

10. FULL APPLICATION – ERECTION OF LOCAL NEEDS DWELLING - LAND AT CHAPEL FARM, HEATHCOTE – (NP/DDD/0121/0083, MN)

APPLICANT: MR J FLETCHER

Background

The application was originally considered at the meeting of the Authority's Planning Committee on the 11th June 2021 and a copy of the report is attached as Appendix 1. (to be referred to here as "the first report"). Notwithstanding an officer recommendation of refusal of the application for the development of land for a local needs dwelling, members of the Planning Committee were minded to approve the application.

An approval of this scheme would represent a significant departure from policies and as such under Standing Orders it is necessary to return to Planning Committee with a further paper exploring the policy issues and risks such an approval could have to:

1. The impact on adopted planning policies;
2. DS1, HC1 and DMH1, understanding the different policy drivers to achieve sustainable development and affordable homes that address local needs in perpetuity;
3. Responding to landscape character, and applying the spatial strategy;
4. The cumulative impact of development in inappropriate locations;
5. Managing sustainable change
6. Comparisons and consistency with previous decisions in similar locations

Decisions must be made in accordance with our development plan, unless material planning considerations indicate otherwise. If members remain of the view that the application should be approved, despite the clear conflict with adopted strategic policy, then the Authority must be able to identify what the material planning considerations are that justify allowing such a clear departure from the development plan. As is discussed below, we are of the view that no material considerations exist in this case that would justify the proposed development. If members disagree, they must be able to clearly identify what the reasons are.

1. Impact on adopted planning policies.

The first report to planning committee explored a range of relevant policies, including:

Core Strategy

- GSP1 – Securing National Park Purposes and Sustainable Development
- GSP2 – Enhance the National Park
- GSP3 – Development Management Principles
- DS1 – The Development Strategy
- HC1 – New Housing
- L1 – Landscape character and valued characteristics
- CC1 – Climate Change Mitigation and Adaption

Development Management Policies

- DMH1 – New affordable housing
- DMH2 – First occupation of new affordable housing
- DMC3 – Siting, design, layout and landscaping
- DMT3 – Access and design criteria

There are no further Local Plan policies to consider as part of this application. This report refers specifically to the use of DS1, HC1, L1 and DMH1.

All policies and decisions are constructed to actively pursue National Park purposes and sustainable development. It is important to read the Local Plan as a whole to gain the broader

intent of strategy.

The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development (para 11). To do this it advocates approving development proposals that accord with an up-to-date development plan, but clarifies in para 12 that:

‘Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’

This planning application does not demonstrate any material considerations to indicate departure from the Local Plan.

For clarification, owning land is not a material planning consideration.

The applicant’s circumstances are that they currently live and work in the village and wish to have a home there in which to raise a family. They have demonstrated a local connection and since the last report was prepared they have also submitted evidence of registration with Home Options, who confirm that the applicants have a housing need for a 2 bedroom property.

These circumstances are far from exceptional – indeed they are common to many people. The latest population figures¹ show that there are 4,432 Peak District residents in the 20-34 age bracket. Due to the significant level of need for new homes that could arise from this population, and the pressure to meet this need, policy DS1 (the spatial strategy) directs development to the larger villages and more sustainable locations. This approach is consistently applied across all rural settlements of the national park that are unnamed in policy DS1.

The spatial strategy is sound, having been tested at examination². (It is also consistent with the settlement strategy (Policy S2) of Derbyshire Dales District Council’s Local Plan³.)

The applicant’s ownership of land presents an apparently expedient solution to need, but fundamentally undermines the spatial strategy. Land ownership is not a material consideration or an ‘exceptional circumstance’ to justify planning consent. To consider it would undermine the efficacy of policy DS1, the spatial strategy as a whole, and significantly weaken our ability to manage development in accordance with national park purposes.

2. Policies DS1, HC1 and DMH1; understanding the different policy drivers to achieve sustainable development and affordable homes that address local needs in perpetuity.

Policy DS1, HC1 and DMH1 work in harmony to achieve sustainable development and deliver

¹ ONS 2020 mid year estimates, 12% of total population of 36,940.

<https://reports.peakdistrict.gov.uk/sotpr/docs/settlement-&-communities/resident-population.html>

² At para 19 of the *Report on the Examination into the Core Strategy*, the Inspector sets out that “The Development Strategy set out in policy DS1 indicates what types of development are acceptable, in principle, in settlements and in the countryside. Its emphasis is on sensitive, managed delivery in order to meet the Park’s statutory purposes, which are conservation and enhancement of the environment, and to conserve and enhance it.”

³ https://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2018_vweb2.pdf. “All other areas, including those villages, hamlets and isolated groups of buildings where nearly all services and facilities must be accessed in higher order settlements are, for the purposes of this plan, considered as ‘countryside’. In these locations, development will be strictly limited to that which has an essential need to be located in the countryside.”

affordable homes that address local need in perpetuity.

Policy DS1 named settlements are considered to be sustainable locations for most new development due to a combination of factors relating to services, accessibility and environmental capacity.

Policy HC1 permits new housing for eligible local need provided that it remains affordable and is restricted in perpetuity to local people. A planning application for an affordable house is considered beyond the current applicants' needs. It considers future occupants, and in doing so considers their needs in terms of access to services etc.

The NPPF definition of affordable housing is housing for sale or rent for those whose needs are not met by the market. Housing need is assessed by the Planning Authority in co-operation with the Housing Authority and takes into account income and existing accommodation. The system is predicated on an assumption of modest incomes.

Therefore Policy DS1 delivers sustainable development in accordance with the NPPF by ensuring that affordable houses are in locations where people with modest means can access services relatively easily and relatively cheaply. The costs associated with travel to school, doctors, dentists, convenience shop etc. are all relatively much higher in isolated, non-DS1 settlements. Public transport is also much more limited. Heathcote is one such location where people need to travel to access most services. The Hartington Nether Quarter Parish Statement identifies a post box as its only service.

Existing family and work connections ensure that for the applicant, the location is perfect, but the problem is exacerbated on second and subsequent occupations. It is highly unlikely, given its location, that the house would remain affordable in perpetuity, even with a S106 restricting occupancy.

Policy DMH1 re-enforces that this type of housing is not acceptable in the countryside outside of settlements named in Policy DS1.

DMH1 sets size thresholds to ensure affordable housing remains affordable. For a 3 person property, as a need has been demonstrated for, this would be 70m² maximum gross internal floor area. Whilst the applicant's agent has submitted amended plans since the last report was prepared, reducing the property from 3 bedrooms to 2, the floor space remains at 81m² and so fails to accord with DMH1 in this regard.

Therefore the principle of development is unacceptable, but in considering the detail of the application, the size is unacceptable too.

3. Responding to landscape character and applying the spatial strategy

NPPF para 176 states that within National Parks,

'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Core Strategy Policy L1 requires all development to conserve and enhance landscape character. Core Strategy Policy DS1 achieves this by requiring all development, including new affordable dwellings, to be located in a named settlement – places that have the capacity to accommodate development without harm to valued characteristics. To fail to accord with the criteria set out in DS1 would consequently fail to deliver the policy requirements of L1; to conserve and enhance landscape character. The impact of the development has to be considered at a strategic level, thereby understanding the purpose and intent of the relationship between how policies DS1 and

L1 work together to deliver national park purposes.

Without Policy DS1 controlling development and directing it to named settlements, small rural hamlets, such as Heathcote, would lose their more remote, rural character. This is what distinguishes them from named settlements. Allowing the development proposed would significantly undermine the purpose of protecting this character. Strategically, the impact of development such as this, within the open countryside, would have an adverse impact on the valued characteristics of the national park as a whole.

4. The cumulative impact of developments in inappropriate locations.

There is already a noticeable increase in decision-making that is contrary to Policy DS1. Annual Monitoring Reports show that for the 9-year period between 2004/5 and 2012/13 there were no permissions granted contrary to Policy DS1. However in the 6-year period between 2013/14 and 2019/20 there were 6 permissions granted contrary to policy. Five of these were in relation to local needs dwellings in open countryside contrary to DS1.

The message that this sends is that the president has already been set. It will inevitably lead to inconsistent decision-making (see section 6) and could lead to an increase in applications for harmful development, that would change the character of the national park landscape as referred to in section 3 of this report.

5. Managing sustainable change

Planning applications are to be determined in accordance with the Local Plan, as set out in section 1 of this report. The PDNPA local plan is up to date, with the Development Management Policies only having recently been adopted in 2019. The approach set out in the Local Plan was subject to public consultation and examination and is what has been adopted by the Authority.

The Local Plan Review is currently in undergo and below are the approximate timescales for this process. This is the arena in which any changes to policy will happen.

- 2021 – debate on broad issues and evidence gathering
- 2022 – preferred issues and options with formal consultation at the end of the year
- 2023 – draft plan with formal consultation at the end of the year

6. Comparisons and consistency with previous decisions in similar locations

Recent decisions in Heathcote.

[Agenda for Planning Committee on Friday 15th June 2018, 10.00 am: Peak District National Park](#)

NP/DDD/0418/0287 – Erection of two local needs affordable dwellings, Land at Heathcote

Minutes of the planning committee meeting 15/08/2018

Members felt that although there was clearly a local housing need, this development was in the wrong place as it would be a building in the open countryside, and that a more suitable site could be sought.

[Agenda for Planning Committee on Friday 11th January 2019, 10.00 am: Peak District National Park](#)

NP/DDD/1118/1070 – Erection of a local needs affordable dwelling at land at Heathcote, Biggin.

Minutes of the planning committee meeting

Members asked whether there were any proposals to supply affordable housing in Biggin, but the Head of Development Management reported that she was not aware of any. That any designation in Neighbourhood Plans needed to reflect the National Park Authority's policies and that provision of housing should be based on a local needs assessment, and that need which was a continually evolving process.

A motion to grant permission for the erection of a local needs affordable dwelling was moved and seconded. The Head of Development Management stated that due to the potential departure from policy she would be evoking SO 1.48 if Members were minded to grant the application, requiring the item to be deferred to a future meeting of the Planning Committee so that Officers could bring a report setting out the impact on policy of such a decision. The motion in principle was put to the vote and was not carried.

Members acknowledged that more affordable houses were needed, but they would have to be within a named settlement, not in open countryside unless it was an agricultural workers dwelling, as this would be contrary to Policy.

The issues raised in cases such as this are currently under review and officers stress a formal review of policy is the most appropriate place to consider these issues.

It is clear that for both these planning decisions, in Heathcote, location was the main reason for refusal, in that they were in open countryside, away from DS1 settlements. On location grounds alone, there is no justification in policy to permit an affordable house in Heathcote now and no mitigating factors or reasons why the Committee should approve a house in Heathcote in 2021 when they refused similar applications in 2018 and 2019 on the grounds that Heathcote was not a suitable place for affordable housing.

Conclusion

Experience has shown that by taking proper regard to the development plan long term spatial objectives can be achieved for landscape, special qualities and sustainability. As such the proper furtherance of National Park purposes and duty.

There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently especially where they are up-to-date, relate specifically to the development concerned and are consistent with the National Planning Policy Framework as they are in this case. To make a departure from policies based on the applicant's personal circumstances would carry a significant risk to the Authority's reputation and undermine past and future decision making.

In this case no exceptional circumstances have been demonstrated which could justify a decision different from those made in recent years and which would therefore depart from the development plan.

In these circumstances, the Planning Committee is respectfully urged to reconsider its previous position of being minded to approve the application. It is recommended that the application should be refused.

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