
6. Full Application – Erection of Local Needs Dwelling on Land North of Lapwing Farm, Across The Lea, Meerbrook (NP/SM0814/0847, P2412, 361358 398817, 26/09/2014/CF)

APPLICANT: MR BEN BARLOW

Background

A decision was deferred on this application at the meeting of the Authority's Planning Committee in October earlier this year to facilitate further discussions on the siting of the proposed development, issues relating to affordable local needs housing and the practicalities of entering into a legal agreement to address affordable housing provision and/or tying the proposed newly-built house to the adjoining farm.

At that meeting the Director of Planning explained that approval of this application would be a departure from the Authority's adopted Development Plan policies as it would result in a new-build dwelling in the open countryside without a proper justification as an agricultural dwelling or a dwelling otherwise justified by an essential functional need. The following report has therefore been written on the basis that Members were minded to approve the application as a departure.

Site and Surroundings

The application site is located in the north western corner of a parcel of agricultural land, approximately 100m to the north of a property known as Lapwing Hall Farm, which is located in open countryside approximately 0.7km to the north of the small settlement of Meerbrook. The application site has covers around 600m² in area and is broadly rectangular in shape. Access to the site is from an unclassified road known as 'The Lea' on the western side of the site. The Lea leads northwards from Meerbrook past the application site and then on towards The Roaches.

The application site itself is relatively flat and is bounded by a mature hedgerow on the laneside and along the northern boundary. There is group of mature trees on the northern boundary of the site. At present, there is an unauthorised 'chalet' sited on the application site, which is occupied as a permanent dwelling without the benefit of planning permission. The chalet is constructed in dark stained timber boarding under a sheeted roof. It has 3 bedrooms and a footprint of around 100m². An area of hardstanding has been created to the west of the chalet.

Proposal

The current application proposes the erection of a detached five-bedroomed dwelling for local needs. The dwelling would be two storeys in height and would be constructed in natural stone under a Staffordshire clay tile roof with painted timber windows and doors. It would have an internal floor area of 150m² and would be set within a domestic curtilage defined by a new post and rail fence. The existing chalet would be demolished once the new dwelling is habitable.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The application site is not within or on the edge of a named settlement as defined in Core Strategy policy DS1 and therefore the proposals would represent an unsustainable form of development that is contrary to policies GSP1 and HC1 of the Core Strategy, contrary to saved Local Plan policy LH1, and contrary to national policies in the National Planning Policy Framework.**

Key Issues

- the acceptability of the location of the site and the sustainability of a newly-built

affordable dwelling sited in open countryside to meet local needs.

History

November 2010 – Mobile home sited on the application site. The mobile home was subsequently clad and extended, which resulted in its current chalet style appearance.

September 2011 – Authority's Monitoring and Enforcement Team notified the applicant that retrospective planning permission would be required for operational development and a change of use of the land from agricultural to domestic use.

June 2013 – Section 330 Notice served requiring information to be submitted with regard to interests in the land, including ownership and occupation details.

October 2013 – Pre-application advice given by planning officers that an application for a local needs dwelling would be contrary to adopted policies because the site is not within a designated settlement.

February 2014 – Planning permission refused for a six-bedroomed house for the current applicant.

October 2014 – Enforcement Notice issued against the chalet requiring its removal from the land. This Notice has now taken effect and has a compliance period of 18 months in respects of ending the current residential use of the existing chalet.

Consultations

County Council (Highway Authority) – no objections to the proposals as shown on the amended plans, which show a minor amendment to the siting of the house so it no longer obstructs emerging visibility from the vehicular access to the application site.

District Council – no response.

Parish Council - as a majority, support the proposals on the following grounds:

- whilst the site is in open countryside, the visual impact of the development would be low;
- the Authority's policies on affordable housing only refer to dwellings for up to 5 persons and this application is for a family of 7, and believe this application should be treated as an exception; and
- as families of 7 are uncommon these days, the Parish Council believes any approval for the current application will not set a significant precedent.

Representations

No further representations were received by the Authority during the statutory consultation period.

Main Policies

Local and National Housing Policies

National policies in the National Planning Policy Framework ('the Framework') and local policies in the Development Plan set out a consistent approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements within the National Park. In this case, there is some residential development in and around Meerbrook but Meerbrook is not a named settlement for the purposes of DS1 and the application site is within open countryside for the purposes of local and national planning policies.

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. In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy, policy LH1 of the Local Plan says that, exceptionally, newly built dwellings will be permitted in or on the edge of named settlements subject to certain criteria including proof of need; local qualification and the affordability of the proposed housing.

Design and Conservation Policies

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Policy GSP3 of the Core Strategy and Policy LC4 of the Local Plan are also directly to the current application because they set out the design principles for all new development in the National Park, seeking to safeguard the amenities of properties affected by development proposals, and setting out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park. Policy CC1 of the Core Strategy and the associated supplementary planning document on climate change and sustainable development encourage incorporating energy saving measures and renewable energy into new development.

Policy L1 of the Core Strategy is also especially relevant to the current application because it reiterates the priorities for landscape conservation in the National Park. L1 also cross refers to the Authority's Landscape Strategy and Action Plan.

The Authority's adopted Landscape Strategy and Action Plan illustrates that the application site is within the South West Peak, and specifically within the Upper Valley Pastures landscape type.

In these respects, the application site and its landscape setting is characterised as a settled pastoral valley landscape with scattered trees along hedgerows, around settlements and following streams. Fields of permanent pasture are divided by hedgerows and occasional drystone walls. This is a settled landscape with dispersed gritstone farmsteads with stone or clay tile roofs and views along the valley and to surrounding hills are filtered through scattered trees.

Taken together, L1 and Landscape Strategy and Action Plan seek to ensure development proposals would not harm the landscape character of the Upper Valley Pastures or the scenic beauty of the National Park.

These policies are otherwise consistent with national planning policies in the Framework that afford great weight to the conservation of the natural beauty of the National Park and promote high standards of design for development proposals, which should be sensitive to the locally distinctive characteristics of their landscape setting.

Appraisal

Departure from Policy

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. Paragraph 55 of the Framework otherwise says that local planning authorities should only grant planning permission for isolated new homes in open countryside in exceptional circumstances. However, the Framework does not offer any support for the provision of affordable housing to meet local need anywhere other than in existing settlements. Therefore, granting planning permission for the current proposals for a newly-built house in open countryside would be a departure from the Development Plan and national planning policies in the Framework. Hence, the reason for refusal of the current application, which remains consistent with the recommendation made in the officer's report to October's meeting of the Authority's Planning Committee.

Notwithstanding this, members deferred a decision on this application at the meeting of the Authority's Planning Committee in October earlier this year to facilitate further discussions on the siting of the proposed development, issues relating to affordable local needs housing and the practicalities of entering into a legal agreement to address affordable housing provision and/or tying the proposed newly-built house to the adjoining farm. In this context, officers were also asked to set out in this report whether there were exceptional circumstances that would justify a departure from policy in this case, and the implications of any approval for this application in terms of consistency of decision making (i.e. whether granting planning permission for this application could/would set a 'precedent' for others to follow).

Consistency of Decision Making

In the first instance, the previous report set out clearly how the applicant meets the requirements of LH1(i), LH1(ii) and LH1(iii) in terms of demonstrating need and a local qualification for affordable housing. A recent Parish Needs Survey further demonstrates the applicant's need for affordable housing cannot be met from within the existing housing stock within the local area. The family also currently live in an unauthorised chalet that is now subject to an Enforcement Notice requiring its removal. Therefore, the applicant and his family do not have a permanent home, have a desperate need to find alternative accommodation, and cannot afford to buy a property within the local area on the open market. Hence this application. However, the applicant's personal circumstances are not so exceptional that the arguments for a new house made in this application could not be easily repeated.

Within the immediate local area, there is a least one other young family also living in an unauthorised chalet that have a local qualification and a demonstrable need for affordable

housing. Formal enforcement action is being held in abeyance on this case pending a decision on this application. Moreover, across the National Park, there is a repeated pattern of young families who cannot afford a house on the open market living in various types of unauthorised accommodation, including static caravans, very often on isolated farmsteads in open countryside. Some of these cases can be resolved if there is sufficient evidence of an essential need for a second farm worker's dwelling on an existing farm. However, in many cases, a second farm worker's dwelling cannot be justified and this is how it is in the current applicant's case.

In this particular case, there is insufficient evidence to consider the house proposed in this application would be justified if it were tied to Lapwing Hall Farm because it is not possible to consider that the existing farm business at Lapwing Hall Farm is large enough to generate an essential requirement for a second farm worker's dwelling. The applicant's agent has also acknowledged that there is insufficient land and stock held at Lapwing Farm to support an application for an agricultural worker's dwelling for the applicant. The applicant cannot otherwise demonstrate that he or any other members of the family have an essential need to live close to their work that would require them to be available at short notice, 24/7, seven days a week all year round.

Moreover, as proposed, the new house would be too far away from the existing farm house to be able to be described as a 'residential annexe' within the curtilage of the existing dwelling. However, by virtue of the size and scale of the proposed dwelling, the new house cannot be properly considered to be 'ancillary residential accommodation' in any event. The size and scale of the accommodation required by the applicant also means that the need for accommodation cannot be met by converting existing buildings on the farmstead or extending the existing house. Therefore, there are very limited opportunities to provide suitable accommodation on the farmstead for the applicant's family that would be in conformity with the Authority's housing policies but this situation is not uncommon.

Equally, the desire to live close to work or be nearby to help on the family home is not uncommon nor is the desire to remain close to where you were brought up or remain part of a close-knit rural community. These considerations are typical of many people that have equally strong local connections as the current applicant but cannot afford to buy a house on the open market. The restriction on newly-built affordable houses to meet local need outside of named settlements also affects many of these people as much as it does the applicant and his family. Consequently, the applicant's circumstances that have resulted in the submission of this application are not exceptional even though this case involves a family of seven, including five children.

In these respects, a highly personalised decision to approve this application based on the size of the applicant's family would not be an appropriate way to make a 'one off' exception to the Authority's housing policies or national planning policies in the Framework. In short, local housing authorities (in some cases alongside social services) prioritise the needs of all homeless families with dependent children regardless of the number of children involved. Therefore, if this Authority chose to take on similar duties to a local housing authority by providing housing for 'homeless' families through its planning function; it would be inequitable to distinguish between the justification for a departure from policy in this case and a case where a different applicant brings forward proposals in similar circumstances but has less children. In these respects, the applicant's case has an unusual and highly emotional aspect to it but planning policies must be applied neutrally, fairly and consistently.

In terms of consistency of decision-making, allowing this application solely on the basis of the need to accommodate five children would mean that the Authority should also look favourably at similar applications for newly-built homes in open countryside to accommodate other 'homeless' families with fewer children. In other words, it is important to avoid creating an argument that is easily repeated and could lead to other new homes in open countryside becoming increasingly

difficult to resist, and to avoid the Authority taking on the duties of a local housing authority without the statutory remit. Consequently, planning permission should not be granted for this application unless there are relevant considerations that would justify a departure from policy in this case other than the number of children involved.

Alternative Locations

Although it is not a local housing authority, the Authority does have a duty to seek to foster the social and economic welfare of local communities, which is acknowledged in policy GSP1 of the Core Strategy. This duty can be seen to underpin the decision to defer this application and look for different ways to provide a home for a family with strong connections to the local area that might be a better fit with local and national planning policies. In these respects, members of the Authority's Planning Committee have said previously that a house closer to the existing farm house at Lapwing Hall Farm might be more acceptable. It has also been said that the new house might be more acceptable if it were to be tied to the existing farm.

However, as noted above, the existing farm business at Lapwing Hall Farm is not able to justify a second farm worker's dwelling and the applicant does not have a strong enough case to justify a new dwelling for a key worker with an essential need to live close to his/her work in the countryside. Therefore, any approval for the new house as a 'farm worker's dwelling' would not comply with the specific policies in the Development Plan relating to occupational dwellings in the open countryside (Core Strategy policy HC2 and Local Plan policy LC12). As also noted above, the scale of the proposed accommodation is well beyond what might be deemed to be ancillary residential accommodation under Local Plan policy LH4 even if it were possible to site the new house within the curtilage of the existing farm house.

Consequently, since the Committee in October the applicant and officers have focussed on the availability of an alternative location for the proposed dwelling and it is clear that there is a site closer to the existing farm house than the application site that could be made available. This site is a field parcel to the immediate south west of the existing farmhouse at Lapwing Hall Farm, which is relatively well screened along its roadside boundary in particular, and lies between the existing farm house and the caravan site at Lapwing Hall Farm. Therefore, it is reasonable to consider that this alternative site would be a better option than the application site if the sole concern with this application was that a newly-built house sited further away from the existing building group would conflict with landscape conservation objectives.

However, the previous report did not cite objections to the newly-built house on landscape grounds. It was recommended to refuse permission for these proposals primarily because the application site is not within or on the edge of a named settlement as defined in Core Strategy policy DS1. The alternative site for the new house closer to the existing house would not overcome this reason for refusal, even though making use of the alternative site might allay some concerns that a new house on the application site would be sporadic and isolated development in open countryside. Officers remain of the view that the fundamental issue at stake is that on either site the house would not be located in a sustainable location. This would be contrary to the presumption in favour of sustainable development in national policy, as set out in the Framework, and policy GSP1 of the Core Strategy.

The principles of sustainable development underpin the requirement in LH1 and HC1 and national planning policies in the Framework for new residential development to be sited within or on the edge of existing settlements. Whilst the absence of strong harm to the landscape may distinguish this case from others, it still remains that the new house would be in an isolated location away from even the nearest grouping of residential properties at Meerbrook, where there is a pub, church, and village hall but no convenience shop or primary school. Therefore, any future occupants of the new house would be remote from services, such as schools, doctors and so on, and any future occupants would be dependent on a car for basic day to day requirements such as food shopping or getting children to and from school.

The dispersed settlement pattern in the local area also means that social interaction and service provision would be more difficult than it would be in an existing service centre, particularly for less mobile members of society or anyone without access to a car. As such, occupants of the proposed house might find services difficult to access and a large house in this isolated location at a distance from any existing service centre would exacerbate problems service providers face trying to meet the needs of local area. Therefore, officers consider that DS1 correctly identifies Meerbrook as a settlement with little capacity for residential development, which means neither the application site nor the alternative site closer to the existing farm house at Lapwing Hall Farm would be a sustainable location for newly-built local needs housing in policy terms.

Other Constraints

The alternative site closer to the existing farm house is also problematic because it is outside the red-edged application site. This means a fresh application would be required before planning permission could be granted for a newly-built house on the site closer to the existing farm house. Notwithstanding this, the site closer to the farm house would be more expensive to build out than the application site. This is mainly because the application site already has services (serving the unauthorised chalet) and a vehicular access and it would cost in excess of an additional £30,000 to build the new house on the site closer to the farm house compared to building on the application site. Nonetheless, the applicant has said that they would be prepared to build on the site closer to the farm house if this meant they would get planning permission for the new house.

However, build costs were raised as an issue in the previous officer's report on this application because the estimated cost of the proposed on the application site was said to be £127,350 some £30,000 more than the applicant was able to borrow from a mortgage lender. The estimated build cost of the house on the alternative site would be in the region of £160,000 due to the additional costs that would be incurred providing services to the site. This estimate would be considered to be beyond the normal limits of affordability for a person on a low or moderate income but it remains far below the market value of a house available in the local area that would provide adequate accommodation for the applicant and his family. Therefore, the new house would be at least 'more affordable' to the applicant. Nonetheless, it is also the size of the house that is required by the applicant that gives rise to further concerns that the house proposed in this application would not be affordable to a person who could not afford to buy a house on the open market.

Affordability

The Housing Corporation's 'Housing Quality Indicators for Affordable Homes' gives a guideline of 115m² for a 7 person home (the space standard cited is 108m² to 115m²). However, the applicant did not feel that this was large enough to meet his needs because as a 'farming family' they have special requirements for storage of farm dirty clothes, for example. The proposed floorspace therefore exceeds that 115m² guideline by another 35m². In these respects, a house of 150m² is unlikely to remain affordable to people on a low to moderate income. The Local Plan reinforces this point saying houses for more than 5 persons are not often applied for, are less likely to be affordable and are thus unlikely to be provided by new permissions but the Local Plan does go on to say larger houses will be judged by individual circumstances.

In particular, the Local Plan says where larger schemes are proposed, the accommodation should reflect the need for future change by including a mix of size and type of houses. This guidance reflects the recent Parish Needs Survey, which does identify a need for a five-bedroomed property in the parish, but goes on to say that a five bedroom affordable property would be unusual and exceptional in terms of affordable housing provision and may not meet with future District housing needs. Therefore an option to readily convert the accommodation ought to be considered. The applicant has now sought to provide this option in the provisions of a draft legal agreement the applicant has submitted since October's meeting of the Authority's Planning Committee.

Legal Agreement

The draft legal agreement submitted by the applicant is similar to the Authority's normal legal agreement for affordable housing but includes an additional obligation which requires subdivision of the house in the future. The circumstances in which the proposed house would be subdivided into two separate houses would be in the event any two of the first named occupants move out of the proposed house. The first named occupants in the legal agreement are the seven members of the applicant's family including the applicant himself. Therefore, the legal agreement works on the presumption if two or more of the applicant's family move into alternative accommodation then the proposed house has to be split into two semi-detached dwellings. One of these dwellings would be sold or rented out subject to the Authority's normal occupancy and affordable housing conditions and it is assumed the applicant and the family members remaining at home would live in the other semi-detached property. In these respects, the provisions of the draft legal agreement are a relevant consideration in this case.

Firstly, the provisions of the legal agreement are considered to be directly related to the proposed development; and fairly and reasonably related in scale and kind to the proposed development. In particular, the obligation to subdivide the house addresses concerns that the house, as proposed, would be too big and too expensive to meet the needs of any person in need of affordable housing other than the specific requirements of the applicant and his family. In short, subdividing the house, as proposed, would create one house with two bedrooms and one house with three bedrooms that would both be within the normal size and affordability parameters for local needs housing. In these respects, the proposed legal agreement would mean there is a more realistic argument that the proposed housing would remain affordable and would be much more likely to meet the needs of the local community in perpetuity in accordance with housing policies HC1 and LH1 in the Development Plan.

Therefore, the legal agreement would be required to make the development acceptable in planning terms if the Authority were to accept there were exceptional circumstances that would justify a departure from the Authority's housing policies and national planning policies that set out a clear presumption against newly-built affordable housing to meet local need in open countryside. In the first instance, the legal agreement would be required to demonstrate that the proposed house would be 'affordable' but it would also be required to ensure that the new house would meet the identified need for affordable housing that might be used to justify a departure from local and national planning policies for the applicant and his family in this case.

Justification for a Departure

Firstly, it is considered that the provisions of the legal agreement are capable of creating a situation in which granting planning permission for the new house would achieve wider benefits for the local community beyond meeting the current needs of the applicant and his family. In particular, the future subdivision of the house means that the proposed development would not only meet the specific requirements of a family that has been identified as in need of housing in a recent Parish Needs Survey but could also meet the needs of other families from the local area in the future. This is an important consideration taking into account the parts of Parish (Leekfrith) within the National Park in which the new house is proposed has the most limited opportunities for new housing of all the Parishes in the National Park with the exception of Winkle (and the parts of Holmesfield, Heaton and Bosley Parishes within the National Park).

On one hand, Leekfrith is not the only Parish that does not have a 'named settlement' or existing service centre within the National Park and within its Parish boundary, other nearby examples include: Fawfieldhead, Heathylee, Hollinsclough, Macclesfield Forest and Wildboarclough, and Onecote. On the other hand, there are at least two named settlements in adjoining Parishes that could meet the need for affordable housing arising in every other Parish within the National Park aside from Leekfrith and the four other Parishes noted above. The only named settlement in a Parish adjoining Leekfrith is Flash, which is in Quarnford Parish. Notably, Hartington Upper

Quarter, Heathylee, Hollinsclough, Macclesfield Forest and Wildboardclough are also Parishes adjoining Quarnford. At present there are no available sites for affordable housing in Flash despite a recent Parish Needs Survey identifying at least two young households in Quarnford that have an appropriate local qualification and require affordable housing.

Therefore, there is a need for affordable housing in Flash that might be considered to be a higher priority than the applicant's need for housing that arises from an adjoining Parish. Furthermore, there are no currently available sites to meet the identified housing need arising within Quarnford even before the need identified in Leekfrith and any unidentified need in the other adjoining Parishes without a named settlement are taken into account (i.e. Heathylee, Hollinsclough, and Macclesfield Forest and Wildboardclough). Consequently, it could be considered that there are exceptional circumstances in this case because of the very limited opportunities to deliver affordable housing to meet local need arising from within the National Park boundary in Leekfrith.

In this respect, Leekfrith could be distinguished from most other Parishes in the Peak District because there is only one named settlement where this need could be met within the National Park and the development pressures on this settlement already mean it is highly unlikely that it could support the delivery of affordable housing to meet the needs of the adjoining Parishes in the foreseeable future. Therefore, the exceptional circumstances that might exist in this case would arise from the absence of any other way to deliver newly-built affordable housing to meet a local need identified in a Parish Needs Survey other than by allowing a departure from the Authority's housing policies and national planning policies in the Framework.

This argument could be further supported by accepting the new house would be located where it will enhance or maintain the vitality of the rural community in and around Meerbrook and accepting there is no other means available to the applicant that would allow them to continue to live within the local area. To a certain extent, weight could be placed on the Authority's duty to seek to foster the social and economic welfare of the local communities in favour of providing local needs housing where it would not result in demonstrable harm to the natural beauty of the National Park. Some weight could also be attached to the benefits of subdividing the house to provide two affordable houses to meet local needs in the longer term, which could be secured by a legal agreement, as noted above.

It should also be noted that the argument that Leekfrith Parish has such limited opportunities to provide newly-built affordable housing that a departure is warranted is most easily repeated in Wincle (and the parts of Heaton and Bosley Parishes within the National Park) in the southern area of the Peak District and the part of Holmesfield Parish within the National Park in the northern area of the Peak District. In these respects, whilst the Authority may not be bound by 'precedent', it would have to consider approval of this application would be a relevant and material consideration that would weigh heavily against the strict application of local and national housing policies in similar circumstances. In this case, there are a relatively limited number of Parishes that could claim to have the same restraints on the delivery of affordable housing to meet local need as Leekfrith, and therefore, the extent to which it could be claimed there are very similar circumstances to those that might justify a departure in this case could also be relatively limited.

Similarly, if these proposals were accepted, there is a reasonable expectation that similar applications could follow. As noted above, even within the same Parish there is at least one young family in desperate need of housing and the Authority would need to make a similar judgement on any other proposals for newly-built housing in this Parish in a very similar way to how a determination is made on the current application. Therefore, officers consider it would be necessary to also provide a clear justification for accepting a new house away from the main group of residential properties at Meerbrook. In this case, if Meerbrook were a named settlement then the application site would still be considered to be in open countryside because it is approximately 0.7km to the north of the main group of houses. Therefore, only very limited

weight could be attached to any argument that these proposals could be approved if Meerbrook were to be treated as though it was a named settlement. Equally, officers consider it would be necessary to provide a clear justification for accepting a new house away from the existing group of buildings at Lapwing Hall Farm that further underlines the isolated nature of the proposed development.

These considerations are important because they underpin the precise considerations behind the acceptability of siting a newly-built affordable house outside a named settlement beyond the justification to consider departing from housing policies in both the Development Plan and the Framework in the first instance. In these respects, relying on the availability of a plot and the cost of buying land outside the applicant's control and closer to the centre of Meerbrook might carry some weight in this case noting that the build costs for the house proposed in this application are at the very limits of affordability on a site that has been 'gifted' to the applicant at no cost. In other words, it may not be possible for the applicant to meet affordability criteria if the proposed house were to be built on a different site, and there are no other sites in the local area that appear to be 'available' for new-build affordable housing other than sites on land within the applicant's control. However, it should be noted this type of argument can easily be made elsewhere including even within named settlements.

Nonetheless, allowing a house to be built in a location comparatively remote from the existing group of buildings at Lapwing Hall Farm is even more difficult to justify in this case when there is a seemingly more appropriate site that is available to the applicant albeit this site is not much closer to the more central group of houses at Meerbrook. Nonetheless, if other applications were to follow any approval for a newly-built house on the application site, as proposed, then a relatively low bar would be set in terms of finding the least damaging practicable option for a newly-built house in open countryside. In landscape conservation terms, and in terms of achieving a more sustainable pattern of development, new buildings in open countryside would normally be better placed close to existing buildings.

Therefore, if it was agreed that the very limited opportunities to meet an identified need for affordable housing in this case constituted such exceptional circumstances that justified a departure from policy, and the case was made that a new house could be accepted away from the main group of properties at Meerbrook then the new house ought to be sited on the field parcel closer to the existing house rather than on the application site. Naturally, it is recognised that this approach would increase the costs of the proposed development but the applicant has clearly stated that he is willing and able to meet these additional costs. These additional costs do not otherwise have a significant bearing on the affordability of either of the two houses that would be created in the event the proposed house was subdivided in accordance with the obligations set out in the draft legal agreement. In these respects, the alternative site may offer a way forward.

Nonetheless, a newly-built house on the alternative site could only be pursued through a fresh application, which means that the availability of an alternative site closer to the existing farm house weighs heavily against an approval of the current application if it were agreed that a departure from policy might otherwise be justified for the reasons set out above.

Risks

However, if a resubmission were to be encouraged by the Authority or if permission were to be granted for the current application, the Authority also has to be aware that there are significant risks arising from departing from policies in favour of the personal circumstances of an individual applicant. Amongst other things, there is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan consistently especially where they are up-to-date, relate specifically to the development concerned and are otherwise consistent with more recent national planning policies in the Framework.

In this case, named settlements were reviewed comparatively recently and this review formed part of the evidence base that supported the adoption of policies in the Core Strategy including DS1 in October 2011. Moreover, the limited opportunities for newly-built affordable housing in the Parish of Leekfrith, and others, is not a new phenomenon and has not arisen from an oversight made during the preparation of the Core Strategy. The limited opportunities for newly-built housing in open countryside arise as a consequence of adopted policies that were subject to public consultation and examination in public.

Furthermore, the Authority's adopted housing policies that promote new residential development to meet local needs in, or on the edge of named settlements is wholly consistent with national planning policies in the Framework and the overarching requirement to encourage and achieve sustainable patterns of development as set out in the Framework and policy GSP1 of the Core Strategy. Therefore, in terms of advice in the Framework it cannot be argued that the Development Plan is absent, silent or that relevant policies are out of date.

Consequently, whilst it is clear there would be benefits to the applicant if permission were granted for the current application and these benefits might extend to the wider community in the longer term once the proposed house is subdivided, these benefits would not offset or outweigh the wider concern of departing from up-to-date local and national policies. In these respects, the ability to manage development in the National Park in a way that seeks to balance all three dimensions of sustainability in the wider public interest relies on the consistent application of local and national policies.

In this case, there is clear risk that an approval for the current application (or amended application) does offer a clear way forward for others to follow, contrary to adopted policies and national guidance. As noted in earlier sections of this report, the applicant's circumstances are not exceptional because there are other young families in need of housing that live in inadequate and often unauthorised accommodation in the countryside and the situation this application seeks to address is not unique within the National Park and not even unique within the same Parish.

Therefore, if these proposals were considered to warrant an exceptional approval primarily on the issue of the limited opportunities to deliver affordable housing to meet an identified need in Leekfrith Parish, any approval would give rise to a 'subset' of relevant considerations that would give weight to granting permission for new houses in open countryside particularly in the same Parish, also within the other 'split' Parishes noted above, and potentially in Wincle, where there are even less opportunities to deliver newly-built affordable housing. It is however easy to see how a similar argument could be extended to other Parishes where the younger generation of farming families suffer very similar problems in respects of affordable housing.

Consequently, if a departure is agreed in this case, there is no guarantee it would be a 'one off', and any approval could create an exceptional route for new housing in open countryside that has not been subject to proper public consultation and would not otherwise be permissible under the Development Plan or the Framework. Consequently, any approval for the current application (or amended application) may not be considered to have been made with full regard to the proper planning of the local area.

Furthermore, any approval for the current application (or amended application) risks going beyond the statutory duty placed on the Authority to seek to foster the social and economic welfare of local communities within the National Park, and instead, could be seen as the Authority seeking to fulfil the statutory duties of the local housing authority through its planning function. This concern underpins some of the difficulties raised by this case because the applicant and his family are not the only people in the National Park with a local qualification and in desperate need of affordable housing, and not the only people in the National Park that could meet this need by way of a newly-built affordable house on a family plot in open countryside. Therefore, if the Authority were to grant planning permission for a newly-built affordable house in

open countryside as a departure in this case, this decision should be made in the knowledge that this departure would be likely to be an 'exception' to local and national planning policies that could be easily repeated elsewhere within the National Park.

In summary, whilst the need for a five bedroom affordable property is exceptional in terms of affordable housing provision, the case put forward by the applicant for a newly-built affordable housing in open countryside is not based on circumstances that are unique or uncommon in the National Park. In these respects, the justification cited for a newly-built house for the applicant would apply regardless of the number of children involved. Therefore, the only clearly distinguishing feature of this application is the possibility that the proposed house would meet the needs of the wider community in the longer term if this application was allowed subject to entry into a legal agreement that would require the subdivision of the house when two or more family members find alternative accommodation in the future. However, the weight that can be attached to this aspect of the scheme is limited by the fact it is not possible to indicate when the additional accommodation could or would be made available to other local residents in need of affordable housing.

Other Matters

In the previous report on this application, as noted above, it was not considered that there would be any significant impact on the established landscape character of the area as set out in the Landscape Strategy. In these respects, at the meeting in October Members did not disagree with officers that the current proposals are in general conformity with Core Strategy policy L1 and Local Plan policy LC4. In terms of detailed design, the dwelling proposed in this application would have a fairly traditional appearance, being constructed in natural stone under a tiled roof, with its gable end addressing the road and it was not suggested by members in October that they had any concerns that the proposals were not in conformity with Local Plan policy LC4, Core Strategy policy GSP3 and the Authority's adopted design guidance.

The nearest neighbouring property to the proposed dwelling is Lapwing Hall Farm which is some 105m to the south of the application site. By virtue of the separation distance involved there would be no impact on the privacy or amenity of that property as a result of the proposals, therefore the proposal would not be unneighbourly and in this respect, members raised no further concerns that the proposals would conflict with LC4 and GSP3 on amenity grounds. Equally, members were satisfied that the amended plans showing a revised siting for the house relative to the vehicular access to the site would resolve highway safety concerns raised in the previous report (on the basis of the submitted plans) and there was no issue with on-site parking provisions.

It was therefore determined at October's meeting of the Authority's Planning Committee that the proposed house could comply with the wider range of design and conservation policies in the Development Plan and the Framework because the new house be acceptable in design terms, would not harm the general amenities of the local area and would have a limited impact on the surrounding landscape. However, whilst these factors weigh in favour of the application, they do not carry sufficient weight to justify a departure from the Development Plan or the Framework

Conclusion

In conclusion, whilst there are several considerations that weigh in favour of the proposals, especially if the house were to be located on an alternative site closer to the existing farm house, these considerations do not justify a unsustainable form of development that would be a departure from the Development Plan and the Framework or offset the risk that approval of this application would undermine the Authority's ability to avoid new isolated homes in open countryside in the future.

Therefore, the application is recommended for refusal on the basis of the fundamental policy

objections to new-build affordable housing in open countryside.

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