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**7. FULL APPLICATION – ERECTION OF TWO AFFORDABLE DWELLINGS, THE CROFT, LITTON DALE, LITTON (NP/DDD/0814/0879. P4939, 415986 / 374947, 23/12/2014/AM)**

**APPLICANT: MR AND MRS ROBERT AND ELLEN HOPKINS**

Planning Committee resolved to defer the determination of this planning application in November 2014 to allow representatives from both Tideswell and Litton Parish Councils to be invited to speak at a future meeting and to allow time for an updated housing needs survey for Litton to be carried out by the rural housing enabler.

**Site and Surroundings**

The site lies to the south west of Litton within Litton Dale. The site comprises of a small piece partially overgrown land known as the Croft, which includes a pre-fabricated garage and which is currently used for domestic storage. The site is located outside of the designated Litton Conservation Area.

Access to the site is via an existing gate onto the adjacent highway. The nearest neighbouring properties in this case are the recently erected pair of semi-detached local needs houses to the north east of the site and Dale Cottages to the south west.

**Proposal**

This application seeks planning permission for the erection of two semi-detached affordable local needs houses on the application site.

The submitted plans show that each dwelling would have two bedrooms and a total internal floor area of 57m<sup>2</sup>. The dwellings would be set within the existing walled croft with vehicular access provided through the existing gate. Each dwelling would be provided with a small front and back garden, which combined measure approximately 24m<sup>2</sup>. A total of four parking spaces would be provided to the east of the building for the two dwellings.

The dwellings would be two storeys in height and would be constructed in natural limestone under pitched roofs clad with natural blue slate and painted timber windows and doors.

**RECOMMENDATION:**

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

- 1. The application site is not within or on the edge of Litton or any other named settlement as defined in Core Strategy policy DS1. Furthermore, the proposed development would be sited in an open and prominent position where it would have a harmful landscape and visual impact, particularly where seen from the roadside and from elevated positions looking down onto Litton Dale. Therefore the proposals would represent an unsustainable form of development that is contrary to policies GSP1, GSP3, L1 and HC1 of the Core Strategy, contrary to saved Local Plan policies LC3, LC4 and LH1, and contrary to national policies in the National Planning Policy Framework.**
- 2. The development of this open space would lead to pressure to infill the intervening gaps which would continue linear residential development out and away from the village core in a manner which would harm the overall pattern of built development in Litton.**

- 3. The Authority is aware of alternative sites within Litton and Tideswell which have been identified, in principle, as being able to accommodate housing to meet identified local need for affordable housing. Therefore, in this case it is considered that there is no exceptional or overriding justification to approve development which would have a harmful impact outside of the village.**

### **Key Issues**

- The acceptability of the site in policy terms and the availability of other sites within Litton and Tideswell.
- Whether there is a proven local need for the proposed dwellings.
- Whether the size and type of the proposed dwellings would be affordable to local people on low or moderate incomes.
- The design of the proposed dwellings, landscape and visual impact and highway safety.

### **History**

#### **Application Site**

2002: NP/DDD/0602/268: Refusal of planning permission for the erection of a dwelling to meet local need on the application site because the site was considered to be isolated and prominent from the road and clearly beyond the confines of Litton village. It was also considered that the development of the site would increase pressure to infill the gap between the edge of the village and the existing cluster of properties 110m beyond the village to the south west. Permission was also refused on the grounds of lack of proven need for the dwelling and highway safety issues.

2003: NP/DDD/0303/120: Re-submission of the above application refused planning permission for the same reasons as the 2002 application.

#### **Adjacent Sites**

2009: APP/M9496/A/08/2086082: Planning appeal allowed for the erection of two affordable houses on land adjacent to Sycamore House, Litton Dale (a site 27m to the north east of the current application site).

In allowing the appeal, the Inspector considered that there was a proven local need for the dwellings and that the appeal site could be considered to be on the edge of the village and that the dwellings would provide a firmer visual edge to the existing built development.

2014: Application submitted, but currently invalid, for the erection of one affordable house on the adjacent croft sited between the current application site and the pair of affordable houses approved on appeal adjacent to Sycamore House on the edge of the village.

### **Consultations**

Highway Authority – The agent has now submitted revised drawings to show achievable visibility splays and the Highways Authority have been re-consulted.

The Highway Authority has no objections provided that the development is carried out in accordance with the amended plans and subject to planning conditions if the Authority does resolve to grant planning permission. Officers have requested that the agent submit amended plans to demonstrate exit visibility sightlines which should be submitted in time for the meeting.

District Council (Environmental Health) – No objections subject to conditions to deal with potential contamination caused by spillages and asbestos related to existing garage.

The consultation responses from Tideswell and Litton Parish Councils originally received by the Authority are detailed below. A representative from both Parish Councils has been invited to speak at the meeting.

Tideswell Parish Council – Supports the application for much needed affordable housing within the village, but wish the views of Litton Parish Council to be sought as the area is adjacent to their boundary.

Litton Parish Council – Request that the Authority defer the application until an up to date overview of affordable housing need and supply in the parishes of Litton and Tideswell is undertaken. The Parish Council gives the following reasons for this request:

1. The site is in Tideswell but adjacent to the Litton boundary. The application is supported by the 2009 Litton Housing Need Survey and makes no reference to Tideswell. An overview of both should take place before any decision is taken.
2. The Peak District Rural Housing Association has presented a proposal for three to four affordable houses within Litton. The Parish Council is aware of other proposals in Cressbrook and that a planning application for the site adjacent to the Croft site has been received by the Authority but not validated. The existence of these proposals supports the need to take an overview using up to date information.
3. The District Council Rural Housing Enabler is intending to undertake a housing need survey in Litton Parish in October this year.

### **Representations**

One general comment has been received to date and states that the wall shown on the south west of the site should remain and not provide access to the neighbouring land.

### **Main 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. Finally, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (such as meeting the essential need for a rural worker to live at or near their place of work in the countryside).

Policy DS1 of the Authority's Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements in the National Park. Core Strategy policy DS1 B states that the majority of new development (including about 80% to 90% of new homes) will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside. Litton is a named settlement for the purposes of Core Strategy policy DS1.

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.

Core Strategy policy HC1 also sets out the exceptional circumstances where new housing can be accepted in open countryside. These exceptional circumstances are where the new house would be for key workers in agriculture, forestry or other rural enterprises (in accordance with Core Strategy policy HC2), or where the conversion of an existing building is required for the conservation and enhancement of a listed building or building with vernacular merit, or where the conversion of an existing building would be for affordable housing to meet local need.

#### Affordable Housing Policy:

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, residential development will be permitted either as a newly built dwelling in or on the edge of Local Plan Settlements or as the conversion of an existing building of traditional design and materials in the countryside provided that:

- i. there is a proven need for the dwelling(s). In the case of proposals for more than one dwelling, this will be judged by reference to an up to date housing needs survey prepared by or in consultation with the district council as housing authority. In the case of individual dwellings, need will be judged by reference to the circumstances of the applicant including his or her present accommodation;
- ii. the need cannot be met within the existing housing stock. Individuals may be asked to provide evidence of a search for suitable property which they can afford to purchase within both their own and adjoining parishes;
- iii. the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2). In the case of proposals for more than one dwelling, where the intended occupants are not specified, a satisfactory mechanism to ensure compliance with the local occupancy restriction will be required - normally a planning obligation;
- iv. the dwelling(s) will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity;
- v. the requirements of Policy LC4 are complied with.

Policy LH2 of the Local Plan sets out criteria to assess local qualification for affordable housing whilst the supporting text to LH1 and the Authority's supplementary planning guidance (SPG) offers further details on size guidelines, need and local qualifications to support the assessment of applications for local needs housing against the criteria set out in LH1. LC4 sets out design and landscape conservation priorities, as noted below.

Policy LC3 sets out criteria to determine whether proposed development is in or on the edge of a local plan settlement and states that regard will be had to the developments relationship to nearby buildings and structures and to the settlement's overall pattern of development, which should be complimented and not harmed. LC3 goes on to say that development will not be permitted where it is separated from the existing settlement to such a degree that it no longer forms part of the whole or is likely to result in pressure to infill an intervening gap.

#### 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.

## **Assessment**

### **Location of Site and Housing Policy:**

This application seeks planning permission for the erection of two dwellings to meet local needs for affordable housing. Relevant policies in the Framework and the Development Plan would offer support for the proposed development, in principle, provided that the site is located either within or on the edge of Litton and it is demonstrated that the development would meet eligible local need for affordable housing.

The key issue in this case is considered to be whether the application site is located within or on the edge of Litton or outside of the settlement in open countryside and the impact of the development upon the local area.

Local plan policy LC3 (a) sets out criteria for assessing whether proposed development is in or on the edge of the settlement. In this case, the croft forms part of Litton Dale and an open area of land which separates the built up edge of the village from a group of buildings (including Dale Cottages and Dale House) approximately 95m to the south west. Historic mapping shows that the historic core of the village centred around Hall Cross with later inter and post war residential development in-filling part of the land between the village core towards the cottages at the northern end of Litton Dale.

The proposed dwelling would be sited in a prominent, central position within the open space and the crofts on either side, which are in separate ownership, would be retained. In these respects it is considered that the proposed development would be sited on land which is not well related to nearby buildings and structures within Litton. It is considered that the erection of the proposed dwellings on this open and prominent site would have a harmful visual and landscape impact from the roadside and from elevated public vantage points to the south east which look down onto Litton Dale. The development of this open space would continue linear residential development out and away from the village core in a manner which would harm the overall pattern of development in Litton.

Having regard to LC3 it is considered reasonable to conclude that the application site is located beyond the edge of Litton and that for the purposes of the development plan that the site should be considered to be in open countryside.

In reaching this decision Officers have had regard to the decision of the Authority's Planning Committee in 2002 and 2003 to refuse planning permission for the erection of a single dwelling on the application site. On both occasions the Authority determined that the site was clearly outside of Litton and that development of the site would increase pressure to infill the gap between the edge of the village and the existing cluster of properties beyond the village to the south west.

Officers have also had regard to the more recent appeal decision (allowed in 2009) for the erection of two local needs dwellings on land approximately 27m to the north east of the current site. In allowing the appeal the Inspector considered that the appeal site was at the edge of the main built-up area of Litton and that the appeal development would provide a firmer visual edge to the existing development. The appeal decision is therefore a material consideration because the Inspector clearly sets out what he or she considered to be the edge of the village at that time. The current application site is clearly beyond this point.

Little has changed on the ground since the Authority determined the previous applications in 2002 and 2003 and especially since the more recent appeal decision in 2009. These decisions are therefore considered to support the conclusion in this case that the current proposed development is located outside of Litton.

It is therefore considered that the application site is outside of Litton and in open countryside. In these circumstances LC3 (b) is relevant because approval of the development would be likely to result in pressure to infill intervening gaps left on either side of the site. This is evidenced by a separate planning application (which has been received by the Authority, but not yet validated, pending determination of the current application) for the development of a single local needs dwelling on land adjacent to the site.

The proposed dwellings are not required to achieve the conservation or enhancement of a valued vernacular building and therefore any approval of the proposed development would be contrary to national policy within paragraphs 54 and 55 of the framework and the Authority's housing strategy set out in Core Strategy policies DS1 and HC1 and Local Plan policies LC3 and LH1. The development of the application site would in fact have a harmful impact upon the settlement pattern of Litton and upon the local area contrary to Core Strategy policy GSP3 and Local Plan policy LC4.

#### Need and Affordability of Proposed Dwellings

In this case, the submitted application seeks to demonstrate the need for the proposed dwellings with reference to housing needs surveys carried out for Tideswell (2011) and Litton (2009) rather than with reference to the circumstances of named first occupants. The two dwellings are therefore proposed to meet the needs of these villages rather than, for example, the needs of a named individual or local family forming a household for the first time and who cannot afford housing on the open market.

A new housing needs survey for Litton has now been completed by the rural housing enabler. The survey identifies a small need for affordable housing in Litton Parish and concludes that there are 6 households with a strong local connection in need of affordable housing within the parish with a predominant need for 2 bedroom houses for affordable rent. The housing survey does not specify the number of houses that are required to meet the identified need, but even applying a 33% discount to the total number of households would equal a need for a minimum of two houses.

It is also important to note that the application site is within Tideswell Parish. The application is therefore also supported by the Tideswell housing needs survey (September 2011). The site is within Tideswell which is an adjoining parish to Litton and therefore it would be appropriate to consider that the proposed development could meet part of the identified need in Tideswell

because any prospective planning obligation would allow occupation of the dwellings by people resident there. The Tideswell survey identifies a need for 33 properties in total with the main requirement for 2 bedroom houses, 1 & 2 bedroom flats and 1 & 2 bedroom bungalows with very little opportunity for local people to meet their housing need by buying or renting existing market or affordable housing.

Therefore, having had reference to the Litton and Tideswell housing needs surveys, which are now both up-to-date, it is considered that there is a proven need for the type of housing this application proposes (2 bedroom properties).

However, the fact that the development could contribute to meeting identified local need does not override the significant policy objection that the development would be outside of Litton or the conclusion that the development would have a significant adverse impact upon the character of the locality and local settlement pattern.

Importantly, officers are aware of on-going alternative proposals to develop affordable housing on different sites within Litton and Tideswell and have been involved in discussions with the District Council Rural Housing Enabler and Parish Council in these respects. Specifically, the Rural Housing Enabler has recently presented a scheme to Litton Parish Council for three or four dwellings for rent located on Hall Lane within the heart of the settlement.

At this stage there is no certainty that any alternative sites within Litton or Tideswell will be developed for affordable housing in the near future. However, it is clear that there are alternative sites within Litton and Tideswell which could, in principle, be developed to meet the identified need for affordable housing. In these circumstances it is considered that there is no overriding justification for approving development which would be located in a harmful location outside of the village.

The size and type of the proposed dwellings are otherwise considered to fall within the Authority's space guidelines for a two or three person dwelling. The proposed semi-detached housing, set within a very modest domestic curtilage and with shared parking would be a type which would be likely to remain affordable to local people on low or modest incomes in perpetuity. Detailed financial information would normally be required to demonstrate anticipated costs and completion value (for sale and for rent). Officers have not requested this additional information in this case because there are objections to the development in principle.

#### Other Issues

Whilst there are significant concerns in regard to the impact of developing this site, there are no overriding objections to the design or layout of the building itself because the dwelling would reflect the design, form and massing of local vernacular buildings and would be built from local natural materials (natural limestone and blue slate).

The agent has submitted amended plans requested by the Highway Authority to demonstrate achievable visibility splays. The Highway Authority advises that the achievable visibility is acceptable and raise no objection subject to the imposition of appropriate planning conditions. Having had regard to this advice, it is considered that there would be adequate visibility for vehicles exiting the site. Furthermore, there is ample space within the site for four vehicles to park and turn clear of the highway. Therefore subject to conditions it is considered that the development would be unlikely to harm highway safety or the amenity of road users.

There are no concerns in this case that the development of this site would impact upon any nature conservation or archaeological interest. The Environmental Health Officer has requested that if permission is granted that conditions are imposed to require the developer to assess and remedy any ground contamination. Given the use of the croft has been for domestic storage and garaging, it is considered unlikely that there will be any significant ground contamination.

Therefore if permission was granted it is considered that the Environmental Health Officer's recommended conditions would not be necessary.

These issues while not weighing against the proposed development do not offer any substantial or overriding reasons to grant planning permission for development which is considered to be substantially contrary to the Framework and policies within the development plan.

### **Conclusion**

The application site is considered to be outside of the built limits of Litton and therefore should be considered to be in open countryside for the purposes of the development plan. The erection of new built housing in this location would therefore, in principle, Core Strategy policy DS1 and HC1 and saved Local Plan policy LH1.

Furthermore, the proposed dwellings would be sited in an open and prominent position and that the development, if allowed, would have a harmful landscape and visual impact from the roadside and from elevated public vantage points to the south east looking down onto Litton Dale. The development of this open space, which is the lower part of a longer strip field which runs up the slope from the road, would lead to pressure to infill the intervening gaps which would continue linear residential development out and away from the village core in a manner which would harm the overall pattern of built development in Litton.

While there it is acknowledged that there is a proven need for affordable housing, there is no overriding justification for approving planning permission for development which would have a harmful impact on a site outside of the village contrary to Core Strategy policy GSP3 and L1 and saved Local Plan policies LC4 and LH1. In this case, Officers are aware of alternative sites within Litton and Tideswell which have been identified with the District Council Rural Housing Enabler and which, in principle, could accommodate housing to meet identified need.

It is considered that relevant development plan policies are in accordance with the Framework and should be accorded full weight in decision making because both documents seek to promote sustainable residential development to meet local need which conserves the landscape and valued characteristics of the National Park.

In the absence of any further material considerations to support the application, the application is therefore recommended for refusal.

### **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