

**14. PEAK DISTRICT NATIONAL PARK AUTHORITY RESIDENTIAL ANNEXES
SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION DOCUMENT (AB)**

1. Purpose of the report

To seek approval from the Committee for the Peak District National Park Authority Residential Annexes Supplementary Planning Document (SPD) – Consultation Draft and also for the commencement of an eight week public consultation, subject to any amendments arising from this meeting.

The Peak District National Park Authority's Residential Annexes SPD has been under development since the Development Management Policies (DMP) Development Plan Document was approved by Authority on 24th May 2019. It provides clarification to DMP policy DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build.

The SPD has undergone a number of revisions following comments received from internal departments such as Development Management, Monitoring & Enforcement and Legal; from Members of the Local Plan Review Steering Group; as well as from the Director of Conservation & Planning, the Head of Policy & Communities and the Head of Development Management.

As a result of the work undertaken, it is now proposed to undertake a full public consultation on the Peak District National Park Authority Residential Annexes SPD. The Consultation Draft of the document forms Appendix A of this report.

2. Recommendations(s)

That the committee:

- 1. Approves the Peak District National Park Authority Residential Annexes Supplementary Document – Consultation Draft.**
- 2. Gives approval for an 8 week public consultation on the Peak District National Park Residential Annexes Supplementary Planning Document to commence in March 2020.**
- 3. That delegated authority is granted to the Director of Conservation & Planning in consultation with the Chair and Vice Chair of Planning Committee to agree any further modifications and finalise the document at Appendix 1 prior to public consultation.**

3. Background and Proposals

4. A research project was undertaken to investigate the Authority's use of Section 106 Agreements. A report titled, 'The Use of Section 106 Agreements by the Peak District National Park Authority' was presented to Members on Friday 12th January 2018, following the conclusion of the Planning Committee meeting.
5. The research indicated that there were inconsistencies in the application of policies dealing with ancillary residential accommodation and therefore it concluded that a guidance note and training of officers and possibly Members should be considered. It was also agreed that a standard condition should be agreed with the Authority's Legal Team for these types of development.
6. The majority of 2018 and the early part of 2019 was taken up with the consultation, modifications, Examination in Public and subsequent adoption of the DMP on 24th May

2019. Since then, work has been undertaken to fulfil the outcomes of the 'Section 106 Agreements' report in respect of residential annexes.

7. It was originally intended to produce a guidance note for Development Management Planning Officers and Members. However this was upgraded to an SPD after colleagues in both Development Management and Enforcement & Monitoring could see the value of such a document for both local residents and planning agents.
8. The Residential Annexes SPD – Consultation Draft has therefore been produced which provides additional guidance to DMP policy DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build.
9. The SPD was forwarded to Members of the Local Plan Review Steering Group due to their role as a critical friend in the production of Supplementary Planning Documents. Comments were received from two Members which resulted in a number of changes being made to the SPD, such as:
 - Grammatical, formatting and typographical errors;
 - Clarification/re-phrasing of text when its intention was not clear;
 - Adding text to the Introduction to explain the complexities of residential annexes;
 - Adding text to Chapter 6 to explain the different tests that conditions and legal agreements must meet; and
 - Adding a preamble to the start of Chapter 5.
10. Responses were provided to the two Members detailing why each of their suggested changes was either taken on-board or rejected. Thanks to them for taking their time in reading and responding to the SPD.
11. Comments were also received from Legal that requested:
 - The definition of 'planning unit' be amended and located towards the front of the SPD; and
 - That an explanation of the concept of 'primary use' should be contained within the SPD.
12. These were duly amended/added into the SPD.
13. Members of the Local Plan Review Steering Group and Legal also expressed views that the document could be overly complex and that possible confusion could arise over the terminology used within the SPD (e.g. the use of 'incidental' and 'ancillary'). The SPD's Introduction has therefore been expanded to outline the intended audience of the document (i.e. planning agents and planning officers) and it is our intention to canvas views on the clarity of the SPD during the consultation process.
14. Following a number of iterations, the SPD is now considered ready to be consulted upon.
15. **Main Policies**
16. **Relevant Development Management Policies:**
 - DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build
 - DMH7: Extensions and alterations

- DMH8: New outbuildings and alterations and extensions to existing outbuildings in the curtilage of a dwellinghouse
- DMH11: Section 106 Agreements

17. National Planning Policy Framework (NPPF)

18. Development Management policies were deemed to be consistent with the NPPF during examination. However the SPD provides a further opportunity to clarify the way that residential annexes can be achieved within the National Park through these policies and also describe the relationship to case law within this form of development.

19. Human Rights

20. It is not considered that the publication of the Residential Annexes SPD - Consultation Draft will raise any human rights issues, as it simply provides further guidance on how to apply the relevant planning policies contained in the DMP and describes established Case Law.

21. Are there any corporate implications members should be concerned about?

22. **Sustainability:**

23. The government's Planning Practice Guidance (2019) states:

24. 'Supplementary Planning Documents (SPDs) do not require a Sustainability Appraisal to be undertaken. They may, in exceptional circumstances, require a Strategic Environmental Assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. A Strategic Environmental Assessment is unlikely to be required where an SPD deals only with a small area at a local level.'

25. The Residential Annexes SPD deals with the conversion or construction of buildings within the planning unit of a dwellinghouse that are to be used as an annex to the existing dwellinghouse. These developments tend to be small in scale, some do not require planning permission, whilst others do not comprise development. The Residential Annexes SPD therefore deals only with a small area of planning policy at a local level.

26. The SPD provides further guidance to DMP policy DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build which was subject to a Sustainability Appraisal as part of the Local Plan development process.

27. It is for these reasons that neither a Sustainability Appraisal nor a Strategic Environmental Assessment is required to be undertaken for the Residential Annexes SPD.

28. **Appendices**

Appendix A – Peak District National Park Authority Residential Annexes Supplementary Planning Document – Consultation Draft

Ailsa Berry, Policy Planner, 24 February 2020