

**4. FULL APPLICATION – NEW AFFORDABLE DWELLING - LAND OFF TAGG LANE, MONYASH – (NP/DDD/0121/0073, TS)**

**APPLICANT: MR ROSS WOOLEY**

**Summary**

1. The proposal is to construct a single dwelling house at the edge of Monyash village on open land that is part of a medieval strip field system. The construction of a new dwelling here would cause harm to the historic character and significance of the Monyash Conservation Area. The development also has the potential to harm archaeological heritage assets.
2. The application has established that the applicant is in housing need for a two bedroom/three person house. However, the application proposes a three bedroom/five person house. The house that is proposed therefore does not reflect the housing need that has been demonstrated.
3. The application is therefore recommended for refusal.

**Site and Surroundings**

4. The application site is part of an agricultural field that lies to the western side of Monyash village. The site is immediately to the north of Tagg Lane and to the west of a residential dwelling called The Old Saw Yard. The site is within the Monyash Conservation Area. It is understood that the site is part of the Hawthorns Farm which lies a short distance to the north east.

**Proposal**

5. The application seeks full planning permission for the construction of a new affordable local needs dwelling. The proposed house is a two storey property that would have three bedrooms and a floor area of 97 square metres.

**RECOMMENDATION**

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

1. **The introduction of a domestic dwelling and its associated garden and parking areas would significantly change the character and appearance of this part of the medieval strip field system that lies within the Conservation Area and makes a positive contribution to the Conservation Area. The development would result in significant harm to the character and significance of the Conservation Area and the public benefits of providing a single new dwelling do not outweigh the harm that would be caused. The proposal is therefore contrary to policies L3, DMC3, DMC8 and the guidance within section 16 of the NPPF.**
2. **The size of the proposed dwelling is significantly larger than the size of the dwelling for which the applicant has an identified housing need. The proposed dwelling would therefore not meet an identified local need for affordable housing and is contrary to policies HC1 and DMH1.**

### **Key Issues**

7. The main planning issues arising from the proposals are:
- The impact of the development on the special qualities of the National Park, particularly in respect of cultural heritage.
  - Whether there is an identified need for the affordable dwelling proposed, and whether the proposed occupant would meet the local occupancy criteria.
  - Whether the proposed dwelling is of a size to meet the identified need.

### **Relevant Planning History**

- 8.2020 – Planning permission refused for the same development as proposed under the current application for the following reasons:
1. *The application has failed to demonstrate a local need for a new dwelling of the size and type proposed. The application is therefore contrary to policy HC1 of the Core Strategy and policies DMH1 and DMH2 of the Development Management Policies.*
  2. *The application would result in harm to the historic character and significance of the Monyash Conservation Area. This harm would be “less than significant”. No public benefits have been demonstrated that would outweigh the harm to the Conservation Area. The application is therefore contrary to policies L3, DMC3, DMC5, DMC5 and section 16 of the National Planning Policy Framework.*

### **Consultations**

9. **Derbyshire County Council - Highways** – No objections subject to conditions for the provision of sightlines, parking, bin dwell area, surface water drainage, an extension of the footway and to control the position of gates.
10. **Monyash Parish Council** – Support the application, subject to additional screening and the Highways Authority comments being implemented.
11. **PDNPA – Built Environment** –

*“The proposal is for a new affordable house. The design and location does not seem to have changed from that of a previously refused scheme NP/DDD/0720/0692.*

*The application was refused for 2 reasons, one being the harm to the historic character and significance of the Monyash Conservation Area. No additional supporting information has been provided regarding the impact the development will have on the Conservation Area.*

*The site proposed is at the edge of the village, in the corner of one of the fields in the medieval field strip system. The Appraisal states “one of the most distinctive features of Monyash, is the uniquely well-preserved pattern of medieval strip fields” and goes on to say “is one of the most distinctive features of Monyash and is of key significance to the historic character and appearance of the Conservation Area.”*

The dwelling would encroach into this preserved field systems and extend the built form of the Conservation Area. It will extend the village into the preserved historic agricultural landscape that surrounds the village of Monyash.

The proposal will create a building with domestic curtilage for a garden and parking

within the historic field strip, in doing so it will amend the field area and boundary. The domestic building and curtilage will have an impact on the Conservation Area and alter the character and appearance in this village entrance location.

The site has a tree or trees that have been identified as important to the Conservation Area. The proposal seeks to remove two of them, although relocation and additional planting is shown on the plans. The removal of the trees will have an impact on the Conservation Area.

*The proposal will harm the character, appearance and significance of the Conservation Area.”*

## 12. PDNPA – Archaeology –

### “Archaeological sensitivity and significance of the site

*The site of the proposed development is a site of archaeological interest. A 2006 rapid field survey of Monyash identified an embanked and ditch earthwork enclosure with a slight division along its spine, the southern line of this earthwork runs along the southern edge of the fields to the north of Tagg Lane, and through the site.*

*The 2006 survey briefly describes the form of the earthwork, and maps its location and extent. With the information available it should be considered as a nondesignated heritage asset of archaeological interest. The earthwork is still extant and visible on Google Street View. However, there is no information available to understand it’s age, function or potential for associated buried archaeological remains and features. Consequently there is currently insufficient information to understand the significance of this feature, or the weight that should be attached to it in reaching a balanced planning decision.*

*The site also falls within the fossilised medieval field system associated with Monyash, and within Monyash Conservation Area. However these heritage assets have already been covered by the consultation response from the Building Conservation Officer, so they are not restated in this consultation response.*

### Archaeological Impact of the development

*The proposed development is for an affordable house on the site, with access off Tagg Lane. The development plans suggest that the earthwork bank feature will be directly affected by new access and parking and turning area, but that the house itself is set back from the earthwork. This will require physical intervention and impact into the extant earthwork. The groundworks associated with house have the potential to affect related belowground archaeological remains and features.*

*NPPF 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 with a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. However, without an adequate understanding of significance this balanced judgement cannot be made.*

### Supporting Information

*In accordance with the requirements of NPPF para. 189, for development sites with archaeological interest, local planning authorities should require developers to submit a desk-based assessment and where required a field evaluation to allow informed planning decisions that take account of the archaeological interest and significance of sites to be made.*

*For this site, I recommend this takes the form of a rapid desk based assessment supporting an earthwork survey (level 2) of the enclosure (within the extent of the site) and field evaluation (trial trenching) to characterise its nature, extent, state of preservation etc., to understand its form, age and function so that its significance (and that of any associated buried features) can be determined.*

*The application should not be positively determined without this information.”*

### **Representations**

13. Ten letters of support have been received, supporting the proposals. The letters set out that the development would provide housing for a local young person and would help to support the community facilities in the village.
14. One letter of objection has been received. The letter raises concerns that the development would harm the conservation area and archaeology, would harm the appearance of the village, would be harmful to highway safety and would set a precedent for further development in the field.

### **Main Policies**

15. Core Strategy policies: GSP1, GSP2, GSP3, L1, L2, L3, DS1, HC1, CC1
16. Development Management policies: DMH1, DMH2, DMC3
17. 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:
  - a. Conserve and enhance the natural beauty, wildlife and cultural heritage
  - b. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
18. 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**

19. 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.
20. 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.

21. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) 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 particular Para: 172 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
22. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
24. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

#### Local Plan

25. 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.
26. 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.
27. Core Strategy policy DS1 details the development strategy for the National Park. For the purposes of planning policy Monyash is a named settlement in Core Strategy policy DS1.
28. 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.
29. 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.
30. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact

on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

31. Policy L3 states that A. 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; B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest; C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.
32. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
33. 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.
34. 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 (m <sup>2</sup> )
One person	39
Two person	58
Three person	70
Four person	84
Five person	97

35. 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:
- 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
  - 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
  - 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.

36. DMC3 sets out that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
37. DMC5 sets out that applications must include sufficient information to demonstrate how a development will impact upon the significance of designated and non-designated heritage assets. Development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless that harm is robustly justified.
38. DMC8 sets out 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.
39. 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**

40. 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.
41. 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 which is overcrowded or otherwise unsatisfactory.
42. The supporting information submitted with the application sets out that the applicant currently lives with his parents at Hawthorns Farm and that he has lived in the village his whole life. The applicant wishes to set up a household for the first time, along with his partner. The couple have one child.
43. Under the recently refused application for the same development, no further evidence of housing need had been provided. The current application differs as a Home Options Assessment has now been undertaken and submitted. This confirms that the applicant has a housing need for a two bedroom house.
44. The current application has therefore moved on from the previous refusal in that it has now been demonstrated and evidenced that the applicant is in housing need.
45. However, the proposed dwelling does not meet the identified housing need. It is a five person home at the maximum allowable size for a five person dwelling of 97 square metres. The applicant's identified housing need is for a three person dwelling at a maximum size of 70 square metres. The proposed dwelling is therefore significantly larger than the identified housing need is for.
46. The submitted information sets out that the applicant intends to build a 5 person dwelling so that he does not find himself in housing need once again if he and his partner have more children.

47. 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. The intention therefore is that new affordable housing should be permitted at a scale to address evidenced housing need, and not personal preference.
48. Moreover, In accepting every new affordable home up to the maximum threshold would entirely defeat these policy objectives, and would ultimately deliver only a stock of larger dwellings that would remain unaffordable and oversized for many of those with identified housing needs; in particular those on low to moderate incomes seeking to get on to the property ladder for the first time.
49. Whilst the aspirations of the applicant to obtain a house that will meet their need in perpetuity is noted, the proposed house is significantly larger than identified need.
50. Because the size of the proposed new dwelling is significantly larger than the identified housing need, the house would not meet an identified need for affordable local needs housing and the proposal is contrary to policy HC1 and DMH1.

#### Impact on the Conservation Area

51. The site lies within the Monyash Conservation Area. The site is within a parcel of fields to the west of the built-edge of the village that were added to the Conservation Area in 2011. The fact that the fields were added to the Conservation Area is clear recognition of the important contribution that they make to the historic character and significance of the Conservation Area.
52. There is a detailed Conservation Area Appraisal for Monyash. This sets out that one of the most distinctive features of Monyash is the uniquely well-preserved pattern of medieval strip fields, defined by later drystone boundary walls, which surround the settlement, extending out from the crofts within the centre of the village. This is of key significance to the historic character and appearance of the Conservation Area
53. The creation of a dwelling in the location proposed would undoubtedly harm the character and significance of the Conservation Area due to the encroachment of built form into the ancient field system. The dwelling would encroach into this preserved field system, extending the village into the preserved historic agricultural landscape that surrounds Monyash. The introduction of a substantial detached dwelling, parking areas and garden space would completely alter the character and appearance of this part of the ancient field system and would result in the built edge of the village extending into the fields, eroding the relationship between the built area of the village and the surrounding agricultural land. In doing so, the development would amend the definition between the built edge of the village and the agricultural fields area that makes such an important contribution to the historic character of the village. The domestic building and curtilage would alter the character and appearance of this village entrance location.
54. Furthermore, the proposal necessitates the removal of one of the trees that form an avenue along the frontage of the field, running parallel with Tagg Lane. This line of trees makes a positive contribution to the character of the Conservation Area. The submitted information states that a replacement tree will be planted elsewhere. However, given the strong linear character of the row of trees, the harm can't be mitigated by replacement planting elsewhere. This adds further harm to the impact of the development on the Conservation Area.
55. The development would cause harm to a designated heritage asset that should be avoided unless there is robust justification for it.

56. Great weight must be given to conserving heritage assets and any harm to a designated heritage asset requires clear and convincing justification. It is acknowledged that the level of harm would be in the “less than substantial” category. However, this would still be harm, and any harm requires clear and convincing justification. The NPPF sets out that less than substantial harm should be weighed against any public benefits of the scheme. The provision of local needs affordable housing is a public benefit that could be weighed in favour. However, since the new dwelling would not meet the identified housing need this cannot be given any significant weight in the planning balance. Therefore there is no public benefit that would outweigh the harm to the character and significance of the Conservation Area and the application is therefore contrary to policies L3, DMC3, DMC5 DMC8 and the guidance contained within section 16 of the NPPF.

#### Archaeological Impact

57. The Authority’s Senior Archaeologist has advised that the site has the potential to be of archaeological significance due to the presence of historic earthworks that run through the site. In order to understand and assess the impact of the development on the significance of this archaeological heritage asset, a desk based assessment supporting an earthwork survey of the enclosure (within the extent of the site) and field evaluation (trial trenching) to characterise its nature, extent, state of preservation etc., to understand its form, age and function so that its significance (and that of any associated buried features) can be determined would be required.

58. Because the principle of the development is not acceptable for the reasons outlined above, we have not requested this information in this instance. If the application was to be considered acceptable in all other respects, further information should be required prior to any positive determination.

#### Amenity

59. The position of the proposed dwelling would not result in any harm to the amenity of occupiers of any nearby dwellings by way of overlooking, overshadowing or oppressive impacts, including the nearest dwelling at The Old Saw Yard. The proposal accords with policy DMC3 in this respect.

#### Highway Impacts

60. The proposed dwelling would be accessed directly from Tagg Lane, with a new access created by breaching the boundary wall. The Highway Authority has raised no objection to the proposal, subject to conditions to secure visibility splays, parking layout, a bin dwell area, surface water control and an extension of the existing footway so that it meets with the site entrance. Subject to these conditions, the proposal would be unlikely to have significant highway impacts and is in accordance with policy DMT3.

#### Climate change mitigation

61. Climate change mitigation measures have been set out that include low energy lighting, water recycling measure, high efficiency boiler and sustainable insulation. The proposed measures are sufficient to accord with policy CC1.

### **Conclusion**

62. The introduction of a domestic dwelling within the historically-important medieval strip field system would result in significant harm to the character and significance of the Monyash Conservation Area.
63. Furthermore, the size of the dwelling as proposed is significantly larger than the identified housing need is for. The dwelling would therefore not meet an identified housing need and is contrary to policies HC1 and DMH1.
64. There are no public benefits that outweigh the identified harm and therefore the application is contrary to policies L3, DMC3, DMC8 and the guidance within section 16 of the NPPF.

### **Human Rights**

65. None arising.

### **List of Background Papers** (not previously published)

66. None

### **Report Author and Job Title**

67. Tom Shiels, Area Team Manager – Development Management