

6. FULL APPLICATION – CONSOLIDATION OF 2 AFFORDABLE DWELLINGS IN TO ONE SINGLE DWELLING, FORGET ME NOT COTTAGE, MAIN STREET, CHELMORTON (NP/DDD/1122/1370, JS)

APPLICANTS: TOM MYCOCK & CAROLINE ARDERN

Summary

1. The application is for the consolidation of two existing affordable local needs dwellings into a single larger dwelling.
2. This report concludes that this would be fundamentally contrary to the Authority's strategy and Development Plan policies which seek to increase the stock of affordable local needs dwellings and that the applicants' personal circumstances do not justify a departure from this policy.

Site and Surroundings

3. The application relates to a pair of dwellings now known as Forget Me Not Cottage and Acorn Cottage. These were built following an approval in 2009. The Section 106 agreement for the houses named Richard Ardern and Caroline Ardern as first occupiers. Forget me not Cottage is now owned by Caroline Ardern and Acorn Cottage is owned by Tom and Caroline jointly.
4. The site was originally part of a field fronting onto the western side of Main Street, in the centre of the village. The site is within the Chelmorton Conservation area.
5. The houses are faced with natural limestone with blue slate roofs and are built in a traditional form and style.

Proposal

6. The application is for the consolidation of two local needs houses into a single dwelling.
7. The site is occupied by two local needs houses for which planning permission was granted in 2009. A subsequent application, submitted prior to building the houses, extended one of the houses. Each house now has three bedrooms and both have floor areas of 75 square metres, so the resultant dwelling would be 150 square metres.
8. No external alterations are proposed in this application, other than a door being changed to a window. Any replacement windows would be uPVC. Internally, the downstairs room configurations would remain unchanged other than the provision of an internal door. Upstairs there would be two bathrooms and four bedrooms, together with a playroom which will be used as part of Mrs Ardern's occupation as a registered childminder. (the playroom is shown as a fifth bedroom on the plans)

RECOMMENDATION:

That the application be REFUSED for the following reasons

1. **The proposed dwelling would be significantly larger than the maximum size permitted for affordable local needs dwellings in the Authority's adopted policies and would result in the loss of two affordable local needs dwellings, contrary to Core Strategy policy HC1 and to Development Management policies DMH1 and DMH2.**

Key Issues

9. Whether there is justification for the proposed development and whether the proposed house is in accordance with policies HC1, DMH1 and DMH2.

History

10. NP/DDD/0908/0836 - Erection of two local needs dwellings: Approved 2009, subject to a section 106 agreement. The S.106 agreement for the houses named Richard Ardern and Caroline Ardern as first occupiers. Forget me not Cottage is now owned by Caroline Ardern and Acorn Cottage is owned by Tom and Caroline jointly.
11. NP/DDD/0811/0795 - Variation of condition 2 on application NP/DDD/0908/0836. This proposed an extension to one of the dwellings approved in 2009.

Consultations

12. Parish Council – *“Chelmorton Parish Council supports this application as allowing a local family to continue to run their smallholding. Whilst it notes this loses small affordable stock, the units were created for different family generations to live on the same site and the needs of the current generation now require one larger space. It notes the proposals appear reversible if a future multi generation division became desirable and is still a local need.”*
13. Highway Authority – No objections subject to the retaining of at least 3 car parking spaces and on-site turning and manoeuvring area.
14. District Council – No response to date.
15. PDNPA Policy Team:

“The application proposes to combine two 3-bed affordable dwellings (75sqm each) to create a 5-bed property (plus additional first floor bathroom) as per plan [FIMY-02B](#)

It is important to consider the policy justification for the original permission. Due to the great weight (NPPF para 176) afforded to conserving and enhancing landscape and scenic beauty, new-build housing is only permitted for homes that remain affordable, in response to an identified need in the local area. Individuals may meet their own needs (subject to harm to special qualities) if they can demonstrate a local connection, cannot meet their own need on the open market and the property is restricted in size as means of ensuring its affordability in perpetuity. These were the exceptional circumstances accepted to justify this development within the national park.

As per Core Strategy policy HC1, provision for housing in the Peak District National Park is not made solely to meet open market demand. Exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs, and the homes remain affordable with occupation restricted to local people in perpetuity. The new planning unit would exceed the applicant’s needs and by virtue of its size would not remain affordable. Therefore it is contrary to policy HC1.

DMP policy DMH1 outlines size thresholds for new affordable dwellings. For a five person family (as per this application) the maximum gross internal floorspace is set at 97sqm. Anything over and above this size would need to be justified. It is noted that the application refers to home working requirements, however, this is not a justification to go over the size threshold. Size thresholds respond to an identified need that relates to the number of people living in the dwelling, not for the purposes of running a business from the

property. The proposal will therefore result in a property of a size (approx. 150sqm) greater than the applicant's identified need. This would be contrary to policy DMH1, which restricts the size of affordable dwellings to ensure housing built for local people is of a suitable size and affordability.

Considering the proposal as a new planning unit, the proposal is contrary to Core Strategy policy GSP3 B as the resulting scale of development would not be appropriate to the character and appearance of the National Park. It is also not within the spirit of Core Strategy policy GSP1 in securing national park purposes and duty, in that the proposal would result in the loss of two affordable houses in the local area, to the detriment of the socio-economic wellbeing of the community.

For information, I note that the planning statement uses DMP para 6.52 in support of the application, but this is referring to households over 5 persons and is therefore not relevant to the assessment of this application."

Representations

16. We have received one representation. This states:

"As next-door neighbours to these two properties (that are proposed to be made into one dwelling), we have noted from the application that there are no plans to reposition or add any further external features such as windows, or doors to the existing buildings. Given the family situation, the option proposed in the planning application seems entirely sensible and we would support it".

Main Policies

17. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, CC1, and HC1

18. Relevant Development Management policies: DMC3, DMH1, DMH2, DMH3, DMH11.

National Planning Policy Framework

19. The National Planning Policy Framework (NPPF) 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 development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.

20. Paragraph 176 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. Paragraph 78 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.

Peak District National Park Core Strategy

22. Policy DS1 sets out the Development Strategy for the National Park. Part D says that in named settlements such as Chelmorton there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable in principle.
23. Policy HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess applications for affordable housing to meet local need.
24. 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.
25. 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.
26. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
27. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.

Development Management Policies

28. The most relevant development management policies are DMH1 and DMH2. Policy DMH11 is also relevant as it states the need for a planning obligation to secure the affordability of the dwellings in perpetuity if the scheme were permitted.

29. Policy DMH1 *New Affordable Housing* states:

A. 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 following size thresholds:

Number of bed spaces and Maximum Gross Internal Floor Area (m²)

One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

B. Starter Homes will be permitted as part of a development of housing to enhance a previously developed site.

C. Self-Build and Custom Build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.

30. Policy DMH2 *First occupation of new affordable housing* states that in all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:

- (i) a person (and his or her dependants) 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
- (ii) a person (and his or her dependants) 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
- (iii) 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.

31. DMH3 sets out the policy on “*Second and subsequent occupation of affordable housing (The occupancy cascade)*”. This is not considered to be relevant in this case.

Assessment

32. The Authority’s adopted policies do not allow new build housing in the National Park unless there are exceptional circumstances. One circumstance where housing can be permitted is under policy HC1 A where development would meet eligible local need for affordable housing.

33. The application relates to a pair of semi-detached dwellings that were approved specifically to meet the applicants’ need for affordable housing at that time. The houses were built in accordance with the Authority’s policies and SPG on affordable housing at that time. As required by policy, the houses were of a size and type that fell within our maximum size thresholds and the applicants satisfied the adopted eligibility criteria. The Local Plan set out maximum sizes for affordable local needs houses based on the family size and need, with a maximum of 87 square metres (the approved houses were 75

square metres each). The approval was subject to the Authority's standard section 106 agreement, which named two applicants as first occupiers. The original applicants still own and occupy the properties.

34. Following the adoption of the Development Management Plan in 2019, the relevant policies are now DMH1 and DMH2, which are set out above. These include slightly revised floor area criteria, with a maximum size of 97 square metres.
35. The application proposes the consolidation or merging of the two houses to create a single larger dwelling. There are no significant changes to the properties, other than creating a door between them and changing a door to a window. The result would be a 150 square metre dwelling, with four or five bedrooms (the fifth would serve as a play room for the applicant's child-minding business).
36. The circumstances supporting the proposal are set out in the Design and Access Statement and can be summarised as follows. The applicants have lived in Chelmorton for 35 years and 10 years respectively and have resided in these two semi-detached local needs houses for 7 years. They have a strong local connection, which clearly meets the Authority's policy in this regard. The household currently consist of Tom and Caroline and their three children. They are currently having to live across the two houses in an arrangement which is considered to be wholly unsatisfactory, but which is the only solution available given the overcrowding that would be experienced if the household lived in one of the 75 square metre houses. The Design and Access statement says that the family requires a four bedroomed house with space for home-working for Caroline as a registered childminder. It says that there are no such houses currently available within Chelmorton or the immediate area, particularly in the National Park. Therefore, the most viable solution is to alter the interior of their current dwelling to form one four bedroomed house, with an additional room for the business.
37. The Design and Access Statement says that in order to protect the provision of affordable homes in perpetuity a Section 106 agreement can be entered into which provides for the conversion of the property back into two 75 square metre homes should they ever leave the ownership of the current applicants.
38. The Statement also suggests that DMH1 limitation of a maximum floor space of 97sqm for a five-person house does not apply in this case as the application is not for anew-build dwelling. It also suggests that the DMP also notes, at 6.52, that where evidence supports the need for a bigger house, applicants should explore with the authority the scope for a larger property which through design could operate as two smaller sized affordable houses, within the policy limits, in perpetuity.
39. In both these cases, officers do not agree that this would allow the merging of two existing affordable local needs dwellings to create a significantly larger dwelling.
40. Officers consider that the proposal is open to a fundamental objection as it would result in the loss of two affordable local needs dwelling for an undefined period of time. 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 the merging of two such dwellings to create a significantly larger dwelling well above the maximum threshold would entirely defeat these objectives, and would reduce the stock of affordable local needs dwelling available to those in housing need. There have in fact been recent applications in Chelmorton and neighbouring parishes in recent years for precisely this form of housing. The availability of such houses is particularly important to those seeking to get on to the first rung of the property ladder. Whilst the desire of the applicants to remain in their existing houses and to combine them into a larger house

suited to their current needs is understandable, this is clearly contrary to the purpose and spirit of the exceptions policy and to Government policy on affordable homes.

41. Therefore, whilst the applicants can demonstrate that they have a local qualification and that their current needs would be met by the proposed merging of two houses, it is clear that the resulting dwelling would be well in excess of the size that would be affordable to those in housing need and it would reduce the stock of affordable houses available to others who are currently in need.
42. The particular circumstances of the applicants are not, in themselves, unusual as many young couples will find it difficult to move onto the next rung of the housing ladder. The fact that they live in and own two attached houses is somewhat unusual, but if the current application is approved based on the applicant's case, it would undermine the Authority's efforts to increase the stock of affordable housing in the National Park. The case for this is set out in the response from the Authority's Policy Team, above.
43. The applicants' agent has suggested that an approval could be subject to a section 106 agreement that secures the subdivision of the house once the family circumstances change. However, this could be difficult to achieve as the "trigger point" for the subdivision may be difficult to identify and enforce. Further, there is no indication or proposal for when that point would be reached.

Impact upon amenity

44. The nearest residential property is 'Primitive Manse' to the south of the application site. Given that the application proposes the combination of two houses into one, with no significant external changes, there are no issues concerning privacy and amenity.

Access and Parking

45. The development has adequate off-street parking and turning space so the development would not harm highway safety in accordance with policies DMT3 and DMT8.

Climate Change measures

46. The application states that any replacement doors and windows would be more thermally efficient uPVC. As the application is for a merging of two existing houses the requirements of Policy CC1 are less significant than they would be for a new-build development.

Conclusion

47. Having taken into account all material considerations and issues raised in representations we conclude that the proposed development is contrary to the development plan as it would result in a dwelling significantly larger than the maximum size permitted in the relevant policy and would result in the loss of two affordable local needs dwellings. Other material considerations do not indicate that planning permission should be granted. Therefore, the application is recommended for refusal.

Human Rights

48. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

49. Nil

50. Report Author: John Scott