

**11. FULL APPLICATION - ERECTION OF TWO LOCAL NEEDS AFFORDABLE DWELLINGS  
LAND AT HEATHCOTE, BIGGIN (NP/DDD/0418/0287, 414719/360177, 06/04/2018)**

**APPLICANT: MR AND MRS MOORCROFT**

**1. Site and Surroundings**

- 1.1. The application site is within an agricultural field within the hamlet of Heathcote, which lies approximately 1.75km east of Hartington and approximately 1km north-west of Biggin.
- 1.2. The site is accessed via a field gate within the south-western boundary wall, which opens on to the unnamed road that forms the spine of the hamlet. A single row of trees line this road along the south-western edge of the site. There is a belt of trees running along the north-western boundary of the site, beyond which lies a drystone boundary wall and further road. To the north east and south east of the site lies open field.
- 1.3. Surrounding land use is principally agricultural, with the properties in Heathcote also including residential properties and holiday cottages. A ruinous barn lies on the edge of the tree line a short distance north of the proposed dwellings.
- 1.4. The Tissington Trail runs approximately 200 metres to the north-east.
- 1.5. The nearest neighbouring properties are located to the west and south at distances upwards of 60m away.
- 1.6. Heathcote is not a named settlement within the Authority's Development Plan and for the purposes of planning policy the application site is therefore in open countryside.
- 1.7. The site is outside of any designated conservation area.

**2. Proposal**

- 2.1. The erection of two local needs affordable dwellings. These would be neighbouring semi-detached properties. One would be a two storey house and one would be a bungalow.

**3. RECOMMENDATION**

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

- 1. The provision of new build affordable housing outside of a named settlement and in the open countryside is contrary to Development Plan policy LH1.**
- 2. A housing need has not been evidenced in support of the proposal, contrary Development Plan policy LH1.**
- 3. It has not been demonstrated that the identified housing need cannot be met within the existing housing stock, contrary to Development Plan policy LH1.**
- 4. It has not been demonstrated that the proposed housing would remain affordable to those on low to moderate incomes in perpetuity, contrary to Development Plan policy LH1.**
- 5. The isolated location of the dwellings would suburbanise the appearance of the landscape in this location, harming its character, contrary to Development Plan policies L1, and LC4.**

6. **The design of the single storey dwelling does not follow the tradition of two storey dwellings in the locality, is therefore contrary to adopted design guidance and would detract from the character and appearance of the built environment, contrary to Development Plan policy LC4.**
7. **The alterations required to the site access to meet highway requirements, including alteration to the drystone boundary walling and removal of mature trees, would detract from the character and appearance of the area, contrary to Development Plan policy LC4.**

#### **4. Key Issues**

- Whether the provision of affordable dwellings in the proposed location is acceptable in principle
- Whether there is an identified need for the affordable dwellings proposed, and whether the proposed occupants would meet the local occupancy criteria
- Whether the proposed dwellings are of a size and design that would remain affordable in perpetuity
- Whether the design of the dwellings would conserve the character and appearance of the built environment
- Whether the proposed dwellings would conserve the character and appearance of the landscape

#### **5. Relevant Planning History**

- 5.1. No relevant planning history on this site.

#### **6. Consultations**

- 6.1. Derbyshire County Council - Highways – No objections subject to conditions to widen the site access to 5m, to reduce the fronting wall to 1m in height, to remove all other obstructions greater than 1m in height within 2m of the highway, to secure the layout of a works compound within the site during construction, and to secure bin storage/dwell area.
- 6.2. Derbyshire Dales District Council – No response at time of writing.
- 6.3. Hartington Nether Quarter Parish Council – Support the application, considering it to be a well thought out proposal from a local family with ancestral routes in the small hamlet of Heathcote.
- 6.4. PDNPA – Archaeology - The foundations of the house, the driveway/ access route and turning areas, and trenches for services and drainage have the potential to encounter, damage and destroy archaeological remains relating to the use of the site, and which could reveal the function and origins of the visible earthworks. To address this the response recommends that if permission was to be granted that a condition is attached to the decision notice for a phased scheme of archaeological works to ensure that the archaeological remains, which could be of local/regional significance, are sufficiently characterised by a small scale archaeological evaluation, and then subsequently appropriately investigated and recorded, prior to the development taking place.

#### **7. Representations**

- 7.1. Five letters of representation have been received. Two object to the proposal, one supports the application in principle but objects to the conditions recommended by the Highway Authority, and two provide general comments. Several of the representations seek

protection of the sites stone boundary walls – which they consider make a positive contribution to Heathcote’s character – and consider that they will be harmed if highway recommendations are required/implemented. One letter of objection notes that there are affordable housing schemes in designated settlements that could meet this need. Objectors also note that the development would have a lower landscape impact in other locations, including through conversion of an unspecified local barn.

## **8. Policies**

8.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

### National Planning Policy Framework

8.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government’s intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park’s statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

8.3. Paragraph 55 of the NPPF 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or where the building is of exceptional quality or innovative design. This last provision includes the need for the development to significantly enhance its immediate setting and to be sensitive to the defining characteristics of the local area.

8.4. Paragraph 115 of the NPPF states that *‘great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.’*

### Development Plan policies

- 8.5. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.6. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.7. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
- 8.8. Policy HC1 sets out that provision will not be made for housing solely to meet open market demand and housing land will not be allocated in the development plan. As an exception, new housing can be accepted in certain circumstances when it addresses eligible local need for affordable housing.
- 8.9. Policy LH1 permits new build affordable housing on an exceptional basis in or on the edge of named settlements provided that there is a proven need for the dwelling, the need cannot be met within the existing housing stock, the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2), and the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity. It also requires development to meet the requirements of Policy LC4.
- 8.10. Policy LH2 exceptionally permits new housing for a person with a proven need in accordance with Policy LH1 provided that the dwelling will be occupied by a person meeting at least one of the following criteria:
- a person (and his or her dependents) who has a minimum period of 10 years' permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;
  - a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the parish or an adjoining parish and is forming a household for the first time;
  - a person not now resident in the parish but with a proven need and a strong local connection with the parish, including a period of residence of 10 years or more within the last 20 years;
  - a person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from age or infirmity;
  - a person who has an essential functional need to live close to his or her work in the parish, or an adjoining parish within the National Park.
- 8.11. Policy LC4 of the Local Plan states that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.
- 8.12. Policy LT11 requires that the design and number of parking spaces associated with a

development respects the valued characteristics of the area.

- 8.13. The Authority's adopted design guidance documents 'Design Guide' and 'Building Design Guide' are further material considerations.

## **9. Assessment**

### Principle of providing affordable dwellings in Heathcote

- 9.1. Heathcote is not a named settlement in the Development Plan and as such, for the purposes of planning policy, the proposal represents the construction of two new affordable dwellings in the open countryside. This is contrary to policy LH1 of the Development Plan, which only permits new build affordable housing in or on the edge of named settlements. The policy requirement for new affordable dwellings to be located in named settlements is necessary in order to protect the National Park's valued characteristics.
- 9.2. The applicant's agent acknowledges this in their supporting statement, but considers there to be exceptional circumstances that justify approving the application.
- 9.3. The circumstances they detail are that both daughters of the applicants – for whom the houses are proposed – have lived in the area for their entire lives, that two new family homes in this location would contribute positively towards the vitality and variety of the local community, and that the partner of one daughter works in heritage construction principally within the Park making this a sustainable location for them to live and retaining traditional skills in the region. They also note that there is a decline of young residents within the Park, and that the proposal would contribute to sustainable population growth.
- 9.4. None of these issues are considered to represent exceptional circumstances, all being addressed by current housing policy. Existing policy already makes provision for new affordable housing for young people with strong local connections setting up home for the first time, and directs this to named settlements where it directly supports the vitality of those settlements, is more sustainably located, and has lower landscape impacts. Support for the provision of housing within the countryside on the basis that the applicants own land in that location does not represent sustainable development, is easily repeatable and undermines each of these policy aims.
- 9.5. The submitted supporting statement also advises that one daughter suffers from epilepsy which prevents her from driving, making her reliant on her parents to take her to and from her place of work at Biggin Hall and making it impractical for her to move outside of the Park boundaries. It is advised that if the application was approved then the daughter would be able to walk to work, reducing the burden on the applicants and reducing use of a private car, improving sustainability. It should be noted that the applicants currently live in Parwich, and not in Heathcote. Parwich is a named settlement in which new affordable housing could be acceptable in principle.
- 9.6. Officers recognise that this health condition will affect the ease of commuting for the applicants' daughter, and travel more generally, and that the proposed property would allow her easier access to her current workplace than is currently the case. However, there is no assurance that the applicants' daughter would continue in this job role in the longer term, potentially making this a very short term solution. Even if the role was occupied long term, building or occupying a property within Biggin or another named settlement with better public transport connections to Biggin would overcome this issue. Furthermore, establishing a dwelling in a location without good public transport links and without nearby access to the range of amenities that would be found in a larger settlement would not appear to overcome the difficulties of mobility put forward as justification for the development. Overall, the inconvenience caused by the current circumstances is not considered to justify the provision of a new dwelling in a location contrary to planning policy, and Officers are not convinced that the proposed dwelling would overcome the current travel difficulties in the longer term in

any case.

- 9.7. In summary, it is not considered that the application presents any evidence that there are sound planning reasons to provide new dwellinghouses in a countryside location where it would be contrary to the planning policies of the Development Plan.
- 9.8. The supporting statement also refers to a local needs affordable dwelling that was approved by the Authority in 2016 at Aldwark, which is not a named settlement. That application was initially recommended for refusal by Officers, and presented to the Planning Committee in October 2015. Members were minded to approve the application and it was deferred for Officers to consider the implications of such a decision and to report back to the following meeting. The minutes of the meeting summarise that Members were supportive of the proposal because, although it was not a named settlement with regard to policy, it was on an infill site within the village and would have a positive impact. The application was subsequently re-considered at a later committee meeting and was approved.
- 9.9. This was a single decision and was made contrary to the housing policies of the Development Plan, but Members made a site specific assessment based on the circumstances before them and concluded that other material matters outweighed the policy position. The decision to approve that particular application was clearly made as an exception to the established housing policy. As such, it did not set a precedent for any other application as the decision was based purely on the merits of that particular case. The circumstances of the applicants and the specifics of the application site are of course different in each case, and the starting point for decision making remains the policies of the Development Plan. Officers therefore place very limited weight on this single decision.

#### Local qualification and housing need

- 9.10. As noted above, the two dwellings are proposed for the two daughters of the applicants. The applicants live in the adjoining parish of Parwich with the two daughters, with the daughters having lived there for most of their lives. The two daughters, both now in their twenties, are seeking to move out of the family home to set up their own households. The two new dwellings are proposed to facilitate this. On this basis the applicants' daughters would meet the local occupancy criteria for affordable dwellings as detailed by policy LH2 by virtue of their longstanding residence in an adjacent parish and the fact that they are seeking to establish households for the first time.
- 9.11. The application also states that the daughters are unable to afford to buy properties in the locality, and as a result are in housing need. However, the application does not state the maximum price that either daughter could afford to pay for a property, or the circumstances resulting in this. On this basis it has not been demonstrated that the applicant's daughters could not afford to purchase a property on the open market. As such the application fails to demonstrate that they are in housing need as required by policy LH1.
- 9.12. Policy LH1 also requires demonstration that the housing need cannot be met within the existing housing stock. Results of a local property search showing that no properties for sale below £150,000 or for rent below £500 per month are currently available have been submitted to try to demonstrate this. This search does not cover an extended period however, being a snapshot of a single day. In addition, and as noted above, it has not been established by the application that these values are the most that the applicants' daughters could afford to pay. As a result the submitted information does not represent a comprehensive review of available housing that could be available to the applicants' family. It is therefore not possible to conclude that the housing need, if one were demonstrated to exist, could not be met within the existing housing stock, as required by policy LH1.

#### Affordability of the proposed housing

- 9.13. Build costs have been identified as being £55,800 for the bungalow and £67,500 for the two

storey house. These are lower than would be typical, but a family member works as a builder and the applicants anticipate 80% of the labouring would be undertaken at no cost by the family.

- 9.14. The properties would both have floorspace of less than the 87m<sup>2</sup> that the Authority's adopted guidance document stipulates to be the upper limit for affordable housing.
- 9.15. Valuations for the two dwellings have not been provided however, being stated as 'unknown' in the submission. In cases within settlements experience has shown that the combination of modest design, a restricted floor area and curtilage, and the imposition of an occupancy restriction (as would be necessary to ensure the long term occupation of the building by those meeting the local occupancy criteria, were the application to be approved) serves to retain the property value at the more affordable end of the market. In this case however it is not possible to establish what impact the private and countryside location would have on the value of the properties. It may well inflate them considerably. The application therefore fails to demonstrate the housing would be of a type that would remain more affordable to those on a low or moderate income in perpetuity, as required by policy LH1.

#### Design

- 9.16. The two dwellings would be a pair of semi-detached houses, one of which would be two storey and the other would be a bungalow.
- 9.17. Whilst semi-detached housing is traditional within the Park, bungalow properties are generally not. The Authority's adopted design guidance notes them as modern and alien additions, and that there is a presumption against their use, although there may be locations where they are appropriate. Each site must be assessed in its own context though, and in this case other dwellings in the locality are almost exclusively two and one-and-a-half storey dwellinghouses, many of which are historic. In that context the provision of a single storey dwelling would appear out of keeping, harming the traditional character of the built environment in the locality, contrary to policy LC4.
- 9.18. There are a number of other details that would require revision if the application was to be approved; notably the design and position of windows, window surrounds and the porches to each property, but these are relatively minor matters that could be addressed by planning conditions in the event of approval.

#### Landscape impacts

- 9.19. The two dwellings would be isolated from other buildings in the vicinity, the nearest being approximately 80m away. Their positioning some 50m from the road exacerbates this isolation.
- 9.20. The existing planting to the west and south of the site is not dense; it is only a single line of trees to the south-west and a staggered double row to the north-western side. In views from the footpath to the west, which is approximately 200m away, the tree line would have some effect in breaking up the outline of the dwellings. In more local views from the passing highways to the west and south though the buildings would still be clearly visible, particularly when the trees were out of leaf. The site has entirely open aspects to the north-east and south-east, and in views from the road through Heathcote to the east and from the Tissington Trail to the north-east the site would be clearly seen.
- 9.21. Where the buildings are seen they would appear very isolated and in an otherwise agricultural landscape. As a result they would appear incongruous and would have a suburbanising effect on the appearance of the countryside, detracting from its rural character. This impact is increased by the fact that the buildings would be so far set back from the road, requiring an extensive driveway, and based on the submitted plans would

also have extensive curtilages. The application is therefore contrary to policies LC4 and L1.

#### Amenity

- 9.22. Due to the isolated location of the proposed dwellings they would not adversely impact on the amenity of any existing residents.
- 9.23. The submitted plans do not clearly show how the outdoor space would be divided between the two properties, but Officers are satisfied that this could be arranged such that neither property would prejudice the amenity of the other.

#### Highway Considerations

- 9.24. The site would have ample space for parking provision, and the highway authority have raised no objections to the proposal subject to alteration to the site access, and to bin storage being provided prior to occupation.
- 9.25. The alterations to the boundary wall and planting would potentially have significant impacts on the character of the locality however.
- 9.26. The Highway Authority recommends widening the access to 5m (the current opening in the boundary wall is approximately 3m wide) and lowering it to 1m in height across the length of the entire frontage; its height fluctuates along its length but it is generally around 1.5m tall at present. This is a historic wall and, unusually for a drystone field wall, is topped with half-round coping stones along its full length. Its height and length also mean that it plays an important role in enclosing the street at this location, and to the character of the locality. Reducing the height of this wall along its full length would harm the sense of enclosure and the character of the area, contrary to policy LC4.
- 9.27. Furthermore, removing all obstructions within 2m of the highway along this frontage, as also requested by the Highway Authority, would require the removal of all the trees planted along this boundary. These are mature native trees that contribute to the biodiversity and character of the area.
- 9.28. There are therefore no objections to the development on highway grounds.

### **10. Conclusion**

- 10.1. The provision of new build affordable housing in Heathcote is unacceptable in principle, conflicting with the Authority's housing policies. Furthermore, the siting of the development would have adverse impacts on the character and appearance of both the built environment and landscape of the area.
- 10.2. Had the development been acceptable in these regards then Officers would have worked with the applicants' agent in an effort to establish if the other grounds for refusal could have been overcome – principally requiring further housing searches to be undertaken, design issues addressed, and working with the highway authority to see if their requirements could be met in a different manner. However, given the fundamental objection to the proposal this was not considered to be beneficial.
- 10.3. Based on the above assessment the application is found to conflict with policies L1, LC4, and LH1 of the Development Plan. Having also taken all other material considerations into account, the application is accordingly recommended for refusal.

### **11. Human Rights**



11.1. None arising.

**12. List of Background Papers** (not previously published)

None

**Report Author and Job Title**

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