites within the applicant's control that might meet the identified need. The main operational centre of Shutts Farm (which is an agricultural contracting and engineering business) is situated on the opposite side of Shutts Lane to the application site and the dwellings associated with the farm. Here there are a number of

modern portal framed farm buildings along with a traditional stone barn. Core Strategy policy HC1 C allows for new housing where it is required in order to achieve the conservation and/or enhancement of valued vernacular buildings. Whilst the barn in question is considered to have some vernacular merit, it is currently in use for agricultural purposes and its position in the centre of the working yard, in a limited space between modern farm buildings and adjacent to an electricity substation means that it is unlikely that the building could be converted to a dwelling successfully whilst providing adequate outdoor residential amenity space separate from the business operations.

The agent has estimated the conversion costs of the building at £300,000 and states that this, together with the cost of re-locating the adjacent sheds to create a reasonable curtilage, would mean that this option would not be feasible within budget constraints. Officers consider that £300,000 is likely to be a considerable over-estimate of the cost given that the barn is already in ownership and appears to be in good structural condition. However it is accepted that the barn is currently in use and a significant re-organisation of the surrounding yard would be required in order to facilitate its conversion.

Another site adjacent to the group of dwellings at Shutts farm was investigated but would also be outside of the Development Boundary. In addition the Highway Authority raised objections with regards to intensification of use of the substandard access.

#### Impact on Residential Amenity

Core Strategy policy GSP3 and Saved Local Plan policy LC4 seek to ensure that the impacts of development on residential amenity are carefully considered. The only residential dwellings within the vicinity of the site are those on the opposite side of Shutts Lane, but because of the distances involved (around 35m between facing elevation) and the presence of the intervening highway it is not considered that there would any significant impact on the privacy or amenity of nearby residents or the residents of the proposed dwelling as a result of the proposals, in accordance with GSP3 and LC4.

#### Highway and Parking Issues

Saved Local Plan policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development.

The existing vehicular access point would be utilised and altered to allow the gate into the site to be positioned further away from the highway edge. Visibility in both directions from the access point is generally acceptable. The submitted plans show the provision of two off street parking spaces which is sufficient to meet the needs of a 3-bedroomed dwelling. Subject to conditions recommended by the Highway Authority in respect of the provision of visibility splays and provision and retention of parking and turning facilities the proposals are in accordance with policy LT18.

#### Conclusion

In conclusion whilst the applicants meet the local needs criteria set out in Local Plan policy LH1 (i) and (iii), insufficient evidence has been submitted to demonstrate that the need cannot be met within the existing housing stock contrary to LH1 (ii). The site is outside of the Bakewell Development Boundary contrary to Saved Local Plan policy LB1 and exceptional circumstances have not been demonstrated that would warrant an exception to the policy. By virtue of its siting, the proposed dwelling would not respect and would be harmful to the established pattern and character of the settlement contrary to Core Strategy policy GSP3 and Saved Local Plan policies LH1 (v) and LC4.



## **Human Rights**

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

### List of Background Papers (not previously published)

Nil