

7. FULL APPLICATION – ERECTION OF LOCAL NEEDS DWELLING ON LAND TO THE NORTH WEST OF SHARLOW COTTAGES, TISSINGTON (NP/DDD/0722/0876/ALN)

APPLICANTS: MR STEPHEN CARR

Summary

1. The proposal is to construct a single dwellinghouse to meet an identified local need.
2. Whilst the application establishes that a housing need for a single person exists, the proposed dwellinghouse is larger than is supported by policy for a two-person dwelling and consequently the application is recommended for refusal.
3. As amended the siting and design of the dwelling would conserve the character of the area and the setting of the Tissington Conservation Area and any minor harm to the setting of listed buildings would be outweighed by the public benefits of providing an affordable dwelling.
4. There would be no adverse impacts on residential amenity and all other considerations could be dealt with by means of appropriately worded conditions, had the size of the dwelling reflected that required by adopted policy.

Site and Surroundings

5. The application site is on agricultural land located just beyond the north western edge of Tissington village. It abuts the northern side of Rakes Lane. It consists of a rectangular shaped area on the southern edge of a larger field parcel that extends to the north east and south east. The land is currently laid to pasture and it slopes upwards away from the road to the north east.
6. A pair of semi-detached properties known as Sharplow Cottages sit on the roadside directly to the south east of the site. The site is outside of the Tissington Conservation Area but abuts its north western boundary.
7. A public right of way runs west to east across the fields on the opposite side of Rakes Lane, just to the south of the application site.

Proposal

8. Planning permission is sought for the erection of a detached two-storey dwelling to meet a local need.
9. The dwelling would be positioned towards the south eastern end of the site and would be set close behind the existing drystone roadside wall. Its principle elevation would face south west towards Rakes Lane. It would have an L-shaped plan form with a two-storey projection off the rear. It is stated that the walls would be constructed in 'local stone' and the roof clad with clay tiles. The property would have three bedrooms.
10. A new vehicular access would be created onto Rakes Lane and a parking area would be provided to the north west of the property. A lawned garden would be situated to the north east.

RECOMMENDATION:

11. That the application be REFUSED for the following reason:

- **The proposed dwellinghouse is larger than the size justified by the identified housing need, and as a result the proposals are contrary to Core Strategy policy HC1, Development Management policy DMH1 and the Authority's DMH1 Practice Note.**

Key Issues

- Principle of affordable dwelling.
- Whether there is an identified need for an affordable local needs dwelling
- Whether the dwelling is of a size and type that would remain affordable in perpetuity.
- Landscape, Design Considerations, and Impacts on Conservation Area.
- Highways and parking
- Impact on residential amenity
- Archaeology
- Climate change mitigation

History

12. NP/DDD/0122/0104 March 2022 – planning permission refused for an affordable dwelling on the grounds that:

- 1) Contrary to policies HC1, DMH1 and DMH2, it has not been demonstrated that there is a proven need for a new affordable house or that the proposed dwelling is of a size and type that would meet an identified housing need.*
- 2) By virtue of its siting, elevation, massing and detailing, the dwelling would cause harm to the established character of the area and the setting of the Tissington Conservation Area contrary to policies GSP3, L1, L3, DMC3 and DMC5.*
- 3) Insufficient information has been received to establish whether the development would impact on any archaeological significance of the site, contrary to policy L3.*

Consultations

- 13. Highway Authority –** *The application site is located on Rakes Lane which is an unclassified road subject to the national speed limit, however, due to the nature of the road in the vicinity of the site vehicle speeds are likely far below the legal limit. Therefore, it is considered the emerging visibility sightlines demonstrated on the Proposed Site Plan from the proposed vehicular access off Rakes Lane are acceptable. Whilst typically off-street parking should be demonstrated by dimensions (2.4m x 5.5m) the area of hardstanding within the site as shown on the Proposed Site Plan is of sufficient dimensions to accommodate off-street parking provision for a 3no bedroom dwelling. No objections subject to conditions.*
- 14. District Council Housing Strategy Officer –** The applicant would be eligible to join the housing register, with a local connection and assessed as in housing need due to sharing facilities.

15. **Parish Council** – *‘After careful consideration of the new application and the comments received from residents the Parish Council resolved to support the application. The Parish Council had received many favourable comments from residents in support of the development, it was felt that the new application which had moved the proposed development to nearer the road was more in keeping with the village. Residents felt strongly that a young family should have the opportunity to stay in the village as there was a lack of family sized homes available and the demographics of the village needed to be more balanced, there was a desperate need for young families in the village.’*
16. **Authority’s Archaeologist** - *‘The Desk-based Assessment (DBA) has summarised the known archaeology on the site. The DBA summarise the history of the village and points out that the proposed development site is on the edge of the village located just outside the conservation area. The proposed house has been moved since the last application to be better located, it is now next to the cottages and lower in height, and is thus less dominant in the landscape. The cottages shield the view of the new house from the village and the listed buildings in the village better. The significance of the heritage assets, listed buildings and no-designated buildings and HBSMR features, in Tissington and its Conservation Area is moderate to high. The impact of the proposed house on these features is negligible to low. For most designated heritage assets there will be no visual impact but the listed Town Head Farmhouse will be impacted by the development. The visual impact will be low as the new house will mostly be hidden by Sharplow cottages. There will be an impact by the new house on the setting and approach to the village as it will change the approach to the village along Rakes Lane the main northern access to the village. This impact will be low for the village as a whole.’*
17. *The Lidar data we have shows that the field immediately north, of the field they wish to build on, and the field across the road, both contain ridge and furrow. The impact of the proposed development on buried archaeology will probably be restricted to a small corner of the ridge and furrow and can be considered a low impact, although this impact will be negative. If the northern end of the proposed development could be cut back more this could reduce the impact of the proposed development on the ridge and furrow to negligible. The ridge and furrow as an agricultural earthwork feature has limited potential for further investigation as it is the physical remains of the feature that are of heritage interest. As a non-designated heritage asset a balanced planning decision needs to be made that has regard to the significance of the heritage asset and the scale of any harm or loss to its significance (NPPF para.203).’*
18. **Authority’s Policy Team** – *‘I note that the applicants are a couple, proposing a 97m2 house with the intention that in the future this may be a family home. However, as per PDNP policy DMH1 agreed advice note, the maximum floorspace outlined for couples is up to 70m2.’*

Representations

19. Thirteen letters of support have been received from local residents on the following grounds (in summary):
- It is important for young people to remain in their local communities.
 - The dwelling would be in close keeping with its surroundings.
 - There are few family homes in the village.
 - The applicants contribute to village life and traditions (eg wells dressings), which are important and attract visitors.
 - The dwelling would not be isolated and would appear as an extension to the village.

Main Policies

20. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, L1, L3, CC1
21. Relevant Development Management Plan policies: DMC3, DMC5, DMC8, DMH1, DMH2, DMT3, DMT8

National Planning Policy Framework

22. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The latest revised NPPF was published on 20 July 2021. 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 development plan comprises the Authority's Core Strategy 2011 and Development Management Policies (adopted May 2019) in the Development 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 Development Plan and more recent Government guidance in the NPPF.
23. 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.

Core Strategy

24. 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.
25. Core Strategy policy GSP2 states, amongst other things, that when development is permitted, a design will be sought that respects the character of the area.
26. 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.
27. Core Strategy policy L1 addresses landscape character and valued characteristics. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
28. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic assets and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.

29. 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 DMH1, DMH2 and DMH3 of the Development Management Policies, which gives more detailed criteria to assess applications for affordable housing to meet local need.
30. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

31. DMH1 states that affordable housing will be permitted in or on the edge of named settlement, either by new build or by conversion provided that there is a proven need for the dwelling; and they are within set size thresholds as follows:

Number of bed spaces	Maximum Gross Internal Floor Area (m2)
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

32. DMH2 sets criteria for the first occupation of new affordable housing.
33. 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.
34. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
35. Policy DMC4. A says that planning applications should provide sufficient information to allow proper consideration of the relationship between a proposed development and the settlement's historic pattern of development including the relationship of the settlement to local landscape character. The siting of the development should complement and not harm the character of these settlements.
36. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
37. Policy DMT3 states that development which includes a new or improved access will only be permitted where a safe access can be provided.

38. Development Management Practice Note policy DMH1: New Affordable Housing (Feb 2022). The practice note clarifies the circumstances in which flexibility in floorspace restrictions will be employed. This states at para 3.3 that: Couples or two people forming a household together can apply for homes up to 70 sqm.

Assessment

Principle of Affordable Housing

39. 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 (in or on the edge of named settlements).
40. As a settlement named by policy DS1, Tissington is an acceptable location for new affordable housing in principle. In this case, we consider that no.1 Sharplow Cottages forms the northern boundary of the named settlement of Tissington and the consequently the application site, which abuts the northern boundary of this property is 'on the edge' of the settlement in accordance with policy.

Whether the applicants have an eligible local need

41. In terms of determining whether there is a local need, para 6.24 of the Authority's Development Plan sets out that it will require the same information as the local housing authority's Home Options scheme in order to establish whether there is a genuine housing need.
42. In this case, a Home Options Assessment was not carried out, but instead a Parish Needs Survey Form contained within the Authority's Development Management Plan was submitted. This explains that the applicant and his partner currently live with the applicant's parents in the village and that he has lived in the village all his life. He wishes to set up a household for the first time. We have consulted Derbyshire Dales District Council Housing Strategy Officer, who has confirmed that the applicants would be eligible to join the housing register as they have a local connection and are assessed as in housing need due to shared facilities. We are therefore satisfied that the named first occupants would meet the criteria under the first part of policy DMH2 (i).
43. The supporting text of the affordable housing policies also states that the Authority will need to be persuaded that applicants have no alternatives available to them on the open market or through social housing that can meet their need.
44. The submitted Planning and Heritage Statement details a search for local housing. The only properties for sale within the parish or adjacent parishes were valued at over £500,000 and therefore outside of the applicant's means. Based on this we are satisfied that the applicant has a housing need that cannot be met on the open market.

Would the dwelling be affordable by size and type.

45. The applicants are a couple and the proposals are for a dwelling with a floorspace of **97sqm**, which is the maximum threshold for a five person dwelling. Adopted Development Management policy DMH1 sets a maximum gross internal floor area for two people at **58sqm**.
46. Restrictions on floorspace are the strongest tool that the Authority has as local planning Authority to control value and to ensure houses can continue to serve a land use purpose for the people for whom they are intended (i.e those in housing need). The identified needs of the area include a range from single persons through to family homes and it is

considered important to seek to achieve the intent of a more varied and affordable stock. Consequently the policy limits the size of the house to the current identified need rather than on the future aspirations or preferences of the applicant. 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. This approach has been supported by Inspectors at appeal on a number of occasions.

47. Nonetheless Members have, in 2021, approved a Practice Note which provides some flexibility to the upper floor area limits as set out in policy DMH1. This allow couples or two people forming a household together to apply for homes up to **70 sqm**.
48. At 97sq m, the proposed dwelling is above that upper threshold and equates to a five person dwelling under the figures in DMH1. Consequently the proposals are contrary to DMH1 and to the advice in the Practice Note.

Landscape, Design Considerations, and Impacts on Conservation Area

49. At present, on the north eastern side of Rakes Lane, there is a distinct and defined north western edge to the village, demarked by the stone boundary walls and small outbuilding that form the northern boundary of the garden to no.1 Sharplow Cottage. The application site is open farmland that has a different and open agricultural character.
50. The orientation of the property, facing towards the road would be in keeping with the pattern of development in the conservation area to the south east.
51. The application that was submitted in early 2022 showed the proposed dwelling in the centre of the field parcel (taken north-we to south-east) which meant there would be a significant gap of around 22m between the dwelling and the built edge of the village (i.e. 1 Sharplow Cottage). Our view was in that position the dwelling would appear visually detached and not well related to the built edge of the village. This revised scheme shows the dwelling shifted to the south eastern corner of the field, adjacent to the boundary of 1 Sharplow Cottage. In this position the dwelling would better respect the 'clustered' character of the development in this part of the village as set out in the Conservation Area Appraisal.
52. As submitted we were concerned that the dwelling would appear visually perched and elevated when viewed from Rakes Lane and from nearby public rights of way. Following negotiations, amended plans have now been received showing the dwelling dug further into the ground so that it would appear only marginally higher than Sharplow Cottages. As a result it would sit more comfortably within its surroundings.
53. The overall massing of the dwelling is traditional and not out of keeping generally with the prevailing character its surroundings. Conditions could be appended to ensure that the stonework, roofing and other materials are in keeping with the predominant palette of the area.
54. A grade II listed building known as Town Head farmhouse sits around 70m to the south west of the application site. The proposed dwelling would feature in distant view towards Town Head farmhouse, mainly when approaching along Rakes Land from the north/west. In this context the new dwelling would appear as a traditional cottage in keeping with others in the vicinity and would not stand out or cause harm to the setting of the listed building. The impact would therefore be low.
55. In summary the dwelling would conserve the character of the area and the setting of the Tissington Conservation Area in accordance with policies GSP3, L3, DMC3 and DMC5.

Impact on Residential Amenity

56. The nearest neighbouring property would be no.1 Sharplow Cottage, approximately 10m to the south west. This dwelling and the new property would sit 'side by side' , each with its principle elevation facing south-west towards Rakes Rd. There would be no windows on the south east facing gable end of the new dwelling and on the rear wing only a ground floor patio door would face towards the existing house. There is an existing intervening single storey outbuilding within the garden of no. 1 Sharplow Cottages which would effectively block and prevent views towards no.1, from the patio door of the new dwelling. Consequently the development would not cause harm to residential amenity through overlooking.
57. As amended and further dug in, the dwelling would not unacceptably overshadow or be otherwise overbearing to 1 Sharplow Cottage.

Archaeological considerations

58. An archaeological desk based assessment has been submitted with the application. It summarises that the impact of the development on the various heritage assets including listed buildings and no-designated buildings and HBSMR features, in Tissington and its Conservation Area is negligible to low and the Authority's Archaeologist concurs with this view.
59. Lidar data held by the Authority shows that the field immediately north of the application site contains ridge and furrow. The impact of the proposed development on buried archaeology is likely be restricted to a small corner of the ridge and furrow and can be considered a low impact, although this impact will be negative.
60. The Authority's archaeologist has suggested that if the northern end of the proposed development could be cut back more this could reduce the impact of the proposed development on the ridge and furrow to negligible. The proposed area of residential curtilage shown on the submitted block plans as 'lawn' could be omitted by condition. This would not only help to conserve the ridge and furrow, but would also mean that the shape and size of the residential plot would be more in keeping with those on the adjacent Sharplow Cottages. There would still be adequate space remaining around the dwelling to create a proportionate garden.
61. Subject to such a condition we are satisfied that the development would conserve below ground archaeology in accordance with Core Strategy policy L3.

Highways and Parking

62. The Highway Authority has confirmed the emerging visibility sightlines from the proposed vehicular access are acceptable and that the hardstanding area is of sufficient dimensions to accommodate 2 off street parking spaces (sufficient to serve a three bedroomed dwelling). Consequently the development would be served by a safe and suitable access and adequate off-street parking provision in accordance with adopted policies.

Climate Change Mitigation

63. A Sustainability Statement has been submitted with the application. The statement lists a number of measures that would be introduced to mitigate against climate change including (but not limited to) insulation, low energy lighting, smart meter, wood burner, permeable paving, water meter. These measures are welcomed. However, it is

considered that there may be opportunities to incorporate more renewable energy technologies.

64. The statement does mention that there is the potential for solar panels on the front (south facing) elevation of the property, although no details have been provided. Our view is that solar pv panels on this prominent roofslope at the entrance to the village would not be appropriate. There may, however, be scope to incorporate them on the more hidden south west facing roofslope on the rear offshot and/or for other technologies such as a ground or air source heat pump to be considered. Had the development been acceptable in all other respects officers would have discussed this with the agent in more detail.

Conclusion

65. Whilst the need for an affordable dwelling has been identified, 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. Accordingly the application is 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

Report Author and Job Title

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