
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

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.**
- 2. As proposed, the dwelling is not of a size and type that would be affordable to local people of low to moderate incomes, contrary to Core Strategy policy HC1, contrary to saved Local Plan policy LH1 and contrary to advice in the Authority's adopted supplementary planning guidance 'Meeting the Needs for Affordable Housing.'**
- 3. As submitted, the proposed house would not be provided with a safe access to the highway, contrary to saved Local Plan policy LT18.**

Key Issues

- whether the applicant is in housing need and whether the need can be met by the existing housing stock;

- the acceptability of the design of the proposed house, and its landscape and visual impact;
- whether the size and type of the proposed house means it would be affordable in perpetuity to local people on a low or moderate income; and
- the acceptability of the location of the site and the sustainability of a newly-built 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.

Consultations

Highway Authority – Recommend the current application be refused because the proposed house would obstruct visibility and make the current access unsafe.

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. 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.

DS1 C states the forms of the development that will be acceptable in all settlements and in the countryside outside the Natural Zone. DS1 D lists named settlements where, amongst other things, new build development for affordable housing is acceptable in principle. 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.

Paragraph 8.6 in the pre-text to CS policy DS1 helps to explain why Meerbrook is not a named settlement saying that the choice of named settlements reflect their role as part of a Park-wide network of communities and their need and capacity for new development, particularly for new affordable housing. This is a sustainable approach based on national and local policy, reflecting a consensus at all levels for low levels of new development in the National Park with most going to larger settlements in neighbouring areas.

Paragraph 8.23 goes on to say that the remaining settlements such as Meerbrook are very small, and policy DS1 clarifies the limited opportunities for development appropriate to these places. Paragraph 8.25 states that an over-supply of new development outside of named settlements would adversely affect the sustainability of the area. It would exacerbate problems for service providers, and potentially place more people in remote locations where social interaction and service provision is more difficult, particularly for less mobile members of society, both young and old.

Meerbrook otherwise lies within the South West Peak and Figure 7 in the supporting text to policy DS1 says the Authority anticipates policies in the Core Strategy will be able to support the provision of between 30 and 130 homes in named settlements within the South West Peak and an additional 30 outside of these settlements as agricultural dwellings and change of use or conversion. These figures are illustrative rather than representing housing targets but the focus on providing new housing in named settlements also reflects the provisions of national policy that set out very clearly local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55 of the Framework).

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.

National policies do not suggest any further exceptional circumstances where an isolated new house would be acceptable in the open countryside other than where the house would be of ground breaking design, or where a new house would give rise to significant enhancements. In this case, it should be noted that the enhancement provisions in national policy would not apply to unauthorised development that has been carried out without planning permission, and is not otherwise immune from planning control.

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 (Policy LC2) 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.

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.

Assessment

Whether the applicant is in housing need and whether the need can be met in the existing housing stock

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. Local Plan policy LH1 also sets out five criteria for local needs housing, all of which must be met before a scheme can be deemed to be compliant with the Authority's housing policies.

Of these five criteria, LH1(i) states that applications must demonstrate that there is a proven need for the dwelling, and in the case of an individual dwelling, need will be judged by reference to the circumstances of the applicants including his or her present accommodation. LH1(ii) also states that the applicant must demonstrate that the need cannot be met within the existing housing stock. LH1(iii) says that the intended first occupants of newly-built affordable dwelling shall meet the Authority's local occupancy criteria as set out in Policy LH2.

In this case, the submitted Design and Access Statement explains that the applicant had lived at the adjacent Lapwing Hall Farm all his life until setting up home in the unauthorised dwelling in 2010, with his wife and five children. The applicant and his father (who still lives at Lapwing Hall Farm) operate a business delivering milk in the local area and the applicant also works in agriculture at Lapwing Hall Farm. Two of the older children also work locally.

Therefore, the applicant fits into criteria (i) of policy LH2 in that he is a person with 10 years residence who is living in accommodation that is unsatisfactory taking into account that the application is currently living with his family in an unauthorised chalet. He could also fit into criteria (iii) of LH2 – a person with 10 years residence who would be setting up a household for the first time. Furthermore, a recently completed Parish Needs Survey identifies that the applicant and his family are in need of affordable housing.

In these respects the applicant meets the requirements of LH1(i), LH1(ii) and LH1(iii) in terms of demonstrating need and a local qualification, and the Parish Needs Survey demonstrates the applicant's need for housing cannot be met from within the existing stock. These conclusions were also drawn in the determination of the previous application, but the recently completed Parish Needs Survey now adds further weight to these conclusions.

Design, Amenity and Landscape Conservation Issues

Policy LH1(v) states that proposals for affordable housing must comply with the requirement of policy LC4 in terms of detailed design, amenity and landscape conservation objectives. As noted above, LC4 fits within a wider range of design and conservation policies including GSP3 and SPD, which set out design criteria for new development; L1, which states that development must conserve and enhance valued landscape character; C1 and associated SPD that require new development to be energy efficient and resilient to climate change; and LT11 and LT18, which deal with access and parking provision.

In this case, the application site is screened from the adjacent road by a high hedgerow so the proposed dwelling would not be especially prominent from the road. There is a network of public rights of way to the south east and north east of the site, but because the site is in a slight dip in the landscape and due to the intervening hedgerows and trees the dwelling would not be unduly prominent. In wider views from the higher land to the east at the Roaches, it would be difficult to pick the dwelling out in the landscape due to the distances involved.

As such it is 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, the current proposals do not conflict with Core Strategy policy L1 and Local Plan policy LC4 and therefore meet the requirements of LH1(v) in terms of the landscape and visual impact of the development proposals.

In terms of detailed design, and compliance with Local Plan policy LC4, Core Strategy policy GSP3 and the Authority's adopted design guidance; the dwelling is different to that proposed in the previous application but the dwelling proposed in this application would continue to have a fairly traditional appearance, being constructed in natural stone under a tiled roof, with its gable end addressing the road.

In common with the previous application and by virtue of the scale of the accommodation being proposed, the gable of the property would still be some 7.4m in width which would result in a building that would not be wholly in keeping with the local building tradition (the Design Guide advises that gable widths are traditionally a maximum of 6m wide). In this respect, whilst the proportions of the proposed house could be modified if necessary to reflect the more modest building traditions of the Staffordshire Moorlands area, the form and massing of the house does not give rise to overriding objections to the proposals.

Similarly, the residential curtilage would also be more appropriately defined by a native hedgerow rather than a post and rail fence but this could be required as part of landscaping scheme. Therefore, subject to appropriate planning conditions, the detailing of the current proposals would generally meet the requirements of the Authority's adopted design policies and guidance in accordance with LH1(v)

In this case, there are no specific environmental management measures proposed as part of the development. However, in accordance with advice in the adopted SPD a condition could be appended requiring the development to be built to a minimum Code Level for Sustainable Homes Level required to RSLs at the time of commencement of the building works. As such, the proposals could comply with Core Strategy policy CC1 and associated SDP on climate change and sustainable buildings subject to appropriate planning conditions.

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, also meet the requirements of Local Plan policy LC4 and GSP3.

However, visibility from the existing vehicular access is not entirely within adopted standards and the Highway Authority recommends that the current application be refused because the house would be sited within the visibility splay of the access. Although vehicle volume and speeds on the highway at this point are low, the house would need to be resited in the interests of highway safety. Provided the road-side hedgerow is maintained, the proposals are otherwise considered to accord with Local Plan policies LT11 and LT18 because on-site parking provision would meet the needs of the occupants of the proposed dwelling, and the access could be made safer.

It is therefore considered that the proposals could comply with the specific requirements of LH1(v) and LC4 and other relevant policies in the Development Plan because the new house would not harm the general amenities of the local area and would have a limited impact on the surrounding landscape and the proposals are capable of being made acceptable in design terms, subject to conditions and resiting the house within the red-edged application site. However, the acceptability of the design of the house does not override or offset concerns that it would be simply too big to be considered to be affordable.

Size and Type

Local Plan policy LH1 subsection (iv) states that local needs dwellings must be affordable by size and type to people on low to moderate incomes. The SPG on affordable housing and supporting text in the Local Plan explains that the most affordable housing is likely to be modest both in terms of floor space and curtilage. SPG and supporting text in the Local Plan also states that dwellings of up to 87m² are likely to remain more affordable whilst Para 4.24 of the SPG states that houses for more than 5 persons are less likely to be affordable and that larger houses will be judged by individual circumstances.

One of the fundamental concerns officers have about the current proposal is that the proposed dwelling would have a floor area of 150m², which far exceeds affordability guidelines, even taking into account the applicant's personal circumstances. Notably, the internal floor area for the new house remains almost identical to that proposed in the previous application but the number of bedrooms has been reduced from six (in the previous application) to five (in the current application).

In these respects, the Design and Access Statement explains that an initial design was drawn up for an 87m² property (i.e. the 'size limit' for an affordable house for five people) with two additional bed spaces. However this was considered to be unworkable because extra living, as

well as sleeping, space is required for a large family. The Housing Corporation's 'Housing Quality Indicators for Affordable Homes' gives a guideline of 115m² for a 7 person home (the space standard is actually 108m² to 115m²). However, the applicant still 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 this case, it might be reasonable to argue that a house of between 108 and 115m² would not serve the immediate individual circumstances of the applicant if, for example, the house was justified under an essential need for an occupational dwelling, for example. However, the applicant's agent has stated that there is insufficient land and stock held at Lapwing Farm to support an application for an agricultural worker's dwelling for the applicant. Therefore, the issue for determination is whether the house would meet affordability criteria rather than whether the size of the dwelling would be commensurate with the needs of a farm holding.

In these respects, a house of 150m² is unlikely to remain affordable to people on low to moderate incomes and the additional floorspace proposed is not justified. In addition, the dwelling would be detached and the proposed residential curtilage would be substantial at approximately 500m² (excluding the footprint of the house). A valuation has been submitted from a local firm of Estate Agents, who estimated the market value of the six bedroomed property proposed in the previous application to be £320,000 upon completion. With a 30% discount reflecting a local occupancy restriction, the six bedroomed property proposed in the previous application would be 'worth' around £224,000.

It is likely that the house proposed in this application would have a similar value and as such, the proposals would be directly contrary to LH1 (iv) in that the dwelling might meet the immediate needs of the current applicant but it would not remain affordable to people on low to moderate incomes in perpetuity. Moreover, the agent has submitted a 'build costs' estimate for the proposed dwelling, from a local building company. This estimated build cost is £127,350 which is £37,800 more than the mortgage offer the applicant has received. Therefore, it is not clear that the applicant can actually afford to build the proposed dwelling at this stage.

Notwithstanding this, the recently completed Parish Needs Survey 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 current application addresses this point by illustrating how the proposed house could be sub-divided into two separate houses: one with two bedrooms; and one with three bedrooms. This is an important consideration because the subdivided houses would be affordable (in policy terms) and both the Parish Needs Survey completed recently in this parish and the Parish Needs Survey completed recently in the adjoining parish of Quarnford identify at least two young households in each parish that require affordable housing.

However, the weight that can be given to this consideration is diminished in the absence of any mechanism or other information that establishes at what point either of the two small houses could or would be made available to the wider community. Therefore, greater weight must be placed on the conclusion that the dwelling 'as proposed' is not of a size and type that would be affordable to local people of low to moderate incomes. In these respects, the submitted application is contrary to Core Strategy policy HC1, contrary to saved Local Plan policy LH1 and contrary to advice in the Authority's adopted supplementary planning guidance 'Meeting the Needs for Affordable Housing.'

Location of Site and Housing Policy

This is a fundamental issue which is, in itself, considered to be of sufficient concern to justify refusal of the application. Aside from the size of the proposed dwelling, the main issue with both the previous application and the current proposals is the fact that the site is not located within a named settlement. It is located in an isolated position in open countryside. In the determination of the previous application members of the Authority's Planning Committee indicated these concerns may be addressed by moving the proposed house closer to the existing dwelling at Lapwing Hall Farm but the red-application site has instead been retained in an almost identical location to that shown in the previous application.

In this case, the red-edged application site is located in open countryside some 0.7km outside of Meerbrook, which itself is not a named settlement for the purposes of the relevant policies in the development plan. Core Strategy policies DS1 and HC1 set out the development strategy for the National Park in relation to housing. These two policies taken together clearly set out that outside of named settlements there is no provision for any new build housing development unless it provides for key workers in agriculture, forestry or other rural enterprises in accordance with Core Strategy policy HC2. LH1 otherwise says all new build local needs dwelling must be located in or on the edge of a named settlement. The proposals for a new build local needs dwelling in this location are therefore fundamentally contrary to these policies, regardless of the landscape impact of the development.

In this case, it is considered that there is no conflict between policies in the Development Plan and the more recently published National Planning Policy Framework because both seek to promote housing to meet local need in sustainable locations and restrict new isolated homes in the countryside. The Authority's Core Strategy Housing policies have been consistently supported by the Planning Inspectorate on appeal. It is acknowledged that there are no suitable traditional buildings within the curtilage of Lapwing Farm that could be converted to a dwelling. There is another site closer to Lapwing Hall Farm, in a field to the south of the application site. Whilst this site would bring the new dwelling closer to other built development at the farm, the dwelling would still be located in open countryside contrary to CS policies DS1 and HC1 and Local Plan policy LH1.

Moreover, Meerbrook is a small dispersed settlement centered around a crossroads. It has a pub, church, village hall and youth hostel, but there are only around 12 residential properties 'in' the hamlet and there are no other services within the settlement e.g. convenience shop or primary school. Therefore, officers consider that DS1 correctly identifies Meerbrook as a settlement with little capacity for development, which means Meerbrook is an unsustainable location for newly-built local needs housing.

In these respects, it is considered that a large, new build dwelling in the proposed location would actually place people in a remote location where social interaction and service provision is more difficult, particularly for less mobile members of society, and a house in this isolated location at a distance from any existing service centre would exacerbate problems for service providers serving the local area. Furthermore, the future occupants of the dwelling would be dependent on a car for access to work, services, such as schools, doctors and so on, and for basic day to day requirements such as food shopping.

Therefore, the house would not be sited in a sustainable location contrary to the presumption in favour of sustainable development in national policy, as set out in the Framework, and policy GSP1, which underpins the requirement for new residential development to be sited within existing settlements in housing policies in the Development Plan.

It is also acknowledged that the settlement is within the parish of Leekfrith which comprises mainly dispersed farmsteads and one of a cluster of parishes in the Staffordshire Moorlands,

which do not contain any ‘named settlements’ as defined in the Core Strategy. The only named settlement within a Parish ‘adjacent’ to Leekfrith, and within the National Park, is Flash in Quarnford. The nearest service centre is Leek, which is adjacent to Leekfrith Parish and about 4km away. Therefore, there are very limited opportunities for new housing within the local area and this has significant implications for the longer term vitality and viability of the dispersed community living in and around Meerbrook.

In these respects, the applicant’s circumstances are not unique and the recently completed Parish Needs Survey identifies that there are others in the local area who are in a similar situation to the applicant i.e. people with a local qualification and in need of affordable housing. The fact that there are otherwise no opportunities open to the applicant to convert an existing building in or around the local area means it is likely that the applicant would have to move out of the National Park to meet his housing needs if the current application were to be refused. This is a dilemma faced by others in the parish and adjoining parishes.

Consequently, if these proposals were accepted, there is a reasonable expectation that similar applications would follow, and the Authority would need to make a similar judgement on other such proposals in the future. 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.

Therefore, whilst the applicant undoubtedly has strong connections to the local area and the dwelling, despite its size, would not be unduly intrusive in the landscape and is of a reasonable design subject to it being resited to make the access safe, these factors are not considered to be sufficient to outweigh the fundamental policy objections to new-build affordable housing outside of any recognised settlement 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.

Unilateral Undertaking

A draft unilateral undertaking has been submitted with the application, which aims to limit the occupancy of the new house to local people. If this draft legal agreement were to meet the tests in the Framework as being necessary and reasonably related to the proposed development then it could be capable of being a further material consideration in the determination of the current application.

However, the document lacks detail, is imprecise and does not follow the Authority’s standard template for affordable dwellings so can only be considered to be void for reasons of uncertainty. As such, the draft unilateral undertaking carries little weight in the determination of the current application. If permission were to be granted for the new house then it should be subject to the section 106 agreement similar to Authority’s standard template with the applicant as the first named occupier, and clear provisions in respects of subsequent occupiers and the subdivision of the proposed house.

Conclusion

In this case, the applicant meets the criteria laid out in Local Plan policies LH1 and LH2 insofar as it has been demonstrated that he is in housing need, he meets the local criteria and there does not appear to be any existing property available at present within his price range within the Parish or adjoining Parish. However, the application site lies in open countryside, in a relatively isolated location contrary to national policies in the National Planning Policy Framework and contrary to Core Strategy policies DS1, GSP1 and HC1 and Local Plan policy LH1.

In addition, as proposed, the dwelling would be of a size and type that would not be affordable to local people on low to moderate incomes giving rise to further conflict with policy HC1 of the

Core Strategy and policy LH1 of the Local Plan and contrary to the Authority's adopted supplementary planning guidance. The absence of any satisfactory mechanism to provide for the subdivision of the proposed house or any indication when either of the two smaller houses might be made available to the wider community offsets the benefits that might result from granting planning permission for a house that meets the current needs of the applicant but which could meet the needs of the wider community in the future.

The dwelling would not be unduly intrusive in the landscape and, with some modifications to its overall proportions, the design of the house would be in keeping with the local building tradition and the access could be made safe. However, these considerations are not sufficient to outweigh the fact that the proposed dwelling is fundamentally contrary to Development Plan and Framework policies that aim to avoid isolated new houses in the open countryside and to achieve a sustainable approach to development by focusing new affordable housing into larger settlements that have service facilities and capacity for new development.

In these circumstances, any approval for the current application would represent a clear and substantial departure from the Development Plan, and a clear and substantial departure from national policies in the Framework. Accordingly, the current application is 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