
6. FULL APPLICATION: THE ERECTION OF AN AFFORDABLE DWELLING ON LAND ADJACENT TO ROWAN LEA, BACK LANE, HATHERSAGE (NP/DDD/0715/0654, P.8014, 14/7/2015, 423220/ 381189, MN)

APPLICANT: Mrs Safhill-Barber

Site and Surroundings

The application site is a field sited immediately to the east of Back Lane, Hathersage. It is sited between the bungalows of Rowan Lea, fronting Back Lane to the south west and Ash Meadow to the north east, which faces onto Ninelands Road. Sited behind the site to the south east is the large detached dwelling Little Timbers and its curtilage. Opposite the site, across Back Lane to the north west are the traditional two storey properties of Thornleigh and Hawthorne Dene.

The field is in the ownership of the applicant, who lives at the adjacent property of Rowan Lea. Whilst the field is not considered to be residential curtilage it is regularly mown by the owners of Rowan Leas and has a small non-traditional flat-roofed outbuilding in the back corner of the field which serves as a mower store.

The roadside of Back Lane adjacent to the site is bounded by a hedgerow, whilst the other three sides of the site are bounded by natural stone walls. Access into the field is only gained via Rowan Lea.

The field is outside of the Hathersage conservation area.

Proposal

The erection of a detached affordable dwelling to meet a local need. The application is a resubmission following the delegated refusal of an application for an identical house on the same site to meet the same housing need earlier this year.

That application did not attract the support of the Parish Council at that time; it is their support of the current application that brings it to the Planning Committee.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. There are vacant affordable dwellings newly built to meet local needs in an adjoining parish that are available to the applicant and which they could afford to occupy based on the submitted supporting information. The applicant's housing need can therefore be met within the existing housing stock and the approval of the proposal would be contrary to policy LH1, which permits new affordable housing to meet a local need only on an exceptional basis.**

Key Issues

- 1.) Whether an affordable dwelling is justified in policy terms by the applicant's circumstances.
- 2.) Whether the applicant meets the policy criteria to occupy such a dwelling.
- 3.) Whether the proposed dwelling is considered acceptable in terms of its design, landscape, highways, and amenity impacts.

History

May 2015 – Planning permission refused for the erection of an affordable dwelling on land adjacent to Rowan Lea. The current application is a resubmission of this previous application.

Consultations

Derbyshire County Council (Highways) – No objections subject to standard conditions relating to construction traffic and materials storage, visibility splays, provision of parking prior to occupation, gating, and bin storage provision.

Derbyshire Dales District Council – No response at time of writing.

Hathersage Parish Council – A survey has been undertaken in recent years which showed that affordable housing was needed in Hathersage and with the help of Isabel Frenzel, the Housing Enablement Officer, sites were suggested, viewed, proposed and ultimately rejected. Therefore Hathersage Parish Council was very disappointed that this application was previously refused. We fully support this planning application as an exceptional case. The applicant's son needs to be able to access public transport to his place of work if necessary due to his condition and needs the support of his family nearby. We hope that this time the application will be successful.

Representations

1 letter of representation has been received, agreeing with the view of the Parish Council and stating that they feel it is important the reasons for the refusal of the previous application are addressed.

Main Policies

Core Strategy: GSP1, GSP2, GSP3, DS1, L1, CC1, CC2

Policies GSP1, GSP2 and GSP3 set out requirements for development proposals to be of a high standard of design sensitive to the locally distinctive and valued characteristics of the National Park. These objectives alongside the conservation and enhancement of the National Park's cultural heritage are consistent with the core planning principles set out in the Framework.

Policy DS1 outlines the development strategy for planning within the National Park. It makes provision for affordable housing within named Local Plan Settlements, with Hathersage being listed as one.

Policy L1 states that development must conserve and enhance valued landscape character.

Policy CC1 requires development to take account of the energy hierarchy, to achieve the highest possible standards of carbon reductions and water efficiency, whilst CC2 encourages low carbon and renewable energy development where they can be acceptably accommodated.

Local Plan: LH1, LH2, LC4, LT11

Policy LH1 permits residential development for affordable housing on an exceptional basis in or on the edge of named settlements provided that there is a proven need for the dwelling, the need cannot be met within the existing housing stock, the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2), and the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity. It also requires development to meet the requirements of Policy LC4.

Policy LH2 exceptionally permits new housing for a person with a proven need in accordance with Policy LH1 provided that the dwelling will be occupied by a person meeting 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 and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;
- (ii) a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the parish or an adjoining parish and is forming a household for the first time;
- (iii) a person not now resident in the parish but with a proven need and a strong local connection with the parish, including a period of residence of 10 years or more within the last 20 years;
- (iv) a person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from age or infirmity;
- (v) a person who has an essential functional need to live close to his or her work in the parish, or an adjoining parish within the National Park.

Policy LC4 of the Local Plan states that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.

Policy LT11 requires that the design and number of parking spaces associated with a development respects the valued characteristics of the area.

National Planning Policy Framework

The National Planning Policy Framework ('the Framework') was 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 to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

In this case, the policies of the Core Strategy and Local Plan listed above provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is also considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the Framework, which promotes high standards of design and requires local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing.

Assessment

Principle

The starting point for considering the acceptability of the construction of an affordable dwelling in the Park is to establish the need for the dwelling.

Policy LH1 states that residential development will exceptionally be permitted in or on the edge of Local Plan Settlements provided that there is a proven need for the dwelling (LH1(i)), the need cannot be met within the existing housing stock (LH1(ii)), that the intended occupants meet the Authority's local occupancy criteria (LH1(iii)), and that the dwelling will be affordable to people on low to moderate incomes (LH1(iv)).

In terms of justifying the need for a dwelling, Policy LH1(i) states that in the case of individual dwellings the need will be judged by reference to the circumstances of the applicant, including

his or her present accommodation. In this case, the dwelling is proposed for the applicant's son who is still living with his mother and is looking to set up home for the first time with his partner. Under the Authority's policies and guidance this is recognised as a housing need, if it can be demonstrated that this need cannot be met by the existing housing market.

The applicant's agent has asked that the information relating to a search for alternative property and the financial standing of the applicant's son that was submitted in support of the previous identical application be considered again in support of the current proposal – although their current supporting statement does also make a change to this in so far as stating that a lower mortgage loan amount is available to them than was stated as being the case previously.

The applicants submitted evidence of a property search to show that their son's need for a house cannot be met within the existing open market housing stock dates from April 2014 until March 2015. This search demonstrates that the cheapest market houses that have been marketed within Hathersage over this period would be unaffordable to him based upon his income and mortgage offer. Whilst this search does not cover the five months between the submission of the previous application and the present time it is accepted that based upon the financial circumstances of the applicant's son, and upon an online property search carried out by officers, an open market dwelling within Hathersage is not going to be affordable to them.

The applicant has also provided details of new build shared ownership properties currently available within Grindleford, an adjoining parish to Hathersage, that the applicant's son would be eligible to occupy. The value of these properties is such that securing a mortgage on a 50% ownership basis would be achievable for the applicants son based on the information provided, with below market rate rental payments required on the other half of the property.

The applicant's agent has advised that these properties would not meet their clients' needs due to the lack of amenities in Grindleford and a shortage of mortgage providers prepared to offer mortgages on shared ownership houses which reduces their opportunity to secure a competitive offer. No evidence however has been provided in support of this latter claim. Whilst the applicant's preference might not be to buy a shared ownership property in Grindleford, based upon the information provided it is clearly evident that their son's housing need can be met within the existing housing stock. The proposal therefore fails to meet the requirements of LH1(ii).

Policy LH1(iii) requires that the intended occupants meet the Authority's local occupancy criteria that are detailed in policy LH2. Policy LH2 stipulates that a dwelling will be permitted for a person with a proven need in accordance with policy LH1, provided that the dwelling will be occupied by a person that meets the criteria set out in this policy. There are five parts to this policy under which a person can be considered eligible. The applicant has made a case under the second of these; that their son is a person with a minimum of 10 years permanent residence in the parish who is forming a household for the first time. The applicant has provided evidence that their son has been living with them at the adjacent Rowan Lea for many years, and so they are considered eligible to occupy an affordable dwelling under this part of the policy.

The agent has also made the case that the applicant's son requires a house in Hathersage village due to medical circumstances. A doctors note has been provided to confirm that the son does have a medical condition, but this makes no assessment of the applicant's sons need for housing. The agent has stated that the medical condition could mean that the applicant's son would be unable to drive at some point, and that at this stage they would require the support of the family to get to work.

In this case the son's medical circumstances would not be such as to warrant a new house within Hathersage under the Authority's policies. Policy LH2(iv) only permits dependent accommodation for persons with an essential need arising from age or infirmity. The adopted Supplementary Planning Guidance (SPG) document, *Meeting the local need for affordable housing in the Peak District National Park*, further clarifies this by stating that 'from age or infirmity' is intended to

address those applicants requiring long-term care. It is therefore considered that the applicant's son's situation is such that, whilst less convenient, the support required could be provided to somebody living in a nearby village and does not necessitate a new dwelling under policy LH2(iv) when others are available in the locality.

Design and landscape impact

The Authority's affordable housing SPG states that 87m² is the largest size that is generally acceptable for affordable dwellings, as those of larger sizes become less affordable to those on low and moderate incomes by virtue of the additional floorspace. The dwellinghouse proposed would have an internal floorspace of just below 87m², excluding the garage. It is therefore considered acceptable in this regard.

In terms of design, the bungalow would have a simple form. Whilst bungalows are not traditional within the Park or Hathersage, nevertheless the National Park Authority has approved them surrounding the site with bungalows occupying the plots to both the north east and south west of the site along with two further bungalows which have been approved to the south of the site in recent years. In this context, a bungalow is considered acceptable in principle on this site.

The proposed bungalow would have a simple form and whilst architecturally plain, it would reflect the Authority's adopted design guidance as far as a bungalow can. The property would be constructed of natural stone under a natural slate roof, and have stone lintels and cills to the windows. The roof would have a traditional pitch with no overhanging verges or eaves. Rainwater goods would be fixed directly to stonework with no bargeboards or fascia's. Windows have traditional vertical proportions and would be constructed of painted timber, as would the doors. All of these details accord with the Authority's design guidance and as such the design and appearance of the property is considered to accord with the policy LC4.

In terms of its wider impact, the building would occupy an area of previously undeveloped land. The site is sandwiched between developed bungalow plots and as a result the development is considered to be an infill site rather than an encroachment in to countryside. It is not designated as an important open space, is not publicly accessible land for recreational purposes, and it is not considered that it provides such visual amenity that a house on the site would detract from the character of the area or National Park. The new access through the hedge and the resultant loss of hedging to provide visibility splays would impact on local amenity and character of the lane and is discussed in more detail in the highways section below. Subject to conditions a bungalow on the site would comply with policies L1 and LC4.

No energy efficiency measures have been proposed. If the application were acceptable in other respects these details could have been required to be agreed by planning condition prior to the development commencing in order to comply with policies CC1 and CC2.

Amenity

Due to the single storey design of the building the potential for a loss of privacy to neighbouring properties is greatly reduced.

The neighbour at Hawthorn Dene, which is opposite the driveway of the proposed house, would be the most affected neighbour due to the proximity of their property to the application site and its proposed new entrance. The windows to the side of the proposed property which serve the kitchen and dining room, would face towards this neighbour. However, the intervening distance is over 20 metres and at this distance it is not considered that overlooking or loss of privacy would be significant. When turning right out of the site the headlights of cars leaving the application site would flash past two round floor windows of the property after daylight hours. This is not considered likely to be such a frequent occurrence that it would amount to a significant nuisance

to the neighbour to warrant any change to the access layout or refusal.

In terms of the amenity of the site itself, the proposed curtilage given over for the dwelling would be larger than would normally be expected to be seen with an affordable dwelling but in this case would not be so large as to be unacceptable.

Highways

The applicant has demonstrated that visibility on entry to and egress from the site can be achieved to the satisfaction of the Highway Authority. However this would require the lowering of the existing hedge to 600mm above the carriageway channel level. Given the hedge is already planted at around 450mm above the lane it would effectively mean the removal of a large section, approx. 46m of the current laneside hedging which currently provides physical containment to the lane as well as a visually significant contribution to its character. Furthermore some of this visibility is borrowed across land belonging to Rowan Lea and appears to impinge upon part of the hedge fronting Ash Meadow. Rowan Lea is also in the ownership of the applicant so it would be possible to secure the retention of this visibility by legal agreement if the development was considered acceptable in all other regards. A more detailed plan would however be required to demonstrate clearly that the hedge to Ash Meadow simply needs trimming back within highway limits otherwise the owner of that property would also need to be party to the agreement. In any case, it would not be acceptable in landscape terms to lose the hedge so had the development proved to be acceptable in other respects officers would have sought a detailed landscape drawing at a large scale which accurately plotted the existing hedge and showing a replacement hedge planted behind the visibility splays across the full frontage to secure, in time, a similar hedge to contain the lane and maintain its valued character and appearance.

A neighbour has objected to the development on the grounds that it would increase traffic leading to further congestion. The Highway Authority have raised no objections on these grounds, and officers similarly consider that a further dwelling would not be to the detriment of the use of the highway in this location.

The site also affords sufficient parking and turning space in relation to the size of the proposed dwelling, and complies with policy LT11, which requires the design and number of spaces to respect the valued characteristics of the area.

Conclusion

Subject to conditions the proposed bungalow is considered to meet the Authority's design criteria, and to have no significant adverse impacts on the use of the highway or on neighbouring amenity. Subject to detailed landscape conditions to secure a new hedge the impact on the character of the lane would be acceptable.

However on the key issue of the application of adopted housing policy, whilst it is accepted that the applicant's son has a housing need, and that they would meet the occupancy criteria to occupy an affordable dwelling under the Authority's current policies there is no need to approve a new dwelling when there are presently other available affordable dwellings which would meet that need.

The four other affordable dwellings in an adjoining parish that are available to the applicant and which they could afford to occupy means that the housing need can be met within the existing housing stock. The approval of the proposal would therefore be contrary to policy HC1 and LH1 which only permits new affordable housing to meet a local need on an exceptional basis.

In this case there are no further material considerations that would justify an exception to the

Authority's adopted planning policies, and the application is therefore 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