

AGENDA ITEM No. 12

PEAK DISTRICT NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING

27 MARCH 2009

STRATEGY & DEVELOPMENT

PART A

- 1. FULL APPLICATION – ERECTION OF A DWELLING HOUSE FOR LOCAL NEED OCCUPANCY WITH ATTACHED GARAGE, DOMESTIC CURTILAGE, DRIVEWAY, VEHICULAR ACCESS TO ROAD, SEPTIC TANK AND GROUND SOURCE HEAT PUMP, UNDERGROUND PIPEWORK ON LAND AT THE READING ROOM, POWN STREET, SHEEN (NP/SM/1108/1016, P3429, 19/11/2008 411101/361118/ALN)**

APPLICANT: MR ADRIAN GOULD

1 Purpose of the report

- 1.1 To enable the Authority to make a decision on a planning application that was referred from Planning Committee on 13 February 2009.

2 Recommendation

That the application be REFUSED for the following reasons:

2.1 Inadequate demonstration of local need for the dwelling

2.2 Highway Grounds

- 2.3 Officers also added a third reason for refusal at the meeting on the basis of harm to the character of the Conservation Area as a result of the loss of open space**

3 How does this contribute to our policies and legal obligations?

- 3.1 As Local Planning Authority the National Park Authority is obliged to determine planning applications. Under Section 38 of the Planning and Compulsory Purchase Act 2004, the Development Plan policies must be the primary consideration in making planning decisions. Other material considerations can also be taken into account where appropriate including National and Policy, Adopted Supplementary Planning Guidance, the views expressed by consultees and neighbours and the desirability of meeting specific needs. Where development is not compatible with the Development Plan planning permission should be refused unless material considerations indicated otherwise. The relevant Development Plan policies are discussed below.

4 Background

- 4.1 At the Planning Committee on 13 February 2009 it was resolved:

That the Authority be recommended to APPROVE the application subject to the following conditions:

1. Dwelling shall be limited to a local needs affordable dwelling in perpetuity
2. Any detailed access, material or landscaping conditions

4.2 It is now necessary for the Authority to consider the application on the basis that the officer recommendation was to refuse it as the proposal is considered contrary to policies in the Development Plan. The reasons for the officer recommendation are contained in the report to Planning Committee which is attached as an annex to this report.

4.3 The site forms the south western part of a large open field to the West side of Pown Street in Sheen. The large field is enclosed by drystone walls and there is also a row of trees along the northern and western boundaries. There is an existing gated entrance from the road. The site is designated in the Local Plan as an Important Open Space in the Conservation Area. Along with the field opposite, it separates clusters of development at the northern and southern ends of the village. The site adjoins the curtilage of the Grade II listed No. 2 Staffordshire Knot Cottage to the south and the Reading Room building is located to the north of the wider field boundary.

5 Proposals

5.1 The application proposes the enclosure of the south-eastern part of the field and within it, the erection of a 3-bedroom local needs dwelling on a 360 square metre plot. The section in the committee report (attached as an Annex), titled 'Comment', explains in detail the officer judgement that the proposal is contrary to policies.

5.2 It should be noted however that from 11 March 2009 the Structure Plan policies are no longer saved as part of the Local Development Framework process. The Structure Plan no longer forms part of the Development Plan but is a material reference in terms of interpreting other policies. The starting point for the decision is policy which consists of National policy, RSS8 and relevant Local Plan policies.

5.3 The Authority's approach to affordable housing is supported in Planning Policy Statement 3: Housing where at para. 30 the use of Rural Exception Site policies is advocated. It states that rural exception sites should only be used for affordable housing in perpetuity. Planning Policy Statement 7 – Sustainable Development in Rural Areas re-emphasises that land should be made available, either within or adjoining existing villages, to meet the *needs* (officer emphasis) of local people.

5.4 The East Midlands Regional Plan (RSS) – adopted 12 March 2009, recognises the National Park designation as conferring the highest status of protection as far as landscape and scenic beauty are concerned.

5.5 The explanatory text in the Housing Chapter of the Local Plan explains how the individual policies flow from an approach in the Structure Plan that allows new build residential development exceptionally within or on the edge of settlements provided that there is evidence of a local need and provided that the size and type of dwelling will ensure that it continues to remain affordable to those in need. New homes will be restricted to occupation by those people with a local need. Policy LH1 of the Local Plan sets out the criteria for considering applications for affordable housing and states that new local needs dwellings will only be considered where need cannot be met within the existing housing stock. Policy LC2 lists Sheen as a settlement in which new affordable housing could be acceptable. Policy LH2 of the Local Plan provides a definition of people with a local qualification.

- 5.6 Further Guidance is provided in the Authority's SPG on 'Meeting the local need for affordable housing in the Peak District National Park'. At para. 4.3 it explains that 'The need must be genuine' and at 4.4 'Before seeking planning consent for an affordable home, it must be demonstrated that a thorough search has been made of the parish and surrounding parishes for suitable accommodation. Unless there is written evidence that all options have been explored, consent is unlikely to be forthcoming'
- 5.7 In respect of the suitability of the site for residential development, Local Plan policy LC5 states that applications for development in a Conservation Areas should clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible enhanced. Matters such as form and layout of the area including views into or out of it and open spaces should be taken into account.
- 5.8 With regard to highway safety and access issues, Local Plan policy LC18 (c) states that the provision of safe access arrangements will be a pre-requisite of any development.
- 5.9 In considering the application the Planning Committee believed that the applicant had demonstrated an exceptional case for a local needs dwelling such that approval of this proposal was warranted. Members considered that despite that fact that a thorough investigation of alternative accommodation in the Parish or surrounding Parishes had not been carried out, the nature of the applicant's employment at Belle Engineering required him to be resident within the Parish rather than at his current address in Leek. Members also considered that there were environmental benefits to the applicant having a shorter journey to work.
- 5.10 Officers maintain their stance that the proposals are contrary to National, Regional and Local Plan policies in that the need has not been fully demonstrated. The proposals is contrary to guidance in PPS3, PPS7, RSS8 and Local Plan policies LH1 and LH2, because:-
1. The applicant does not comply with the definition of acceptable need in subsection (iii) of LH2 and the SPG para. 5.5 (a person not now resident in the parish but who has a strong local connection with parish) because he has his own house to sell.
 2. The applicant does not comply with subsection (iv) of LH2 (a person with an essential need to live close to another person, the essential need arising from age or infirmity) because no information has been provided about the need to care for a relative.
 3. Criteria (v) of LH2 (a person who has an essential functional need to live close to their work in the parish or adjoining parish). This is intended to mean the need to live close to one's work for management reasons. This definition clearly distinguishes between a functional requirement to live in the immediately surrounding area and a desire to live close to or be within a reasonable distance of the workplace. Therefore although it may be desirable to live close to the workplace in Sheen, Leek is still within reasonable access at a distance of around 11 miles. There is insufficient evidence to suggest that it is essential that the work tasks have to be solely undertaken by the applicant. It is considered that if there is a requirement for a key worker, the accommodation provided should be linked to the business to ensure that the dwelling meets the long term needs of the business, as occurs with other farm workers dwellings.

4. No details of a search for existing accommodation were provided with the application contrary to LH1(ii) and the SPG. Officers suggested a number of properties in the parish and surrounding parishes that might be affordable but the agent reported that these were either undesirable or unsuitable.

5.11 In addition, visibility from the proposed access point to the south is substandard and inadequate provision is made for the turning of vehicles within the site curtilage contrary to LT18. The proposed site would be detached from other built development in the village and would dilute it's fragmented form contrary to LC5.

6 Are there any corporate implications members should be concerned about?

6.1 **Financial:** If the application is refused the applicant may appeal against the decision.

6.2 **Sustainability:** In order to conserve and enhance the National Park whilst seeking to foster social and economic well-being in a sustainable manner adopted policies limit most new housing to that which is needed by the community and cannot be found locally within the existing housing stock. Individually justified need can be accepted as a proxy for elements of community need that surveys are not able to respond to because they inherently represent a particular fixed point in time only. Nevertheless, policies for affordable housing remain criteria based and need to be applied impartially. A less than rigorous interpretation can shift the decision from community need towards personal demand.

6.3 Clearly, personal choice is more likely to favour building a detached more affordable dwelling than buying an existing similarly priced less attractive open market dwelling. In doing so, such decisions fuel demand for more affordable housing when alternatives may exist, adding needlessly to the housing stock. Many settlements have limited scope for expansion without harm to the landscape character of the National Park. Ultimately, failure to apply criteria rigorously risks damage to the National Park's designated landscape and valued character.

Report Author, Job Title and Publication Date

Andrea Needham, Senior Planner, 19 March 2009
Background Papers - None