

5. FULL APPLICATION - ERECTION OF LOCAL NEEDS DWELLING ON LAND NEAR SLADE COTTAGE, MONYASH ROAD, OVER HADDON – (NP/DDD/0321/0257, MN)

APPLICANT: MR M MOSLEY

Summary

1. The proposal is to construct a single dwellinghouse to meet an identified local need in open countryside to the west of Over Haddon village.
2. The application was presented to Members of the planning committee by officers at the June 2021 planning committee meeting.
3. At that time the application was recommended for refusal for the following reasons:
 - **The site is outside of any named settlement and the provision of new building affordable housing in such a location is contrary to policy DMH1.**
 - **The application failed to demonstrate that the applicant is in housing need and, if they are, to demonstrate what size of property their circumstances require, contrary to policy DMH1.**
 - **The application failed to demonstrate why planning permission should be granted contrary to policies that seek to prevent new housing development in the countryside. Therefore, the proposed development would result in unjustified harm to the character and appearance of the rural landscape in this locality, contrary to policies L1 and DMC3, and paragraph 172 of the NPPF.**
 - **The development failed to achieve the highest standards of carbon reductions or water efficiency, contrary to policy CC1.**
4. Members discussed the application debating, amongst other things:
 - Whether this site was within or outside of the settlement of Over Haddon
 - Whether – given the farming activity at the site – it might be more appropriate for the applicant to consider an application for an agricultural workers dwelling
 - The lack of needs assessment accompanying the application.
5. Members resolved to defer the application to allow for the applicants housing need to be determined, as well as to provide an opportunity for officers to look in to the potential for the applicant to alternatively pursue an application for an agricultural workers dwelling.
6. Subsequently, the applicant's agent has advised that they do not wish to pursue an application for an agricultural workers dwelling at this time. Given the requirement for an agricultural appraisal for such an application and the uncertainty of any outcome they would prefer to pursue the current application.
7. The applicant has now registered and undertaken a housing needs assessment with the relevant housing authority. This demonstrates that the applicant has a housing need for a two person dwelling.
8. The size of the proposed dwelling has also been reduced since the June planning committee meeting – from 90m² to 70m².
9. The primary reason for the original recommendation of refusal remains however; construction of new build housing in open countryside is contrary to planning policy DMH1.

10. In the absence of any justification for the proposed countryside location, the development also results in unacceptable harm to the rural character of the landscape in this location, contrary to policies L1 and DMC3.
11. Additional climate change mitigation measures have been proposed since the June 2021 meeting, and officers are satisfied that the development would now comply with policy CC1 subject to conditions. The final previous reason for the recommendation of refusal is therefore removed.
12. Notwithstanding this, the location of the dwelling still gives rise to policy principle and landscape objections and there are no other policy or material considerations that would indicate that planning permission should be approved. Accordingly, the application is still recommended for refusal. We do, however, consider that the previously recommended reasons for refusal in respect of housing need and carbon reduction have now been addressed and overcome.
13. The report below has been updated to reflect the changes made, and the additional information provided, since the June 2021 planning committee meeting.

Site and Surroundings

14. The application site is located in the open countryside approximately 130 metres beyond the western limits of Over Haddon on the north side of Monyash Road, directly opposite Mona View Farm. The site comprises part of field adjacent to a small collection of farm buildings and to the rear of a roadside boundary hedge.
15. Access to the site is off a farm track that leads to the buildings directly off Monyash Road.
16. The neighbouring Slade Cottage is located on the west side of the field.
17. The site is outside of any designated conservation area.

Proposal

18. The erection of a local needs dwelling. This would be a two storey detached house.

RECOMMENDATION

19. **That the application be REFUSED for the following reasons:**
 1. **The provision of new building affordable housing in this location is contrary to policy DMH1.**
 2. **The application fails to demonstrate why planning permission should be granted contrary to policies that seek to prevent new housing development in the countryside. Therefore, the proposed development would result in unjustified harm to the character and appearance of the rural landscape in this locality, contrary to policies L1 and DMC3, and paragraph 172 of the NPPF.**

Key Issues

20. The main planning issues arising from the proposals are:
 - Whether the provision of an affordable dwelling in the proposed location is acceptable in principle.
 - 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

21. 2008 – Planning permission refused for erection of agricultural workers dwelling at the location of the current application. This was refused on the grounds of a lack of functional and financial agricultural justification and, in the absence of such a justification, on grounds of harm to the character and appearance of the rural landscape.

Consultations

22. Derbyshire County Council - Highways – No objections subject to maximising visibility splays within the site and providing adequate parking within it.
23. Derbyshire Dales District Council – No response at time of writing.
24. Over Haddon Parish Council – Support the application, agreeing that there is a housing need and that the design and siting of the building are acceptable. Note that they would prefer to see an agricultural tie on the new dwelling to tie it to the landholding.
25. PDNPA – Archaeology – No comments.

Representations

26. 1 letter of representation has been received, supporting the proposals. The grounds for support are that the development would support a long-term local resident being able to remain living in the locality, close to his place of work on the adjacent farm.

Main Policies

27. Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, CC1, L1
28. Development Management policies: DMH1, DMH2, DMC3
29. 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
30. 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

31. 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.

32. Paragraph 176 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.’

Local Plan

33. 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). GSP1 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.
34. 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.
35. Core Strategy policy DS1 details the development strategy for the National Park. For the purposes of planning policy Over Haddon is a named settlement in Core Strategy policy DS1.
36. 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.
37. 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.
38. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
39. 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.
40. 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

41. 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.

42. 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 providing affordable housing in the proposed location

43. Policy DMH1 of the Local Plan permits new build affordable housing in or on the edge of named settlements. Over Haddon is such a settlement. It is therefore necessary to consider whether the proposed dwelling would be in or on the edge of Over Haddon.

44. The nearest property towards the village and on the same side of the road as the application site is 130m east from the boundary of the site. That property is a local needs dwelling that was approved in 2008, and it is adjacent to longer standing dwellings to its immediate east. At the time it was approved the officer report noted concerns that a dwelling in that position could be viewed to “extend the village beyond its logical limits”, but ultimately concluded that it was on the edge of the settlement.

45. On that basis, that dwelling must represent the edge of the settlement and a new dwelling that is 130m west of this location without intervening development must be outside of the settlement.

46. Each application must be considered on its own merits though, and we have made our own assessment of the location.

47. The site is separated from the aforementioned dwelling by two open fields that remain undeveloped. There are other scattered properties located in relatively close proximity to the plot (including to the immediate west and south of the site) which are mostly farms, but these too are outside of the settlement, being separate from it and dispersed along the

roadside with intervening fields.

48. In conclusion, our own assessment concurs with the position set out in the 2008 decision. The existing affordable dwelling located 130m to the east represents the edge of the settlement of Over Haddon and the application site remains clearly outside of the village.
49. The proposal is therefore contrary to policy DMH1 of the Local Plan.
50. The applicant's circumstances are that he lives with his parents in Over Haddon, where he has resided for all of his life, other than whilst attending university. The applicant works as a farmer at the land adjacent to the application site, and wishes to build his own home there. We are advised that he is unable to afford his own property on the open market.
51. None of these issues are considered to represent exceptional circumstances, all being addressed by current housing policy. Existing policy already makes provision for new affordable housing for young people with strong local connections setting up home for the first time, and directs this in to named settlements – where it directly supports the vitality of those settlements, is more sustainably located, and (cumulatively and generally) has lower landscape impacts. Support for the provision of housing within the countryside on the basis that the applicant's own land in that location does not represent sustainable development, is easily repeatable, and undermines each of these policy aims.
52. In summary, it is not considered that the application presents any evidence that there are sound planning reasons to provide a new dwellinghouse in a countryside location where it would be contrary to the planning policies of the Local Plan.

Local qualification and housing need

53. 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.
54. The application is for one new house for the applicant to live in with their partner. As noted above, the applicant has resided in Over Haddon for most of his life and in so far as it relates to residence history, these circumstances comply with policy DMH2
55. Since the application was presented at the 2021 planning committee meeting further evidence of housing need has been provided.
56. The needs assessment submitted states that the applicant has a need for a 1 bedroom property for a couple, but that they may be able to bid on two bedroomed social properties where there is otherwise low demand for this type of property.
57. For the purposes of policy DMH1 it is therefore concluded that the applicant is in housing need.

Size of proposed dwelling

58. The proposed dwelling has been re-sized and designed since the application was heard at the June 2021 planning committee meeting. It now has an approximate floorspace of 70m², down from the 90m² proposed previously.
59. Policy DMH1 outlines maximum size guidelines for new affordable dwellings, ranging from 39m² for a single person dwelling to 97m² for a five person dwelling.

60. 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.
61. As detailed above, the identified need is for a one bedroom property. The Authority's adopted policies set out size thresholds based on persons rather than bedrooms however. The needs assessment does record that the identified need is for a couple, and so the starting point is that a two person dwelling of 58m² is the maximum size that could be supported. However, the needs assessment does also include a degree of flexibility, noting that it may be possible for the applicant to bid on two bedroom properties in some circumstances. On that basis, the 70m² dwelling now proposed – which equates to a three person dwelling under the thresholds set out by policy DMH1 – is not unduly large and raises no objections.

Design, siting and landscape impacts

62. Whilst the size of the dwelling has been reduced since the application was last considered by Members in June 2021, the design and massing of the property broadly follow the local building traditions.
63. Nevertheless, the building would be positioned on a hillside that slopes down towards the road and as a result it would 'sit up' from it. Due to the sloping nature of the plot, the proposed massing would result in prominent building when viewed from the road. There is significant roadside planting, but the property would remain visible – particularly during the many months of the year that the trees would not be in leaf.
64. Whilst its relationship to the farm buildings behind would prevent the property appearing entirely isolated, the combination of massing and topography would result in a dwelling that appears prominent, incongruous and out of keeping in an otherwise agricultural setting.
65. The same could be said for the siting of many dwellings in countryside locations however – and that is a principle reason why new build housing is not permitted by local planning policy in the open countryside, aside for in exceptional cases such as for agricultural workers dwellings. Where it is permitted for such purposes, it is on an exceptional basis that accepts that whilst there will be commonly be some visual impact, there are benefits to the National park (such as the management of its landscapes) that can be weighed against these. Those circumstances do not apply to the current application however, and so there is no policy justification or support to weigh against the adverse landscape impacts that would arise from the development.
66. Further, the gradient of the land shown on the submitted plans does not appear to reflect that of the existing land, which slopes down relatively steeply towards the roadside. It is therefore anticipated that changes to ground levels would be necessary. Details of any necessary re-profiling have not been submitted however, and so it is not possible to fully appreciate any additional visual impacts that might be associated with this.
67. In terms of materials (limestone walling with a blue slate roof) and other general design details, the dwelling would reflect the local building traditions.
68. In summary, whilst the general design of the property raises no concerns a combination of its location, massing, and the topography of the site mean that it would result in harm to the character and appearance of the site, contrary to policies L1 and DMC3.

Amenity

69. The proposed dwelling would be located approximately 30m from the nearest neighbouring dwellings, located to the west and south.
70. At these distances, and given the topography of the land, there are no concerns regarding loss of privacy or disturbance to these properties.
71. Overall, it is concluded that the development would conserve the amenity of other residential properties in accordance with policy DMC3.

Highway considerations

72. The highway authority raise no objections to the proposal, subject to securing the maximum achievable sightlines from the site access, adequate parking space within the site, and bin dwell/collection areas.
73. The access is pre-existing with reasonable exit visibility, but the development would result in an intensification and change of use of it. The highway recommendations are therefore agreed to be reasonable and necessary.
74. The development raises no further highway safety or amenity issues.
75. It is therefore concluded that safe access to the site could be achieved in an acceptable manner subject to conditions.

Climate change mitigation

76. The climate change mitigation measures set out by the proposal have been improved since the application was last present to the planning committee in June 2021.
77. The supporting planning statement advises that all insulation used would be A rated by the Building Research Establishment, all other materials – including concrete – to be from local sources, that rainwater harvesting will be undertaken, and that the building would be heated by an air source heat pump.
78. Details of the heat pump have not been provided, but could be secured by condition if permission was granted.
79. Overall, the development is now concluded to meet the requirements of policy CC1.

Conclusion

80. The development would amount to the provision of new build affordable housing in the open countryside and is therefore unacceptable in principle, conflicting with policy DMH1.
81. In the absence of any justification for the countryside location, the development also results in unacceptable harm to the rural character of the landscape in this location, contrary to policies L1 and DMC3.
82. There are no other policy or material considerations that would suggest planning permission should be granted. Consequently the application is recommended for refusal.

Human Rights

83. None arising.

List of Background Papers (not previously published)

84. None

Report Author and Job Title

85. Mark Nuttall, Senior Planner