

**8. FULL APPLICATION - DEMOLITION OF EXISTING BUILDINGS ON SITE AND ERECTION OF A NEW OPEN MARKET DWELLING AND ASSOCIATED WORKS, LAND AT LITTON DALE, TIDSWELL (NP/DDD/0418/0361)**

**APPLICANT:** MR & MRS HOBAN

**1. Site and Surroundings**

- 1.1. The application site is located in Litton Dale, approximately 360m to the south west of the centre of Litton and outside of the designated Conservation Area.
- 1.2. The application site is an area of land to the north of the highway bounded by drystone walling. There are two existing pre-fabricated garages on the site which are in a poor state of repair.
- 1.3. Access to the site is from the adjacent highway. The nearest neighbouring properties include the two recently constructed affordable houses to the north east, the property known as Barndale Croft to the south west and Dale Cottages to the south on the far side of the Highway.

**2. Proposal**

- 2.1. The erection of a three bedroom market dwelling on the application site.
- 2.2. The plans show that the dwelling would be constructed from limestone walling under a pitched roof clad with natural blue slate. Window openings would be formed with gritstone surrounds, jambs and mullions. Windows and door frames would be timber with a painted finish.
- 2.3. The dwelling would be positioned in the north east side of the site with the access onto the highway providing parking and turning space for two cars.

**3. RECOMMENDATION**

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

1. **The proposed development is not required to achieve conservation or enhancement within the settlement therefore approval of the application would be contrary to Core Strategy policies GSP1, GSP2 and HC1 and the National Planning Policy Framework.**

**4. Key Issues**

- Whether the proposed development is required to achieve conservation and enhancement in accordance with policies GSP2 and HC1.

**5. Relevant Planning History**

- 5.1. 2017: ENQ 31191: Pre-application enquiry in regard to erection of open market dwelling.
- 5.2. Officers advised the applicant and agent that while there is a pre-fabricated garage on the site that it would be disproportionate to replace this with a market dwelling which would have an impact in its own right. Therefore the erection of a market dwelling would not be required to achieve enhancement and the proposal would therefore be contrary to policy HC1 and GSP2. In principle an affordable dwelling to meet eligible local need could be an appropriate way forward.

- 5.3. 2001: NP/DDD/0101/047: Planning permission granted for erection of double garage on part of the site.

## **6. Consultations**

- 6.1. Tideswell Parish Council: No objections and support the application.
- 6.2. Litton Parish Council: Support the application and consider it will improve the look of the site and first impressions of the village.
- 6.3. Litton Parish Council do query why the proposed dwelling needs to be of an open market nature. Whilst the Parish Council understands that the open market may add more value to the property, in the long run there is a concern, not only in Litton parish but many small parishes in the area that more and more residents are becoming priced out of the villages by wealthy property owners from outside the area who buy up properties for second homes. #
- 6.4. District Council: No response to date.
- 6.5. Highway Authority: No objections subject to conditions.

## **7. Representations**

- 7.1. A total of nine representation letters have been received to date. All the letters are in support of the application and give the following material planning reasons. The letters can be read in full on the website.
- The proposed house will be an enhancement to the site and to the outlook of neighbouring properties.
  - The plot has no current use and has the potential to become an eyesore at the entrance of the village.
  - The design of the proposed house is appropriate and in-keeping with the recently built houses on the adjacent site.

## **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. Para 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.'*
- 8.4. The NPPF directly refers to the National Parks Circular which makes clear that the Government considers it inappropriate to set housing targets within the National Parks and instead that policies should seek to delivery affordable housing to meet the needs of local communities.
- 8.5. Paragraph 54 and 55 of the NPPF re-inforce this approach together saying that planning authorities should seek to promote sustainable affordable housing in rural areas and that permission for isolated new housing in the countryside should only be granted where there are special circumstances.

### Development Plan policies

- 8.6. 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). GPS1 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.
- 8.7. Policy GSP3 and LC4 set out development management principles and state 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.
- 8.8. 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.
- 8.9. The approach to housing and conservation in the NPPF is consistent with the Authority's development strategy (Policy DS1) which says new residential development within the National Park should normally be sited within named settlements, and Policy HC1. C which sets out very similar criteria to the NPPF in terms of the exceptional circumstances in which a new house can be granted planning permission in the National Park.

- 8.10. Policy HC1. C I and II states that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.
- 8.11. Policy CC1 requires development to make the most efficient and sustainable use of land and buildings taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency in all development.
- 8.12. Policies LT11 and LT18 require development to be provided with appropriate access and parking provision which conserves the environmental quality of the National Park.
- 8.13. Further detailed policy on appropriate design for new housing is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.
- 8.14. It is considered the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan are consistent with national policies in the NPPF, which emphasise the great weight that should be attached to the conservation and enhancement of the National Park landscape, its wildlife and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, L1, CC1, HC1

Relevant Local Plan (LP) policies: LC4, LH1, LH2, LT11 and LT18

## **9. Assessment**

### Principle

- 9.1. The relevant policy in regard to the principle of the proposed development is Core Strategy policy HC1. This policy continues the Authority's long standing policy position that housing will not be permitted solely to meet open market demand. This approach is consistent with the National Park Circular and the NPPF.
- 9.2. Policy HC1 therefore sets out the exceptional circumstances in which new housing will be permitted within the National Park. The approach of allowing affordable housing and workers housing where there is an established need, and, of allowing market housing where it is required to achieve significant conservation and enhancement in accordance with policies GSP1 and GSP2, is considered to be a sustainable approach for providing housing within the National Park, without undermining the landscape and valued characteristics.
- 9.3. This application is for a market house and not for an affordable house to meet established local need. The application provides some information on the personal circumstances of the applicants and their need for the dwelling, however as the proposal is for a market house there would be no control over who would carry out the development or occupy the house (either in the first instance or the long term) and therefore no weight can be attached to these personal circumstances.
- 9.4. Policy HC1 C. states clearly that in accordance with policies GSP1 and GSP2 new housing can be accepted where it is required in order to achieve conservation or enhancement of valued vernacular or listed building or enhancement in designated settlements. The development would not conserve or enhance a valued vernacular or listed building and therefore the proposed development would only be acceptable if the development is required to achieve enhancement in the settlement.

- 9.5. In determining the recent application for the pair of affordable houses on land adjacent and north east of the site the Authority determined that site was either within or on the edge of Litton which is a designated settlement. The application site in this case is immediately adjacent to that site and therefore having had regard to the Authority's recent decision it is considered that this site is also within the settlement.
- 9.6. There are two existing pre-fabricated garages on the site constructed from rendered panels, corrugated sheeting and timber and both buildings are in a poor state of repair. The design and materials of the building do not reflect local building traditions and the existing buildings do visually detract from the site and the immediate local area. There would therefore be some visual benefit from the removal of the existing garages and the clearance of the site.
- 9.7. Policy HC1 states clearly that market housing must be required in order to achieve conservation and enhancement. While it is accepted that the removal of the garages would have some benefits it is strongly considered that the erection of the proposed market dwelling is not required in principle to achieve these benefits. The cost and practical implications of demolishing the existing garages and clearing the site would be minimal and therefore the re-development of the site for garages of an appropriate design or for affordable housing would be viable alternatives.
- 9.8. Furthermore while the removal of the garages would have some visual benefit, their replacement with the proposed dwelling would also have a visual impact. The proposed dwelling would in itself be of an appropriate design and materials but would have a substantially greater mass and volume than the garages that would be replaced. The proposed development would not result in significant overall benefit to the natural beauty, wildlife and cultural heritage of the area which is a requirement of policy GSP2.
- 9.9. It is therefore considered that the proposed market house is not required to achieve conservation and enhancement in accordance with policies GSP1 or GSP2 and therefore that the proposed development would be contrary to Core Strategy policy HC1.
- 9.10. Officers note the comment made by Litton Parish Council in regard to the need for the market dwelling. Officers consider that this site would in principle be suitable for affordable housing if an appropriate need was established. If the proposed development was accepted on enhancement grounds it would set the bar very low and potentially undermine opportunities to provide affordable housing on similar sites in the National Park.
- 9.11. The submitted application refers to emerging Development Management policy DMH6 which states that housing will be acceptable in principle on previously developed land. Officers accept that this policy should be given weight given the advanced stage of the plan, however it is clear from the accompanying text in the Development Management Policy document that DMH6 must be read in conjunction with core policies HC1 and GSP2 and therefore housing must be demonstrably required to achieve conservation or enhancement of previously developed sites.

#### Impact of development

- 9.12. There are no objections to the proposed development in terms of landscape as it would continue the pattern of development established by the recently approved pair of affordable houses. There are also no objections to the design which reflects the Authority's adopted design guidance and utilises appropriate details and materials and would incorporate energy and water saving measures provided that these are secured by appropriate planning conditions.
- 9.13. The submitted plans show that there is sufficient space on the site for garden, parking and turning area and subject to conditions Officers agree with the Highway Authority that the development would not result in any highway safety issues. Given the relationship to

neighbouring properties there are no concerns that the development would be overbearing or lead to any significant loss of light or privacy.

**10. Conclusion**

- 10.1. The proposed development is not required to achieve conservation or enhancement of the site in accordance with policies GSP1 and GSP2. Therefore the proposed development is considered to be contrary to Core Strategy policy HC1 and the National Planning Policy Framework.
- 10.2. In the absence of any further material considerations the application is recommended for refusal.

**11. Human Rights**

- 11.1. All human rights issues have been identified in the preparation of this report.

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

None

**Report Author and Job Title**

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