

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

APPLICANT: ROSS WOOLEY

Background

The application was originally considered at the meeting of the Authority's Planning Committee on the 25 June 2021 and a copy of the report is attached as Appendix 1. 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 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 harm that the development could cause to heritage assets.

The application was recommended for refusal for two reasons. The first reason related to harm to the Monyash Conservation Area. The second related to the size of the house being too big for the identified housing need. These issues are discussed further below.

1. Harm to the Monyash Conservation Area

The site lies within the Monyash Conservation Area. A Conservation Area is defined as an area of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' (Planning (Listed Buildings and Conservation Areas) Act 1990). The Authority has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in exercising our planning functions. This is legislation in addition to the statutory duty to conserve all of the National Park.

Approval of the application would potentially amount to a failure of this legal duty. Part of the purpose of this report is to ensure members give special attention to the preservation of the Conservation Area.

Two key points were raised at the last meeting in respect of the impact on the Conservation Area:

- 1. What is significant about this particular field/site?**
- 2. If local needs housing cannot go in strip fields, where can it be provided in Monyash?**

The importance of the field to the character and significance of the Monyash Conservation Area

As set out in the previous report, 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.

At the last meeting, Members asked what was significant about this particular field. The significance of the strip fields lies in their collective value with an exceptionally well-preserved pattern. This particular field is immediately next to the built edge of the village and in a prominent position on the western entrance to the village, it is considered to be of particular significance to the relationship between the field system and the built area of the village. The boundary wall between the application site and the built-up area to the east marks the historic transition point between the village and the surrounding open land.

The key concern with the proposed development is that it would break through this historic boundary between the built-up part of the village and the surrounding medieval strip fields, resulting in clear encroachment of development into this historically-significant landscape.

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 field's area that makes such an important contribution to the historic character of the village.

The application site is at the edge of the village, and policy HC1 allows for new affordable local needs housing in or on the edge of settlements on an exceptional basis. However, this does not automatically presume that all settlement edge sites will be appropriate or acceptable to permit new housing. Indeed this can be particularly challenging in settlements where the relationship between the built edge and surrounding open land is of high heritage value (or significance), as is the case in Monyash. Because it would erode the historic boundary of the village at this gateway location on the western entrance to the village, this particular site is especially sensitive to development.

It was suggested by some members at the last meeting that the house immediately to the east of the application site was probably built 30 years ago and that extended the village. The house now proposed would be a 'natural progression' in a similar manner. That is not the case.

The 1848 edition OS map shows that the existing boundary wall that demarks the end of the built-up area of the village was in the same place as it is now:



The existing house to the east of the site (The Priory) has therefore clearly been built within the historic boundary wall and the site was already developed land. It did not result in encroachment into the historic strip field system in the way that the development now proposed would.

The Conservation Area is a designated heritage asset. The proposed development would cause harm to the designated heritage asset that should be avoided unless there is robust justification for it.

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.

There was discussion at the last meeting about the extent of public benefits, and some members expressed a concern that we had not acknowledged the public benefits of providing new local needs housing.

That is not the case. The benefits of providing new local needs housing are fully understood and acknowledged in both the Core Strategy and the DMP document. This is why new affordable housing is one of the few types of new development that can be accepted on greenfield sites within named settlements in the National Park on an exceptional basis.

The problem identified in this particular case is very much in the balance between heritage value and realising public benefit through the provision of a home that addresses the identified housing need. Where a home does not respond to the identified need this diminishes the weight that can be given to the public benefits of the development, particularly where that home would not address affordability issues in perpetuity. In effect the permanent loss of heritage value is not off set by a permanent benefit to the community.

The provision of local needs affordable housing is a public benefit that could be weighed in favour. However, since the new dwelling would not address the identified housing need this cannot be given any significant weight in the planning balance. As such any public benefit arising would not 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.

If local needs housing cannot go in strip fields, where can it be provided in Monyash?

The question asked by some members at the last meeting is not one that can be thoroughly answered through an individual planning application. The key question for the application that is under consideration is whether the development would harm the conservation area. If it would to some degree, but that harm was assessed as less than substantial (which still requires clear and convincing justification), then the public benefits may outweigh the harm.

It is impossible for us to provide an assessment of all other potential housing sites in Monyash for the purposes of this application. Doing so would risk prejudicing future applications at sites that may or may not come forward. Any other applications for development within (or indeed outside of) the strip fields would need to be considered on their own merits, having regard to the particular levels of harm and public benefits that would arise.

It can, however, be noted that not all of the fields that abut the built edges of the village are within the Conservation Area. Whilst the majority are, there are areas to the north and east of the village where the Conservation Area boundary is tight to the built edge, meaning that the adjacent fields are outside of the Conservation Area. There are also likely to be opportunities for

development within the built envelope of the village that would deliver conservation and enhancement. It would be inappropriate to identify these on a specific basis as part of the assessment of a different planning application.

At a more localised level focusing on land that is within the control of the applicant's family, we certainly believe that there is an alternative site that would be less harmful than the one proposed.

Since the previous meeting, we have invited the applicant to look at a different site for the proposed house. The applicant's family own other land in the locality, including a yard to the north. Siting a house within the yard area would avoid new encroachment into the medieval strip fields and could be acceptable in terms of the impact on the Conservation Area. The applicant does not wish to look at an alternative site and has asked for the application to be determined as submitted.

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

Policy HC1 and DMH1 work together to achieve sustainable development and deliver affordable homes that address local need in perpetuity.

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 applicant's need. It considers future occupants also as a permanent land-use change, 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.

DMH1 sets size thresholds to ensure affordable housing remains affordable. For a 3 person property, this would be 70m² maximum gross internal floor area. Policy DH1 sets out that new affordable local needs housing in or on the edge of named settlements will be permitted provided that there is a proven need for the dwelling(s); **and** any new build housing is within the size thresholds listed within the policy. The size thresholds are as follows:

Number of bed spaces	Max. Internal Floor Area (m ²)
One person	39
Two person	58
Three person	70
Four person	84
Five person	97

The applicant has demonstrated that they are in proven housing need for a dwelling as their existing accommodation is unsuitable. This is evidenced by a Home Options assessment report. The report confirms that, based on the information provided by the applicant at the time of the Home Options assessment, the applicant has a housing need for a three person house.

Home Options is a choice based letting system for affordable housing. The schemes are administered by housing authorities, and properties are offered to people on the evidence of housing need. Home Options is the provider of affordable homes within Derbyshire and Staffordshire Moorlands.

Housing Authorities are best placed to assess claims of housing need. The Home Options assessment allows an objective and accurate assessment of whether a person is in housing need and, if they are, what size of property they have a need for.

The application is for a five person home at the maximum size of 97 square metres. The submitted information sets out that the applicant's household currently comprises of three people, but a larger house was wanted in case the family increased in the future. This is not a good approach to meeting the housing needs of residents of the National Park. It is clear that the size and type of the new house as proposed is based on the applicant's aspirations and want for a large detached house, and not their identified need.

If all new affordable local needs houses are built to the maximum size of 97 square metres, regardless of the identified housing need of the applicant, over time then the result will be an increasingly unbalanced stock of housing. There will be no smaller houses for one/two/three/four persons and a high number of five person houses. The loss of smaller properties is an issue members have previously expressed concerns over.

The needs of communities beyond the need of the applicant must be considered. The intention of our housing policies is that these houses serve a community purpose in the long term as being a stock of more affordable houses for second and subsequent owners or tenants from the local area. To be useful to local people who need housing to stay in the area the houses must retain some level of affordability to these people.

Whilst a three person house might not meet the need of the applicant in perpetuity, it would provide an asset for the local community in perpetuity. At the last meeting, the applicant said that they wished to create a 'forever home' that they could stay in all their life. The Authority's adopted housing strategy is to create an increasing stock of more affordable homes that address the needs of the community. If an applicant outgrows a house in the future and has to move on, then the affordable house will be an asset to the next person who can occupy it. The house will also still be an asset to the first occupier as selling it will assist with meeting their own future housing need on the open market. These limited exceptions sit within the overall conservation strategy of restraint on growth with specific allowances to address the acute needs of the area. This is balanced by homes that are justified by our conservation and enhancement purposes where aspiration and innovation are given greater flexibility.

There is a clear and significant disparity between the applicant's housing need for a three person home, and the proposed 5 person home.

Notwithstanding the above, it is acknowledged that the applicant reported to members at the last meeting that the family are expecting a second child. This is a change in circumstances that we were not aware of and can take account of. It is therefore apparent that the housing needs evidence submitted to us by the applicant is now out of date. We are entirely open to responding positively to changing circumstances in respect of housing need. But it is important that any change in circumstances should be reflected in the housing need evidence that has been provided to us.

We have invited the applicant to repeat the Home Options assessment process to take account of their changed circumstances. The applicant has refused to do this.

This is unfortunate as providing evidence of a potential different housing need to the one at the time the application was submitted would have allowed officers to positively reconsider the relationship between the identified housing need and the size and type of house that is proposed. As with any kind of supporting information provided with a planning application, the onus should be on the applicant to provide accurate and up to date information.

Officers cannot reasonably make accurate assessments based on verbal information given by applicants during committee meetings. Housing need should be properly demonstrated and evidenced, with the Home Options assessment being the best way to do this.

In the absence of updated housing need evidence, we can only make an assessment based on the information that has been provided to us. This is evidence of a need for a three person house. There remains, therefore, a large discrepancy between the identified housing need and the size of the house as proposed.

It therefore remains the case that the proposed house does not meet an indented housing need and is therefore contrary to polices HC1, DMH1 and DMH2.

Granting permission for a five person house based on submitted information for a three person housing need would seriously undermine our adopted policy. This would set a precedent for future applications and would jeopardise our ability to provide a range of local needs house types in the National Park.

It remains the case that we would be happy to work with the applicant to re-consider the position if their housing need has changed and a new Home Options assessment to reflect this can be provided.

3. Consistency with previous decisions

At the last meeting there was an apparent willingness by members to accept a house larger than the identified housing need. As well as the clear conflict with policy as discussed above, this also raises a problem in respect of consistence with other recent decisions.

Application NP/DDD/0221/0150 for a local needs affordable home in Taddington was refused by planning committee at the meeting in May 2021. This was also for a five person 97 square metres house. The applicant had demonstrated that they were in housing need, but the need was for a smaller house. The applicant had made a similar argument about wanting a new house that would meet potential future needs of a growing family. Reason for refusal no.1 states:

“The proposed dwellinghouse is significantly larger than the size justified by the identified housing need. The proposed house would therefore not meet an identified need for affordable local needs housing and therefore as a result the proposal is contrary to policy HC1 and DMH1.”

Application NP/DDD/1020/0941 proposed a new local needs house in Chelmorton. Again, a housing need had been identified, but for a house smaller than the one proposed in the application. The application was refused by Planning Committee at the January 2021 meeting. Reason for refusal no.1 states:

“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.”

It must be questioned why members have indicated a willingness to accept the size of dwelling proposed in the current application, when they did not in these recent, comparable applications.

Conclusion

A decision to grant permission would result in harm to the conservation area that is not outweighed by public benefits, contrary to the guidance within the NPPF.

Furthermore, it remains the case that the proposed house does not equate to the identified housing need. We acknowledge that the applicant's circumstances may have changed since the application was submitted and the housing needs assessment work should be re-done to reflect this. Regrettably however, the applicant has declined to do this. It therefore remains the case that the house does not meet the identified housing need that has been evidenced.

A well evidenced case on a better nearby site could lead to a better planning solution that avoids harm and delivers a well integrated development that suits the needs of a growing family.

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.

Report Author: Tom Shiels, Area Team Manager (South)