
9. FULL APPLICATION – ERECTION OF ONE NEW LOCAL NEEDS DWELLING ON LAND BETWEEN SPRING COTTAGE AND BROOK ROADS, WARSLOW (NP/SM/0814/0825, P10859, 408496/358579, 29/09/2014/CF).

APPLICANT: MR JG DARBYSHIRE

Site and Surroundings

The application site is located within the northern part of a field that lies between Spring Cottage and the Grade II listed Brook Roods on Back Lane on the western edge of Warslow. The field is relatively flat and is bounded along its northern boundary by mature planting. There are clear views into the site from the Village Hall and Cheadle Road to the south. The site also lies within an important open space within the designated Warslow Conservation Area.

Proposal

The current application seeks outline planning permission for the erection of a detached three-bedroomed dwelling for local needs on the application site. All matters are reserved, which means that the precise details of the appearance of the house, means of access from Back Lane, landscaping, layout and scale have not been included with the submitted application and are reserved for subsequent approval.

However, indicative plans show the dwelling would be a traditional cottage constructed in local building materials and two storeys in height. The submitted Design and Access Statement says the house would have a maximum internal floor area of 87m², which is equivalent to the size guidelines for a five person affordable house.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The current application does not meet the requirements of either HC1, LH1(i), LH(iii), or LH2 because the submitted application does not demonstrate that the applicant has an eligible local need for a newly-built dwelling. The current application also fails to meet the specific requirements of LH1(ii) because it has not been demonstrated that the need for a newly-built house cannot be met by the existing affordable housing stock in the village.**
- 2. In the absence of detailed plans, it cannot be determined that the proposed house would meet the requirements of policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and saved Local Plan policies LC4, LC5 and LC6 in terms of its potential impact on an important open space within a Conservation Area and the relationship between the new house, the surrounding built environment and the nearest neighbouring residential properties.**

Key Issues

- whether the applicant is in housing need and whether the need can be met by the existing housing stock; and
- whether an application for outline planning permission with all matters reserved allows for the proper assessment of development within an important open space within a designated Conservation Area within the National Park.

History

There is no history of any previous applications for planning permission being made for development of the current application site on the Authority's files. However, it is relevant to the current application that permission was granted in 2010 for the erection of 6 dwellings on Warslow Industrial Estate (NP/SM/0709/0597).

Consultations

County Council (Highway Authority) – No objections on highway grounds to the proposed development subject to conditions.

Parish Council – Recommend approval of this application on a one off basis with any future applications to be very closely examined. The Parish Council go on to say this application was supported because the house would meet the needs of a long time local resident having to leave his rented farmhouse but wanting to stay in the village.

Representations

One further letter of support was received by the Authority during the statutory consultation period from a County Councillor, which reiterated the case for the dwelling made by the applicant and stated that in the Councillor's view, the applicant's future needs for a modest home built on a plot of land that he owns in the village meets the policies that the National Park Authority have in place for affordable housing to meet local need.

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. Warslow is listed as a named settlement in policy DS1(D) where, amongst other things, new build development for affordable housing is acceptable in principle

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. HC1(A)I says exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.

In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy; policy LH1 of the Local Plan says, 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);
- (ii) the need cannot be met within the existing housing stock;
- (iii) the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2);
- (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; and
- (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 L3 of the Core Strategy and saved Local Plan policy LC5 are also especially relevant to the current application because the application site is within the designated Warslow Conservation Area. Saved Local Plan policy LC6 is relevant insofar as the proposals would affect the setting of Brook Roods, which is a Grade II listed building which lies directly adjacent to the application site.

Policy L3 says development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest.

Policy LC5 says applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. LC5 goes on to say outline applications for development will not be considered.

Policy LC6 says planning applications for development affecting a listed building and/or its setting should clearly demonstrate (i) how these will be preserved and where possible enhanced; and (ii) why the proposed development and related works are desirable or necessary.

These policies are consistent with the core planning principles set out in the Framework including the Government's objectives to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations; securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Assessment

An application for outline planning permission is normally used to establish whether the principle of a development would be acceptable before detailed plans are prepared. In this case, at pre-application stage, officers advised that the proposals were unlikely to be acceptable in principle because it was not clear that the applicant could demonstrate that he had a proven need for a newly-built house or that he could demonstrate that he had a local qualification.

This is important because 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 saved Local Plan policy LH2.

Policy LH2 sets out the definitions of people with a local qualification as follows:

- (i) a person (and his or her dependants) 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; or
- (ii) a person (and his or her dependants) 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; or
- (iii) 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; or

- (iv) 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; or
- (v) 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.

In this case, the submitted Design and Access Statement explains that the applicant has lived at Pump Farm for virtually his entire life, since his father took on the tenancy from the Harpur-Crewe Estate in 1952. The applicant took over the tenancy from his father at the same time as the ownership of the Harpur-Crewe Estate passed to the National Park Authority. Therefore, the applicant is currently living in tied agricultural accommodation which he will be required to vacate on surrendering his tenancy of the farm when he chooses to retire.

The applicant is now close to retirement but the Authority has confirmed that it will require the existing farmhouse to be made available with the farm to a new tenant on his retirement to secure the ongoing management of Pump Farm as a viable agricultural holding. The submitted Design and Access Statement goes on to say that the applicant has made some investments to provide for his retirement, but is unable to afford to buy a house on the open market in the local area without jeopardising his retirement income. However, he could afford to build a small house on land he owns separately from Pump Farm.

In these respects, the applicant is a long-established and active member of the local farming community and has strong connections to the village, but he does not have a local qualification in accordance with the definitions set out in LH2. It is also not clear that the applicant is unable to afford a house on the open market. The estimated costs of the new dwelling are said to be around £180,000, which would not necessarily be enough to buy a house outright on the open market, but would certainly represent a substantial deposit on a house within the local area. However, the applicant is close to retirement so it must be accepted that buying a property with a mortgage would not be an easy or a particularly appropriate option in this particular case.

However, the applicant's circumstances are not exceptional, not least because the Authority's housing policies do not provide specific support for new housing to meet the needs of retiring farmers, and these policies do not really address whether a distinction should be made between a person who owns their own home, or a person who lives in rented accommodation. There are also no provisions for people wishing to 'downsize' and give up a larger house but wish to remain in the local area. Consequently, it is often difficult to square the housing needs of an ageing population within the National Park and the requirements of LH1(i) and LH1(iii) with reference to the provisions of LH2.

In short, many people like the applicant are not able to demonstrate a proven need for a house (LH1(i)) or a local qualification (LH1(iii) and LH2), despite have long standing connections with their local area and despite the provisions of national planning policies that require a 'mix of housing uses'. National planning policies also require local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate and says to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Notwithstanding this, the indicative plans show that the proposed house would be a two-storey cottage with three bedrooms and not necessarily 'purpose designed' for an older person. For example, bungalows are easier to manage for older people who have mobility issues and as disability and illness become more common with age, it is more likely that a purpose designed house would be a step-free accessible home with features such as wide doors and hand rails. This is important because there are four three-bedroomed two-storey affordable houses standing empty in the village and the current application does not propose a house that is markedly

different from these existing properties.

These properties, together with a further two unoccupied two-bedroomed houses, are also subject to a local occupancy restriction and are located on the former site of industrial units on Warslow Industrial Estate. These six properties are close to have being completed in accordance with the permission granted in January 2010, but a registered social landlord is not involved in this development and they could be bought and sold on the open market to a person with a local qualification. In fact, they have already been marketed for sale but the submitted application makes no reference to these properties.

As noted above, the submitted application does say the cost of the house proposed in this application would be in the region of £180,000, but there is no further discussion of whether the existing affordable houses on the Warslow Industrial Estate are out of the applicant's reach in terms of cost. It is important to note that, if the applicant was considered not to meet the local occupancy criteria for these properties then he would not be able to demonstrate a local qualification for a newly-built house.

Therefore, the current application does not meet the requirements of either HC1, LH1(i), LH(iii), or LH2 because the applicant cannot demonstrate that he has an eligible local need for a newly-built dwelling. The current application also fails to meet the specific requirements of LH1(ii) because it has not been demonstrated that the need for a newly-built house cannot be met within the existing housing stock. Consequently, the proposals for a new house are not acceptable in principle and the current application should be refused planning permission.

Design, Amenity and Visual Impact

Policy LH1(v) states that the 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 GSP1, GSP2, GSP3 and SPD, which set out design criteria for new development; 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.

As noted above, an application for outline planning permission normally seeks to establish the principle of development and as such detailed plans will not normally be required although this is largely dependent on the nature of the application. As such, the indicative plans do not give rise to concerns that many of the requirements of the above policies could not be met subject to a range of conditions that would allow the precise external appearance of the house, means of access from Back Lane, landscaping, and layout to be dealt with as reserved matters if permission were granted for the current application.

In particular, the indicative plans submitted with this application show it is intended to construct a house broadly in keeping with the local building tradition on the edge of Warslow on a site where a house could read as infill development and could fit in with the dispersed pattern of development on this edge of the village (as described in the Conservation Area Appraisal for Warslow). However, a condition dealing with the scale of the development would also be needed to ensure the house would be affordable in terms of size and type if permission were to be granted for this application, and any permission would also need to be subject to a legal agreement that would retain the house as an affordable house to meet local need in perpetuity.

Notwithstanding this assessment, the absence of detailed plans does cause a problem in this case because the new house would be sited within an important open space within a designated Conservation Area and would affect the setting of a Grade II listed building. Saved Local Plan policy LC5 says very clearly outline applications for development in Conservation Areas will not normally be considered. L3 and LC6 re-emphasise the importance attached to the conservation and enhancement of the National Park's cultural heritage.

The lack of detailed plans only allows for a limited assessment of the proposals against the provisions of L3, LC5 and LC6 and this assessment is further complicated by the presence of overhead power lines running through the application site, which may or may not directly affect the siting and layout of the proposed dwelling. Equally, there are potential neighbourliness issues, which might determine the appearance, siting and layout of the new house, but these issues would be easier to assess if the application were supported with detailed plans.

Therefore, this is a case where an application for outline permission with all matters reserved does not allow for proper consideration of the planning merits of the proposed house in design terms or proper consideration of its potential impact on an important open space within a Conservation Area and the relationship between the new house, the surrounding built environment and the nearest neighbouring residential properties.

Consequently, as submitted, it cannot be determined that the proposed house would fully meet the requirements of policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and saved Local Plan policies LC4, LC5 and LC6, and it would not be appropriate to deal with these issues as reserved matters when it is not clear whether the constraints on site would work against finding an acceptable design solution.

Conclusions

It is therefore concluded permission should be refused for the current application and a full application might be one way forward to allow further consideration to be given to the appearance, siting and layout of the proposed house taking into account that the application site itself may be able to accommodate development for affordable housing to meet local need. However, it is equally clear that an outline application has been submitted to determine whether the principle of a newly built house would be acceptable before committing to the cost of commissioning detailed plans.

In this case, the submitted application fails to demonstrate that the applicant has an eligible local need for a newly-built dwelling, or that the need for a three bedroomed affordable house cannot be met within the existing housing stock, notably the recently built scheme of affordable local needs housing at the site on Warslow Industrial Estate. Therefore, the submitted application does not meet the requirements of policy HC1 of the Core Strategy or the requirements of LH1 and LH2, which means the principle of the proposed development is not supported by the Authority's housing policies.

This conflict with the Authority's housing policies would not be resolved by the submission of detailed plans and the overall sustainability of the proposals is further undermined because there are 4 three bedroomed affordable houses to meet local need already standing empty in the village. This means the proposals would provide very limited public benefits and any approval for the current application would be a highly personalised decision that would not be in the best interests of the proper planning of the local area. 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