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**5. FULL APPLICATION - PROPOSED ERECTION OF LOCAL NEED AFFORDABLE DWELLING ON LAND TO SOUTH OF HORSE LANE, MONYASH (NP/DDD/1116/1099, P11034, 03/11/2016, 415050/366840/ALN)**

**APPLICANT: MR J HOWARD**

**Site and Surroundings**

The application site is located on the northern edge of the village of Monyash, close to the junction of Chapel Street and Horse Lane. The site is triangular in shape and occupies the western corner of a larger (2.25 acre) field parcel. The site abuts Horse Lane to the north and to the east and south is open agricultural land. To the west are residential properties that currently form the edge of the built up part of the village, namely Dale View Cottages and Tollbar Cottage.

The site lies just outside the Monyash Conservation Area, the northern boundary of which runs along the southern boundary of the application site area. The site sits at the north western end of a shallow valley known as Bagshaw Dale. A public right of way runs along the southern boundary of the site area edged red before continuing south eastwards along Bagshaw Dale and on to Lathkill Dale. The land within the application site slopes gently downwards from north to south towards the public rights of way.

The southern half of the application site falls within the Environment Agency's Flood Risk Zone 3 – i.e. those areas which are most at risk of flooding.

There are currently some sheds and enclosures on the site used in association with the keeping of goats and poultry. The remainder of the land is used for grazing. There is a mature tree in the western corner of the site and other smaller self set trees along the roadside boundary.

**Proposal**

Planning permission is sought for the erection of a single, detached, local needs affordable dwelling.

The dwelling would be located in the north eastern corner of the site with its principle elevation facing east over open fields and its north facing gable end abutting the roadside boundary. It would have a traditional double fronted design with a two storey rear off-shot at right angles to the main part of the house. There would a single garage attached to the south facing gable end of the house.

The dwelling would have a lounge, kitchen/diner on the ground floor and three bedrooms and a bathroom on the first floor. It would be constructed in natural limestone under a natural blue slate roof. Two parking spaces would be provided to the south of the property and the residential curtilage surrounding the property would be defined on the eastern side by a new limestone drystone wall.

An existing gated access into the field off Horse Lane would be closed with a drystone boundary wall and a new access created to the west.

**RECOMMENDATION:**

**That the application be APPROVED subject to a section 106 agreement limiting occupancy to the applicant as first occupier and to local need thereafter and requiring the removal of the existing buildings, hardstanding and fencing on Horse Lane and the reinstatement of the land to agricultural use and the following conditions:**

1. **2 year implementation time limit.**
2. **Adopt amended plans.**
3. **Prior to commencement of the development submit and agree details of the final finished levels of the dwelling hereby approved. Thereafter the dwelling to be constructed in accordance with agreed details.**
4. **Remove permitted development rights for alterations, extensions, outbuildings and boundaries.**
5. **Before any other operations are commenced a new vehicular access shall be created to Horse Lane in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.**
6. **The premises, the subject of the application, shall not be occupied until 2 on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.**
7. **Prior to occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.**
8. **The mitigation measures contained within the Flood Risk Assessment by Oldfield Design (ref 15103f dated 25 October 2016) shall be fully implement prior to occupation of the dwelling hereby approved and shall be maintained throughout the life of the development.**
9. **Hard and soft landscaping scheme to be submitted and agreed including details siting and appearance of any proposed oil/lpg tank.**
10. **Mature tree in western corner of site to be protected during development.**
11. **Sample panel of stonework prior to erection of stonework and sample of roof slate to be agreed prior to commencement of roof.**
12. **Details of disposal of any spoil resulting from the development to be submitted to and agreed in writing by the National Park Authority.**
13. **Foul sewage shall be dealt with by means of a package sewage treatment plant unless otherwise agreed by the National Park Authority. Full details of the position and design of the plant shall be submitted to an agreed in writing and the plants shall be installed in accordance with the agreed details prior to occupation of the dwelling.**
14. **Any new power supply to the property to be located completely underground.**

## **15. Minor architectural and design details.**

### **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 just beyond the built edge of the village.
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.
5. Flood risk issues.

### **History**

Pre-application advice was sought by the applicant in January 2016. Officers advised that Mr Howard appeared to be in housing need based on the information provided (i.e. he lived at home with his parents) and that although the site was just beyond the edge of the village the offer to remove the unsightly buildings further along Horse Lane to the north east might help to offset and outweigh the policy concerns.

### **Consultations**

Highway Authority - The plot is situated on Horse Lane and the proposals are to use the existing access location which is just within the national speed limit i.e. 60mph. The existing access is substandard, however, it is accepted that as a result of the limitations of Horse Lane, i.e. narrow width and reduced forward visibility, the majority of drivers drive at an appropriately lower speeds.

Additionally the applicant is showing control of land either side of the access point and could reasonably maximise exit visibility splays from a 2.4m set-back distance to the extremities of controlled land in both directions which would be acceptable on the basis of perceived approaching vehicle speeds. This would also require all vegetation including all self-set trees etc. being removed from within the highway verge either side of the access.

There are no recorded injury accidents in the vicinity of the site that would justify the Highway Authority raising objection to the application proposals presented on highway safety grounds.

The applicant is showing a cattle grid on the access, no gates, 2 parking spaces and nominal turning provision which are all acceptable. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days.

On that basis, no objections subject to conditions regarding provision of site compound, provision of new access and sightlines, provision and retention of off street parking spaces and provision of bin store and bin dwell areas.

District Council – no response

Parish Council – objects on the grounds that:

1. The position of the proposed house is too far outside the village curtilage.
2. With No.1 in mind, a gap would be created between the existing end house and the proposed new build, which would set a precedent for infill houses to be built between the two properties.
3. The dwelling would be too near to the existing footpath which is very well used by villagers and visitors alike.
4. The development would spoil the view which looks down the Dale which leads towards the very popular Lathkill.
5. We feel the need, in this instance, to question the need for 'local housing' for this specific case.

Suggest that a dwelling attached to the end of the applicant's parent's house at Dale View Cottages (with the removal of the existing conservatory) would be more appropriate. This would be more in keeping with the village as visually there would simply be a longer row of cottages and the village curtilage would not be interfered with.

Environment Agency – no objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment and the mitigations measures contained therein.

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, L1, CC5

Relevant Local Plan policies: LC4, LH1, LH2, 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.

## Affordable Housing Policy

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.

(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.

## Assessment

### **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.

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.

The submitted Design and Access Statement explains that Mr Howard currently lives with his parents in a 2-bedroomed house at Dale View Cottages, (to the south of the application site) and has done since his birth in 1979. He wishes to set up a household for the first time. On the basis of that information it would appear that Mr Howard has 10 years residency in the parish and is in housing needs in terms of policy LH1(i).

However, following concerns raised by the Parish Council during the course of the application with regard to the applicant's need, further information was requested by officers and a detailed 'timeline' of the applicant's living arrangements has now been submitted.

The information confirms that from his birth until 2007, Mr Howard lived solely in Monyash with his parents. Since then his working/living arrangements have been as follows:

*‘2007 – Worked in Hampshire staying 4 nights per week in a Bed & Breakfast and the other 3 nights per week with his parents in Monyash.*

*2008 & 09 - Worked in Holland staying in a hotel. He returned home to his parents for a ‘long weekend’ once a month.*

*2010 – Worked locally and lived permanently with his parents in Monyash.*

*2011-13 – Worked in Spain living in rented accommodation, shared with some work colleagues. His work in Spain was somewhat intermittent, and he returned home to Monyash for several weeks at a time during this period when he had no work. When he was working, he returned home to his parents’ for one weekend every six weeks.*

*2013 – Returned to live at Monyash for several weeks having finished his job in Spain.*

*2013 – Worked in San Francisco for 6 months.*

*2013-14 – Lived at home in Monyash with his parents for 5 months.*

*2014 - 15 – Worked in Italy living in a rented apartment. He returned home to Monyash for the weekend every 4 or 5 weeks as well as spending other holidays, Christmas etc...living with his parents in Monyash.*

*Apr 2015 – Christmas 2016 – Working in Southampton returning to home to his parents for a weekend every 5 or 6 weeks.*

*Mr Howard has a contract in Portsmouth from January until March 2017, after which he will be returning home, hopefully, to work on the building of this house, if planning permission is granted.’*

The information submitted emphasises that Mr Howard has never owned a property. He is a self-employed boat builder and has to procure work by securing contracts. It states that he is less inclined to return home to Monyash while he is working away as he has no home of his own there. It states that if planning permission were to be granted he would seek to secure work locally and thus no longer have to work away from the area. It states that he is registered on the electoral roll at his parent’s house in Monyash and that all his correspondence is sent to this address.

Setting aside the issues of Mr Howard’s living arrangements over the last 10 years, it is clear that he has a strong local connection with the area, having lived in the Parish for 10 years in the last 20 (i.e. permanently with his parents until 2007) and therefore he has a local qualification in respect of policy LH2.

The main issue is whether Mr Howard can be considered to be in housing need as required by LH1 and LH2 in respect of the fact that despite retaining his parents’ house as his postal address, in the last 10 years he has in fact spent the majority of his time living in rented accommodation elsewhere in the country and abroad.

It could be argued that Mr Howard’s housing need is being met by the short term accommodation that is necessitated by the nature of his job as a boat builder. It is possible that if the applicant continues in his current working pattern, in fact he would spend little time occupying the house for which approval is being sought rendering the property as essentially a ‘second home’. On the

other hand Mr Howard could be considered to be no different to any other ‘returner’ – so if, for example he had been living in Buxton for the last 10 years in rented accommodation and wished to return to Monyash, he might be considered to be in housing need.

Assessments of need are never ‘black and white’ and LH1 makes it clear that in the case of individual dwellings need will be judged by reference to the circumstances of the applicant. The supporting text to policy LC1 states that new housing can ‘help people who move away from the National Park to return within a reasonable period’. On balance, on the basis that the applicant has never owned his own home; his parent’s house is unsuitable for the periods that he is living there; and on the basis of the applicant’s stated intentions to remain more permanently in the village should permission be granted, officers consider that the applicant can be considered to be in housing need.

In these respects it is considered that policies LH1(i) and (iii) and LH2(iii) are complied with.

With regard to policy LH1 (ii) details of other properties for sale within the parish and adjoining parishes have been submitted. Sixteen properties were identified, the lowest price being £200,000 for a 2-bed semi-detached property in Youlgreave. The submitted details state that even if the applicant could afford a £50,000 deposit, the repayments on a mortgage of £150,000 would be in the region of £800 per month which would be beyond his means.

It is considered that the details submitted adequately demonstrate that the identified need cannot be met within the existing housing stock.

## **Issue 2: The acceptability of the location just beyond the built edge of the village.**

Core Strategy policy DS1 states that in or on the edge of named settlements new build development will be acceptable for affordable housing. Monyash is one such named settlement.

The main issue with the current proposals is that the application site, whilst in the general vicinity of the northern edge of the village, is in fact slightly divorced from its outside edge. The existing built edge on the southern side of Horse Lane can be defined by the drystone boundary wall that forms the boundary between the domestic curtilage of no.4 Dale View Cottages and the fields to the north east and east. At that point the character of the area changes from the domestic character of the dwellings and their gardens to the open agricultural land beyond.

The western edge of the application site is separated from this boundary by a narrow field of about 15m in width. The dwelling itself would be located around 30m away from the boundary. This has been necessitated by a need to avoid the mature tree at the western end of the site and to ensure that the habitable part of the dwelling is sited outside of Flood Risk Zone 3.

This would result in a gap between the proposed dwelling and the edge of the village and as such the proposed siting does not directly comply with policy DS1. However there are other material considerations that must be taken into account on reaching a decision on the acceptability of the site.

Core Strategy policy L1 states that Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics. The site falls within the Limestone Plateau Pastures landscape character type within the Landscape Strategy. In these areas protecting the strongly nucleated settlement pattern of villages and scattered farms is highlighted as a priority in some parts of the landscape type and the protection of historic field patterns, drystone walls and field barns are prioritised throughout.

Firstly, on approaching the edge of the village from the north east along Horse Lane, because the dwelling would be located in a dip in the landform it would not be visible until a point around

45m away from the site. From there the dwelling would be seen against the backdrop of the other dwellings in the body of the village to the west, which are on higher ground. The gap would not therefore be particularly evident from these viewpoints. When leaving the village heading north east along Horse Lane the gap would be more evident although the presence of the mature tree adjacent to the road and existing planting on the roadside boundary of the garden to no.4 Dale View Cottages would help to foil views of the building. Because of the prevailing ground levels and the presence on intervening trees and buildings, views of the site are not available on approaching the village along Chapel Street from the north.

The proposed dwelling would be visible at close quarters from the public right of way to the south and would appear somewhat detached from the edge of the village. It would not be visible from the public right of way where it leads northwards from the northern side of Horse Lane because of the presence of a copse of trees on the roadside.

In conclusion the proposed dwelling would, from some nearby vantage points, appear to be detached from the built edge of the settlement to a certain extent. However whilst the buildings along the majority of Chapel Street are close grained in their layout, at the northernmost end of the street around its junction with Horse Lane the buildings are more loosely arranged and as such it is not considered that the proposed dwelling would appear unduly prominent or out of keeping with its surroundings or contrary to the priorities in the Landscape Strategy, especially given that the property would be constructed in a traditional style with local, natural materials.

In order to offset and outweigh the fact that the application site is slightly beyond the edge of the village the applicant is offering to remove a range of existing buildings in his ownership approximately 300m further along Horse Lane to the north east. The buildings date largely from the late 1960s and consist of a significantly sized portal framed agricultural building clad in grey painted sheeting and a range of smaller timber sheds and former railway carriages. The buildings are redundant for agricultural purposes and are now largely used for general storage. The submitted plans show that the buildings and all hardstanding and fencing would be removed and the land restored to pasture.

The removal of existing farm buildings would not normally be sufficient to justify a new dwelling outside of a settlement. However in this case the site is only marginally beyond the built edge of the village and the former farm buildings in question are redundant, dilapidated and are prominently located adjacent to the road into the village. They are harmful to the character and appearance of the area and the landscape would be enhanced by their removal. On balance it is considered that this planning gain can be given some limited weight in the current decision.

In conclusion officers consider that whilst there would be a gap between the proposed dwelling and the built edge of the village, the gap would not be visually significant and would not be generally harmful to the character of the area. This, taken with the enhancement proposed to the approach to the village in the form of the removal of the existing unsightly buildings, means that material considerations outweigh the policy in this case, sufficient to warrant an exception.

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

As stated previously the siting of the dwelling is not considered to be harmful in terms of its relationship with the main body of the village.

In terms of the detailed design of the dwelling, the submitted plans show a traditional design in local materials and as such the form, detailing and materials are considered to be acceptable. The parking spaces would be located fairly discreetly to the rear (south) of the dwelling and the modest garden would be contained by a new drystone wall along the new eastern boundary



The Parish Council have commented that they consider the dwelling would spoil views looking down Bagshaw Dale.

Officers have walked along the public right of way to that runs to the south of the site along the dale and can confirm that the proposed dwelling would not interrupt views down the dale from the path. From Horse Lane itself, the dwelling would be visible in views of the dale along an approx. 30m stretch of the highway. However it would not interrupt views completely and beyond the site to the north east, as the land level rise, views of the dale would open up again.

In conclusion it is considered that the design and landscape and visual impact of the proposed dwelling would accord with policies GSP3, L1 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 87 sqm are likely to remain more affordable. More recently, the consultation version of the new Development Management policies sets a lightly higher maximum, based on the Government's 2015 nationally described space standards of 97 sqm for a five person dwelling.

The net floor area of the proposed dwelling (excluding the garage) is 97 sqm which is within the maximum size limit in the emerging policies. As such the size of the dwelling is likely to mean that it would remain more affordable to people on low to moderate incomes.

The supporting text within the emerging Development Management policies also explains that the smaller the area of land taken up by each house, the lower the value of the house will be on completion and in perpetuity. The overall plot size of the current site is approximately 420 sqm (including the footprint of the dwelling) which is considered to be modest and means that the value of the plot is likely to remain affordable.

Build costs are estimated at £1200 per sqm equating to a total cost of £116,400. There are no higher than normal maintenance costs or expensive drainage arrangements anticipated and the value on completion is estimated at £130,000.

**Issue 5: Flood risk issues.**

Core Strategy policy CC5 states that development proposals that would unacceptably increase flood risk will not normally be permitted.

In this case the southern half of the application site falls within the Environment Agency's Flood Risk Zone 3, which is land assessed as having a 1% or greater annual probability of fluvial flooding with a further small area within Flood Risk Zone 2.

A Flood Risk Assessment (FRA) has been submitted which explains that the flood risk at this location come from surface water run-off in times of heavy rain rather than flooding from any watercourse being overloaded.

In order to avoid the possibility of flooding the dwelling has been positioned towards the north eastern corner of the site such that the footprint of the habitable part of the dwelling is wholly outside both flood zones 2 and 3. Around 40% of the footprint of the garage would be located within flood zone 3. Following pre-application discussions with the Environment Agency the FRA

proposes mitigation including openings in the side and rear elevations of the garage at flood level to allow any water to flow out of the garage, meaning that the building would not cause an obstruction to flood water. The floor level of the house would be at least 100mm above the floor level of the garage and the two would not be connected by an internal doorway.

The Environment Agency has raised no objections to the proposals subject to the proposed mitigation measures being implemented.

On that basis it is considered that the proposals meet the requirements of policy CC5 with respect to flood risk.

### **Other Issues**

#### **Alternative Sites**

Alternative sites were discussed with the applicant and the pre-application stage. The applicant initially wished to site a new dwelling on the site of the existing farm buildings further along Horse Lane. However this site was deemed unsuitable as it is too remote from the village.

A site immediately to the south west of the current site was identified (i.e. the field that forms the 'gap' between the edge of the village and the current application site). However this field is not within the applicant's ownership and in any case is wholly within Flood Zone 3 which would preclude residential development.

Following comments from the Parish Council officers have also discussed the possibility of extending the applicant's parents' house at 4 Dale View Cottages, but the applicant's parents do not wish to forgo their conservatory which would be a requirement of such a scheme and therefore the applicant does not wish to pursue this option.

Notwithstanding that a new dwelling as an extension to 4 Dale View Cottages may be otherwise acceptable in planning terms, officers consider that for the reasons given above the submitted scheme is acceptable on its own merits.

#### **Access and Parking**

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

The existing gateway in the roadside wall onto Horse Lane would be blocked off by a new drystone wall and a new access point created immediately to the west. The Highway Authority have commented that the access would be just within the national speed limit i.e. 60mph and that despite visibility being below standard, vehicle speeds on Horse Lane are likely to be low due its narrow width and reduced forward visibility. It is therefore considered that subject to a condition that requires available visibility splays to be maximised by the removal of self-set roadside trees the proposals would be served with a safe and suitable access in accordance with LT18 and the NPPF.

The proposed provision of two off street parking spaces together with the garage space would be within adopted standards.

#### **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 nearest residential property to the application site is the applicant's parents' house at 4 Dale View which is approximately 50m away to the south east. Toll Bar Cottage is around 55m away to the west. Because of the intervening distances it is not considered that there would be any significant levels of overlooking or overshadowing that might give rise to concerns with regard to impact on residential amenity. The proposals therefore comply with GSP3 and LC4 in these respects.

### Foul sewage disposal

The application form states that foul sewage will be disposed of via a septic tank. However the National Planning Policy Guidance (NPPG) states that septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability). No information has been provided to justify why a package treatment plant cannot be used in this case and therefore a condition is considered to be necessary and reasonable to agree the siting of a package plant.

### Conclusion

In conclusion the applicant has a strong local connection with Monyash having 10 years occupancy within the last 20 years and on balance he can be considered to be in housing need in accordance with policies HC1 and LH1 and LH2. It has been demonstrated that the identified need cannot be met within the existing housing stock and that the dwelling is of a size and type that will remain more affordable in perpetuity. The site for the proposed dwelling would be separated from the edge of the village by a strip of agricultural land leading to some visual separation from specific vantage points. Nevertheless the visual impact of the dwelling would not be harmful to the established character of the settlement at this point nor would it be harmful to the landscape character of area, specifically to views along Bagshaw Dale, in accordance with policies GS3P, L1 and LC4. When taken with the offer to remove the unsightly buildings further along Horse Lane these considerations indicate that an exception to DS1 is appropriate in this case.

### Conditions

The National Planning Policy Guidance (NPPG) states that the pre-commencements conditions (conditions precedent) should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission. In this case, the submitted plans do not show the finished floor level for the proposed development. Given the sensitive and sloping nature of the site it is considered that the setting of appropriate levels is fundamental in ensuring that the dwelling does not cause harm to the established character of the area. Consequently a condition that requires levels to be submitted and agreed prior to commencement is considered to be necessary and reasonable.

The NPPG also states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. It is considered that exceptional circumstances exist to warrant the removal of permitted development rights for alterations, extensions and outbuildings because the proposed dwelling is at the maximum threshold (97sqm) for an affordable dwelling and uncontrolled extensions and outbuildings erected under permitted development could render the dwelling unaffordable. Similarly the dwelling is recommended for approval just beyond the edge of the village partly on the basis that its detailed design is in keeping with existing built environment and uncontrolled alterations and extensions could cause harm established character of the area.

## **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