

5. FULL APPLICATION – PROPOSED NEW BUILD DWELLING TO SATISFY A LOCAL NEED – TOWN END FARM, MAIN STREET, CHELMORTON (NP/DDD/1020/0941, MN)

APPLICANT: MR JONATHAN DEVEREUX

Summary

1. The proposal is to construct a single dwellinghouse to meet an identified local need.
2. Whilst the application establishes that a housing need for a single person exists, the proposed dwellinghouse is larger than is supported by policy for a single person dwelling.
3. Further, the intensification of use of a substandard access would adversely affect highway safety.
4. The site is also of archaeological interest but an archaeological assessment of the site and the impacts of the development upon this interest that are required by planning policy have not been submitted. As a result, there is insufficient information to properly assess the application in these regards.
5. There are no other policy or material considerations that would indicate that planning permission should be approved. Accordingly, the application is recommended for refusal.

Site and surroundings

6. The application site is located to the west of the road through Chelmorton village towards the southern end. The site comprises a former stone built farmhouse and outbuildings which have incrementally been converted in to a number of houses over the last 15 years, and have passed in to separate ownership.
7. The applicant lives in the property titled only 'Unit 6' which is to the rear of the other dwellings on the site, on the northern boundary. He owns the 11 acres of grassland which runs to the west of the site, as well as an area to the south of the house that is currently occupied by a field shelter. This is the site of the proposed development.
8. The nearest neighbouring properties to the site are Unit 5 (Wagtail Barn) 20m to the east, Unit 6 at approximately 32m to the north east, and Townend, which is a listed building and not part of the Town End farm complex, at a distance of approximately 50m to the south east.
9. The site is accessed along a driveway off the highway that passes several other properties before terminating at the application site.
10. The site is located within the Chelmorton conservation area.

Proposal

11. The application proposes the construction of a new 2/3 bedroom dwellinghouse to meet a local housing need. This would replace a timber agricultural building that is currently present on the site.

RECOMMENDATION:

12. That the application be REFUSED for the following reasons:

- 1. The proposed dwellinghouse is larger than the size justified by the identified housing need, and as a result the proposals are contrary to policy DMH1.**
- 2. There is insufficient archaeological assessment of the site to allow an assessment of the archaeological impacts of the development to be made, contrary to policy DMC5 and the provisions of the NPPF.**
- 3. Visibility from the site access that is within the applicant's control is substandard, and it is concluded that the intensification of use arising from the proposed development would adversely affect highway safety. The proposal is contrary to policy DMT3 and the guidance within the NPPF.**

Key Issues

13. The main considerations are summarised as:

- Whether there is an identified need for the proposed dwelling
- Whether the proposed dwelling is of a size that reflects any identified need
- The impact of the development on highway safety
- The archaeological implications of the development
- The design and appearance of the proposed dwelling

History

14. 2019 – Application for new build dwelling to satisfy a local need withdrawn prior to submission (NP/DDD/1019/1102)
15. 2015 – Retrospective planning permission granted for field shelter (NP/DDD/0415/0342)
16. 2015 – Planning permission refused for erection of agricultural unit (building); subsequently allowed on Appeal
17. 2010 – Planning permission granted for conversion and extension of a further existing barn to form dwelling, and proposed demolition of existing lean-to structure. (NP/DDD/0310/0263)
18. 2009 – Planning permission granted for Removal of condition 12 from NP/DDD/0708/0577 to allow alternative access (NP/DDD/0309/0192)
19. 2008 – Planning permission granted for conversion and extension of existing barn to form dwelling, and proposed demolition of existing lean-to structure (NP/DDD/0708/0577)
20. 2008 – Planning permission refused for conversion and extension of existing barn to form dwelling, and proposed demolition of existing lean-to structure (NP/DDD/0408/0290); Appeal subsequently dismissed
21. 2007 – Planning permission granted for conversion of existing barns to form 2 No. dwellings. Demolition of existing garages and rebuild new. Demolition of non-vernacular buildings (NP/DDD/0107/0063)
22. 2006 – Planning permission granted for extension and subdivision of dwelling (NP/DDD/0906/0831)
23. A number of more minor applications for extensions, alterations, and outbuildings have also been determined over the last 20 years across the former farmstead site.

Consultations

24. Highway Authority – Recommend refusal of the application on the following grounds:
The proposed development, if permitted, would lead to the intensification in use of an existing substandard access to Main Street where emerging visibility is restricted due to the frontage to the publicly maintainable highway and the width of the highway margin, thereby leading to potential danger and inconvenience to other highway users. The provision of a vehicular access with adequate visibility splays to the Highway Authority's minimum standards would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicant's control. No adequate provision is included in the application proposals for the parking and manoeuvring of vehicles clear of the public highway, which would be likely to result in parking on / reversing onto or off of the public highway, which would be considered against the best interests of highway safety.
25. Parish Council – Supports the application, advising that it complies with the parish residency rules.
26. District Council – No response at time of writing
27. PDNPA – Conservation – Advised that the originally proposed design was inappropriate for a in this location, not allowing the development of the site to be interpreted correctly, and creating a pastiche of a traditional Peak District agricultural building in an area where one would not have been present. The design has since been amended and the conservation officer has no objections to the amended proposals. Full comments can be viewed on the Authority's website.
28. PDNPA – Archaeology – The site of the proposed development is a site of archaeological interest and potential for archaeological remains from the medieval period onwards. The site is located in the historic core of the village and the available evidence suggests that Chelmorton dates back to the 12th century, at least, and retains its medieval layout and the extensive remains of its medieval field system fossilised within the existing field walls and boundaries.
29. Although not on the street frontage, the site of the proposed development has archaeological potential for medieval occupation and related activities. Earthworks associated with medieval settlement and occupation have been identified at a site c.60m to the north, but set a similar distance from the road, including a number of rectangular building platforms. These were identified in a 1989 archaeological survey. This site and a number of others around the village indicate that Chelmorton is a shrunken village, with areas of settlement contracting and some areas being abandoned. The site of the proposed development has the potential for such belowground remains to survive, which would be non-designated heritage assets.
30. From the photographs on the application it appears the site is currently only occupied by a lightweight stable/shelter structure and the ground is largely grassed over other than adjacent to the existing modern farm building to the north. This suggests that any surviving archaeological remains could be relatively intact and undisturbed.
31. The construction of a new dwelling in this location will require extensive groundworks (for foundations, buried services, drainage, access etc.). Any buried archaeological remains and features encountered would be damaged or completely destroyed.
32. The application contains insufficient information for us to be able to understand the significance of the heritage assets affected or assess the level or extent the resulting harm in accordance with paragraph 190 of NPPF.

33. The understanding of the level of harm to the heritage assets is crucial, and unless the appropriate supporting information is submitted, there is insufficient information on the impact of the proposed development on heritage assets to allow an informed planning decision to be made. The full response can be viewed on the Authority's website.

Representations

34. One letter of objection has been received. This questions the need for an affordable dwelling to be built when a large volume of houses are being built relatively nearby, outside of the National Park boundary and objects on the grounds of it resulting in 'creeping' development of inappropriate appearance within the conservation area.

Main policies

35. Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, CC1, L1, L3
36. Development Management policies: DMH1, DMH2, DMH10, DMC3, DMC5, DMC8
37. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- Conserve and enhance the natural beauty, wildlife and cultural heritage
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
38. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National planning policy framework

39. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management DPD 2019. Policies in the Local Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Local Plan and more recent Government guidance in the NPPF.
40. Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
41. Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed

using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

42. Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
43. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
44. Paragraph 198 continues that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
45. Paragraph 199 advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁴. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Local Plan

46. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
47. Core Strategy policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
48. Core Strategy policy DS1 details the development strategy for the National Park. For the purposes of planning policy Chelmorton is a named settlement in Core Strategy policy DS1.
49. Core Strategy policy HC1 addresses new Housing. It sets out that provision will not be made for housing solely to meet open market demand but that, exceptionally, new housing can be accepted including where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.

50. Core Strategy policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
51. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
52. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
53. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
54. Development Management policy DMH1 addresses affordable housing. It sets out that affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that: (i) there is a proven need for the dwelling(s); and (ii) any new build housing is within the stipulated size thresholds. These are as follows:

Number of bed spaces	Max. Internal Floor Area (m2)
One person	39
Two person	58
Three person	70
Four person	84
Five person	97

55. Development Management policy DMH2 addresses the first occupation of new affordable housing. It states that in all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
 - (i) a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - (ii) a person (and his or her dependents) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - (iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.
56. Development Management policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring applications to clearly demonstrate their significance and for new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported. It also

states that proposals likely to affect heritage assets with archaeological and potential archaeological interest should be supported by appropriate information that identifies the impacts or a programme of archaeological works to a methodology approved by the Authority.

57. Development Management policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
58. Policy DMT3 states, amongst other things, that where development includes an improved access onto a public highway it will only be permitted where a safe access that is achievable for all people, and can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

Principle of development

59. Policy HC1 makes it clear that provision will not be made in the National Park for new housing to meet general demand. However, on an exceptional basis, new housing may be permitted if it is to meet an eligible local need for houses that will remain affordable in perpetuity.
60. The application is for one new house for the applicant's daughter to live in. We are advised that she has lived with her father in Chelmonton for in excess of 10 years, and being 21 years of age it is clear that she would be setting up home for the first time.
61. As a settlement named by policy DS1, Chelmonton is an acceptable location for new affordable housing in principle.
62. Policies DMH1 and DMH2 make it clear that new affordable housing can only be permitted when there is a proven need for the new housing. To be 'in need' a person must be in accommodation that is overcrowded or otherwise unsatisfactory. The supporting text sets out that people forming a household for the first time can amount to a housing need.
63. The applicant has registered with the Home Options partnership – a group that works to help identify and provide housing to those unable to afford open market property values and rents. This registration has categorised the housing need of the applicant's daughter as 'Band C', which confirms that they have an 'identified housing need.'
64. For the purposes of policies DMH1 and DMH2 it is therefore accepted that the applicant's daughter is in housing need, and their residency history means that they would meet the local occupancy criteria set out by DMH2.
65. The supporting text of the affordable housing policies also states that the Authority will need to be persuaded that applicants have no alternatives available to them on the open market or through social housing that can meet their need, and that evidence of their search for housing on the market should accompany any planning application.
66. The application advises of a local housing search returning only a single property for sale and that this is unaffordable to the applicant's daughter at a price of £350000. Enquiries have also been made with Home Options in relation to possible rental opportunities, but no properties have been found to be available.

67. An objection to the proposals queries the necessity to provide a new affordable dwelling in this location when new housing is under construction a few miles away near Buxton, outside of the National Park. Notwithstanding that the objection would appear to suggest that this housing is not available at this time, the Authority's policies regarding affordable housing are not designed to drive young people out of the Park – quite the opposite, they are designed to try and facilitate housing for them in appropriate locations where a need exists in order to maintain sustainable and thriving communities. The availability of housing outside of the Park that would meet their needs is therefore not considered grounds on which to refuse to provide appropriately located affordable housing inside of the Park.
68. Based on all of the above it is accepted that the applicant's daughter has a housing need that cannot be met on the open market, and constructing a new affordable dwelling in this location to meet that need would be compliant with planning policy in principle.

Size of property

69. The housing need established by the Home Options registration is for a single person dwelling.
70. Policy DMH1 outlines maximum size guidelines for new affordable dwellings, and for a single person dwelling this maximum size threshold is a floor space of 39m².
71. As originally proposed, including the garage, the proposed dwelling would have been 106m². The design has since been amended and the garage removed. However, the floorspace still totals 76m². This is far in excess of the maximum size threshold for a single person dwelling. The purpose of defining size thresholds based on the identified housing need in policy DMH1 is to create a range of stock types to address the varied needs of the National Park's communities, and to allow a range of affordability of properties; accepting every new affordable home at any size proposed up the maximum threshold would entirely defeat these objectives, and would ultimately deliver only a stock of larger dwellings that remained unaffordable and oversized for many of those with identified housing needs; particularly those seeking to get on to the first rung of the property ladder.
72. As a result the application is contrary to policy DMH1 and cannot be supported.

Design and appearance

73. As originally designed the property had the characteristics of a traditional agricultural building. The Authority's Conservation Officer raised concerns that in the context of the existing group of historic (converted) agricultural buildings this would confuse the historic legibility of the site. As a result, the design was changed to more closely reflect a traditional two-storey cottage. This broadly follows adopted design guidance and the conservation officer raises no objections to its appearance. It is therefore concluded to conserve the appearance of the built environment and character and appearance of the conservation area, according with policies DMC3 and DMC8.
74. It would also remain reasonably related to the existing building group and would not encroach further in to the field system to the west. As a result it is concluded that the position and appearance of the building would conserve the landscape of the locality, according with policies L1 and DMC3.

75. Whilst the current timber building on the site is of functional and modern appearance, it is modest in size and impermanent. The townscape and landscape character benefits of removing it from the site and replacing it with a larger, more permanent building, even one of more in keeping appearance, are therefore minimal. They are therefore attributed very limited weight in the overall planning balance.

Archaeological impacts

76. No archaeological assessment of the site has been submitted in support of the application. As detailed in the summary of the Authority's archaeologist's consultation response, above, Chelmorton is a historic settlement of some significance, and previous surveys at comparable sites within the village have located evidence of medieval settlement that is of archaeological significance.
77. Without any archaeological assessment of the site at this time it is not possible to determine the potential extent or importance of archaeological interest within the application site, or what impact the proposed development would have upon it.
78. Archaeological harm cannot therefore be ruled out or properly assessed, contrary to policy DMC5. Furthermore, paragraph 172 of the NPPF affords great weight to the conservation of cultural heritage within the National Park, and the site has the potential to be of high archaeological value. The lack of assessment of this interest is also contrary to paragraph 172 of the NPPF, as well as its wider heritage provisions.
79. Whilst the NPPF requires any harm to non-designated heritage assets to be weighed against public benefits of the development, that cannot be undertaken until such harm has been identified and assessed through an appropriate assessment.

Highway impacts

80. The Highway Authority advises that based on the submitted drawings it does not appear to be possible to achieve the recommended sightlines of 2.4m x 43m in each direction at the site access.
81. A technical note prepared by a transport consultancy has been submitted in support of the application. At appendix C this demonstrates that site access visibility of 2m x 13m is achievable to the south and 2m x 25m to the north. The Highway Authority notes that not only are these significantly substandard but that they appear to be taken to 1m into the carriageway rather than to the nearside carriageway channel. Further, they are taken from 2m back from the carriageway edge, not the recommended 2.4m. With such adjustment, the visibility achievable would be even less.
82. The applicant's agent has attempted to demonstrate that, contrary to the submitted technical note forming part of their own submission, much greater sightlines can be achieved. The highway authority advise that the plan put forward to demonstrate this – being a somewhat blurry annotated snapshot from Google Maps – is unsuitable and appears to show visibility taken across land in neighbouring control. We agree; it is not possible to precisely assess available visibility from this plan and it is therefore necessary to rely on the seemingly more accurate plans forming part of the technical note instead.
83. The application makes the case that the nature of the road and limited intensification of use of the access – which is shared by other dwellings – means that compliance with standard access requirements should not be necessary. The highway authority do not share this view however. Given that the access is already substandard, any

intensification of use would make the situation worse; the provision of a new three bed dwelling would be very likely to result in such intensification of use.

84. On this basis the proposals would result in harm to highway safety and amenity. The proposal is contrary to policy DMT3 and the guidance within the NPPF.
85. The Highway Authority also notes that parking spaces of sufficient size and turning facilities within the site have not been demonstrated. Had the application been acceptable in other regards then this could likely be addressed through amendment. As the application stands however, this is a further ground for objection to it.

Amenity impacts

86. The property would be set over 20m from the two nearest neighbouring dwellinghouses in other ownership, with the closet garden boundary approximately 10m from the proposed building. There would be no windows overlooking neighbours and given the distances and orientations the property would not be overbearing on them and nor would it significantly overshadow their properties or gardens.
87. It would face towards 'Unit 6' but given that this is at a distance of over 20m and that the property is in the applicants control this does not give rise to amenity concerns.
88. The additional movements associated with the development along the access drive – which passes several other properties – would not be so significant to adversely affect their living conditions either.
89. Overall, the proposals conserve neighbouring amenity in accordance with policy DMC3.

Climate change mitigation

90. The Design and Access Statement sets out target U values for the insulation of the property's walls, floor, roof, doors and windows, all exceeding the requirements of building regulations. The statement also notes that an air source heat pump for heating and hot water provision would be suitable for the development, although no further details are provided or shown on the submitted plans. Nevertheless, if the application was found to be acceptable in other regards, then subject to securing the proposed measures by condition, this would be sufficient to comply with policy CC1.

Other matters

91. Details of drainage have not been provided, but given the number of adjacent residential properties it is anticipated that either a connection to an existing drainage system could be utilised, or a new connection could be installed if not. Details would need to be reserved by condition if permission was granted.
92. The existing trees on the site would be retained by the development, with the building avoiding the root protection areas of the trees on the site.

Conclusion

93. Whilst the need for an affordable dwelling has been identified, the proposed dwellinghouse is larger than the size justified by the identified housing need, and as a result the proposals are contrary to policy DMH1.
94. Furthermore, visibility from the site access that is within the applicant's control is substandard, and it is concluded that the intensification of use arising from the proposed

development would adversely affect highway safety. The Highway Authority recommends refusal of the application on these grounds.

95. There is also insufficient archaeological assessment of the site to allow an assessment of the archaeological impacts of the development to be made, contrary to policy DMC5 and the provisions of the NPPF.
96. There is otherwise no conflict between the intent of policies in the Local Plan and Government guidance in the National Planning Policy Framework and there are no other material considerations that would indicate planning permission should be granted.
97. Accordingly, the 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

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