
13. FULL APPLICATION – ERECTION OF LOCAL NEEDS DWELLING (SELF-BUILD) AT LAND ADJACENT 25 HERNSTONE LANE, PEAK FOREST (NP/HPK/1025/1040, HF)

APPLICANT: MR A ROUKE AND MISS N ROUKE

Summary

1. The application proposes erection of a self-build local needs affordable dwelling on the edge of Peak Forest and within Peak Forest Conservation Area.
2. The proposed dwelling is for a single occupant who is in housing need and meets the local connection criteria. However, the dwelling (100sqm) significantly exceeds the size threshold for single occupancy affordable dwellings under Policy DMH1 (39sqm) and is larger than the size justified by the identified need, contrary to Policies HC1 and DMH1.
3. The proposed development results in less than substantial harm to Peak Forest and Old Dam Conservation Area. Due to the policy conflict identified, this harm is not outweighed by the public benefits of the development.
4. The application is therefore recommended for refusal.

Site and Surroundings

5. The application site comprises an area of grassed land associated with Hernstone Lodge which lies west of the site. The site is south of Hernstone Lane (A623), which runs through Peak Forest. It is within the Peak Forest and Old Dam Conservation Area and is considered to be on the edge of the settlement of Peak Forest. The site levels sit below that of the highway and the site is bound by an existing stone wall to the north. There is a Public Right of Way (PRoW) directly west of the site, and a further PRoW to the south.

Proposals

6. The application is for the erection of a two storey, 3-bedroom dwelling on land to the south of Hernstone Lane, and immediately east of Hernstone Lodge. The application sets out that the development is for a local needs dwelling and would be self-build.
7. The site layout confirms the dwelling would benefit from amenity space to the front and rear. Access to the site would be from Hernstone Lane, with a driveway and turning space shown to the east of the dwelling.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposed dwelling is larger than the size justified by the identified housing need, and as a result the proposals are contrary to Core Strategy Policy HC1 and Development Management Policy DMH1.**
2. **The proposed development would result in harm to the character and appearance of the Conservation Area and this harm would not be outweighed by the public benefits of the development, contrary to Core Strategy Policy L3, Development Management Policies DMC5 and DMC8, and NPPF paragraph 215.**

Key Issues

8. The principle of the development and its impact on the character and appearance of the site, the Conservation Area, neighbouring amenity, highway safety and trees.

History

9. NP/HPK/0979/937: Barn conversion to living accommodation – Approved 1980.
10. NP/HPK/0588/079: Erection of dwelling – Refused 1988.
11. NP/HPK/1188/182: Erection of dwelling and garage – Refused 1988. Appeal dismissed 1989.
The Appeal decision concluded that whilst the occupants of the dwellings and farms in the building cluster would regard themselves as part of the Peak Forest community, in the physical and visual sense the scattered buildings to the south east of the village are physically separated from it by significant gaps of countryside. The development would unacceptably detract from the area and could not be regarded as an infill plot.

Consultations

12. Derbyshire County Council (Highways): Initially asked for visibility splays on the plan. The response confirmed the car parking provision was acceptable for the site. On receipt of an amended plan with visibility splays, the response confirms: With review of DCC and Manual for Streets national guidance, the splay representing the Y distance should be drawn to the nearside kerb edge. The plan shows the west splay drawn to the midpoint of the carriageway, likely drawn to avoid the tree and wall to the west.

It is understood the tree and wall are in control of the applicant and the tree could be removed by condition (wall appears lower than 1m (TBC) and so would not require amendment) to provide the required visibility splay. This would be an acceptable solution.

However, the Manual for Streets states at 7.7.5 “Some circumstances make it unlikely that vehicles approaching from the left on the main arm will cross the centreline of the main arm – opposing flows may be physically segregated at that point, for example. If so, the visibility splay to the left can be measured to the centreline of the main arm”

From review of Hernstone Lane there are two designated white lines (although painted not physical) with road studs segregating the lanes. On this basis the visibility splay which is shown to the midpoint – centreline – of the carriageway is considered acceptable.

13. High Peak Borough Council (Planning): No response.
14. Peak Forest Parish Council: Support the application. The Parish Council is aware there is a shortage of affordable homes in Peak Forest for young people who are employed in the local area. This new build is an excellent way of allowing someone raised in the village to live and work close to family and friends but also reduce the travel time to work.
15. Peak District National Park Authority (Policy): Whilst I acknowledge the applicant's daughter is in housing need, the size of dwelling proposed does not reflect their housing need as required by DMH1, which for one person supports a dwelling size of 39sqm. The DMH1 interim policy, 2021, provides some flexibility: *In cases where flexibility is required based on personal circumstances, or in locations where for reasons relating to valued landscape character or the style and traditions of the locality, and a 2-storey house is most appropriate, individuals can apply for homes up to a maximum of 58m2.*

The applicant would need to demonstrate personal circumstances or a need for a two storey property to respond to valued landscape character or the style and traditions of the locality to build up to 58sqm. In its current form, the application could not be amended to address the DMH1 requirement and as submitted I object to the proposals.

16. Peak District National Park Authority (Trees): This site and its trees are within the Conservation Area. No tree survey information is provided. The Design and Access statement states the trees are to be retained. The development is sufficiently distant from the trees that this would be possible. The statement also notes the trees have early signs of Ash Dieback, and their removal may become inevitable. I agree with this assessment regarding Ash Dieback. I don't think the trees are likely to have a long-term future. They will almost inevitably be desired for removal due to risk to the road or to the new garden.

Our strong preference – and the approach recommended in BS5837:2012 (Trees in relation to design, demolition and construction) – is for the application to result in the replacement of these dying ash trees with appropriate new tree planting of species which are more viable for the long-term, the size of which should in time provide an increase in visual tree amenity. Permanent loss of trees would be very noticeable in the streetscape.

With this approach, the usual pre-decision BS5837 requirements of an Arboricultural Impact Assessment, and Method Statement with Tree Protection Plan could be avoided. There is no objection to the proposal subject to a condition for proposed tree planting.

Representations

17. None received.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, CC1 and HC1

Relevant Local Plan policies: DMC3, DMC4, DMC5, DMC8, DMC11, DMC12, DMC13, DMH1, DMH2, DMH3, DMH11, DMT3, DMT8

National Planning Policy Framework (NPPF)

18. 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: to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. When they carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities in National Parks.
19. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
20. In the National Park, the development plan comprises the Authority's Core Strategy (2011) and the Development Management Policies (DMP) (2019). The development plan provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the development plan and the NPPF.

Relevant Development Plan Policies

Core Strategy

21. GSP1, GSP2: Seek to secure National Park legal purposes and duties through conserving and enhancing the National Park's landscape and natural and historic assets.
22. GSP3: Requires that development respects, conserves and enhances the valued characteristics of sites and buildings with attention paid to impact on the character and setting of buildings, scale of development, siting, landscaping, building materials, design in accordance with the Authority's design guidance, form and intensity of proposed use, impact on living conditions, ground conditions and mitigating impact of climate change.
23. GSP4: 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.
24. DS1: In named settlements such as Peak Forest there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements new building development for affordable housing is acceptable in principle.
25. L1: Development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
26. L2: Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
27. L3: Development must conserve and where appropriate enhance the significance of historic assets and their settings, including statutory designations and other assets.
28. HC1.A(I): Exceptionally, new housing can be accepted which addresses eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity.
29. CC1: 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 Document (DMP)

30. DMC3: Development that is acceptable in principle will be permitted provided its detailed treatment is a high quality and protects and where possible enhances the landscape, wildlife and cultural heritage of the area. Particular attention is paid to siting, scale, form, levels, height, orientation, landscaping, impact on landscape features, detail, materials and relationship with local traditions and other valued characteristics. Regard is required towards amenity and privacy, Strategy and the Authority's design guidance.
31. DMC4: Applications should provide sufficient information to allow proper consideration of the relationship between proposed development and the settlement's historic pattern of development including relationship of the settlement to local landscape. Development siting should complement and not harm settlement character. Development separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap will not be permitted.

32. DMC5: Planning applications affecting a heritage asset must demonstrate: (i) its significance including how any features of value will be conserved and where possible enhanced; and (ii) why the development and related works are desirable or necessary.
33. Development causing harm to a designated asset will not be permitted unless less than substantial harm to significance is outweighed by the public benefits.
34. DMC8: Requires development in a Conservation Area to assess and clearly demonstrate how the character, appearance and significance of a Conservation Area is preserved.
35. DMC11: In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss, as outlined by the policy.
36. DMC12: For internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are where it can be demonstrated the legislative provisions to protect such sites or species are met.
37. DMC13: Development should incorporate existing trees, hedgerows or other landscape features. Where this cannot be achieved the onus is on the applicant to justify the loss of trees as part of the development. Trees should be protected during development.
38. DMH1: Affordable housing will be permitted outside of Core Strategy DS1 listed 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 policy size thresholds:

No. bed spaces	Max. Gross Internal Floor Area (sqm)
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

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.

39. Paragraph 6.45 states that where affordable housing is proposed, the size of housing is controlled to ensure they remain affordable and for local people in housing need.
40. DMH2: In all cases, new affordable housing must first be 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 in overcrowded or otherwise unsatisfactory accommodation; or
 - (ii) a person (and his or her dependants) not now resident in the Parish but having lived at least 10 years out of the last 20 years in the Parish or an adjoining Parish in the Park, and is currently in overcrowded or unsatisfactory accommodation; 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.
41. DMH11: Sets out the need for a planning obligation to secure the affordability of the dwelling in perpetuity if the scheme were permitted.

42. DMT3: Development with new access to the public highway will only be permitted where having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.
43. DMT8: Off-street residential car parking should be provided in accordance with parking standards and should conserve the character of the area.

Development Management Practice Note Policy DMH1

44. Paragraph 6.38 of the DMP states the Authority will be flexible in its application of DMH1 for people addressing their own need. The practice note sets out how DMH1 should be applied when considering applications including for new houses by individuals seeking to meet their own housing needs. It sets out the approach agreed by members at a Local Plan Review Steering Group in 2021 to agree a pragmatic solution to applying DMH1.
45. The practice note states to ensure consistency in applying DMH1 and avoid compromising its purpose, increased size thresholds can be applied as follows:

"In all situations, the development shall address eligible local need in accordance with Core Strategy policy HC1 and DMP policy DMH2.

- *Properties for individual people will continue to be subject to a maximum allowance of 39m². In cases where flexibility is required based on personal circumstances, or in locations where for reasons relating to valued landscape character or the style and traditions of the locality, and a 2-storey house is most appropriate, individuals can apply for homes up to a maximum of 58m²."*

Assessment

Principle of Development

46. Policy HC1.A(I) permits housing that addresses eligible local needs and that remain affordable with occupation restricted to local people in perpetuity.
47. Policy DMH1 adds to the above and states affordable housing will be permitted in or on the edge of settlements listed under DS1, which include Peak Forest. The application site is considered to be located on the edge of Peak Forest.
48. It is acknowledged there is a historic refusal (1989) on the site for housing, due to the location of the site comparative with Peak Forest and impact on character. However, and notwithstanding the planning history which is a material consideration, whilst there are agricultural fields separating the building group within which the application site sits and the main extent of the settlement further west, the proximity, relationship and character on the ground is such that the site is considered to be on the edge of buildings that form part of the settlement. The proposals therefore do not raise conflict with Policy DMC4.
49. It should be noted that development that is edge of settlement will not necessarily be acceptable in other respects, such as impact on the area character.
50. However, the location of the application site is considered to be suitable for affordable housing 'in principle' subject to impact on the character of the area and other matters.
51. The submission confirms that the applicant has lived in Peak Forest since birth and therefore satisfies the local connection for the purposes of DMH2.

52. DMH1 requires affordable housing to comply with the policy's size thresholds, which for a one person dwelling is a maximum of 39sqm. The DMH1 practice note states up to 58sqm can be accepted if required due to personal circumstances or local character.
53. In terms of housing need, the applicant currently lives in their family home and is seeking to form their own household for the first time. They have been accepted onto the Home Options scheme and are classed as being in Band C. The Home Options registration evidence outlines there is a bedroom need of 1 for a single person household. They are able to bid for 1 bedroom properties, or 2 bedroom properties where there is low demand.
54. The dwelling proposed is a 3-bedroom property and measures 100sqm. This is significantly larger than the 39sqm threshold under DMH1, and the maximum 58sqm threshold under the practice note, although the note does in any case require personal circumstances or reasons of local character to be demonstrated to justify larger size.
55. In this respect 'need' is an indicator of existing deficit, for example households that do not have access to accommodation that meets certain normative standards. It is different to demand, which relates to individual choice and affordability. HC1 and DMH1 require new housing to address need.
56. Whilst the application refers to the wish to build a larger property to negate the need to extend the property in the future and due to potential restrictions on extensions through any legal agreement, the application does not include any personal circumstances considered to justify the need for a larger dwelling above the 39sqm.
57. Whilst the applicant may be able to demonstrate they meet the local qualification and are in need of affordable housing, the dwelling size is in excess of a size that is affordable for an individual in order to meet their own need. In this case the identified need is for a one person household. The proposal therefore conflicts with Policies HC1 and DMH1.
58. Officers have asked if the applicant would wish to consider a smaller dwelling in light of the above, however the applicant wishes to proceed with the proposed size of 100sqm. It is noted this is slightly above the 97sqm threshold in DMH1 for a 5 person dwelling. The applicant is willing to reduce to 97sqm if members are supportive of the application.
59. A revision to a smaller sized dwelling circa 39sqm (or 58sqm if personal circumstances were demonstrated) would in any case likely be a significant material change requiring a new submission, although Officers do consider that in principle such a proposal could be acceptable based on the existing evidence. At 39sqm the building would typically be single storey.

Impact on Character and Appearance

60. The proposed dwelling is a traditional double fronted property that is considered to be acceptable in terms of its form, height and detailing and which reflects the character of existing buildings in the area. Materials are noted to be stone with off-white composite casement windows. Such details can be controlled by condition.
61. Officers have asked if the driveway could be shared with the existing driveway of Hernstone Lodge, given the common ownership. This would negate the need for a new large driveway with turning area. The applicant's agent states this is not an option as any Section 106 Agreement would need to overlap the curtilage of the adjoining market dwelling, creating future difficulties if there is no connection between property owners. It is also unclear if intensification of the driveway would impact the PRoW running along it.

62. The Peak Forest Conservation Area Character Appraisal identifies that within the built up areas of Peak Forest, pasture borders significant lengths of the roads frontage. The open form enables a visual connection with the countryside which is part of the settlement character, particularly along the south of the A623 at the eastern end of Peak Forest.
63. The application site forms an area of grassed land which although relatively large in size, has a reasonably close association with Hernstone Lodge. The site character, although grassed, has a more domestic character compared with larger surrounding field parcels. Development of those fields would be particularly harmful to the Conservation Area.
64. Nevertheless, development of the site would still result in less than substantial harm to the Conservation Area through loss of green space and disruption to the visual connection between the A623 across the site to the open agricultural landscape. This could be limited by keeping the built form as far west as possible to maximise views out to the open landscape. The proposed trees would also help to screen domestic garden.
65. Whilst the dwelling design respects the character of surrounding buildings with regard to GSP3 and DMC3, its siting and parking would result in some harm to the Conservation Area and views to more open landscape, and some conflict with Policies L1 and DMC8. Harm to the Peak Forest Conservation Area is required to be weighed against the public benefits of the development under Policy DMC5 and paragraph 215 of the NPPF.
66. Officers acknowledge the resulting harm towards the Conservation Area has the potential to be outweighed by the public benefits of providing a local needs affordable dwelling to meet housing need. However, the proposal has been found to conflict with HC1 and DMH1 as the dwelling size exceeds that required to meet the identified housing need. Due to the policy conflict, and notwithstanding the Parish Council support, it is not considered the public benefits of this application therefore outweigh the less than substantial harm.

Highways

67. The visibility splays confirm the required 45m in either direction can be achieved. Whilst the western splay is drawn to the centre of the highway rather than the kerb, the Highways Authority have confirmed this is acceptable due to the nature of the highway. 45m visibility would in effect be achieved at site egress when looking towards oncoming traffic to the west. The response confirms the parking provision is acceptable. The development achieves a suitable access and parking, compliant with DMT3 and DMT8.

Ecology

68. The application is for a self-build dwelling. It is therefore exempt from Biodiversity Net Gains as confirmed by the Biodiversity Gain Requirements (Exemptions) Regulations.
69. The site is within the catchment of the Unit 70 and 71 of the Wye Valley Site of Special Scientific Interest (SSSI), a component of the Peak District Dales Special Area of Conservation (SAC) which is in unfavourable condition.
70. Foul from the dwelling would drain to the main sewer. Evidence provided shows although Peak Forest is in the SSSI catchment, the main sewer which the site drains to discharges to Chapel-en-le-Frith Wastewater Treatment Works, outside of the catchment. As foul would discharge out of the catchment, it would not impact on designated sites.
71. A soakaway is proposed to accommodate surface water. Natural England standing advice confirms where all surface water is discharging to an appropriate soakaway, an insignificant amount of phosphorus and other pollutants is likely to reach the River Wye.

72. Subject to a condition to control the means of foul and surface water drainage the development would be unlikely to have an adverse impact on designated sites, as confirmed in an associated HRA report. There is no conflict with L2, DMC11 or DMC12.

Residential Amenity

73. The nearest residential properties to the proposal are 28 and 29 Hernstone Lane to the north, and 25 Hernstone Lane (Hernstone Lodge) to the west. The distance to no's 28 and 29 is approximately 18m with the A623 running in between. It is not considered the distance and relationship between the sites would harm neighbouring amenity, including in terms of privacy, overlooking and overbearingness.
74. The distance between Hernstone Lodge and the dwelling is around 15m. The west elevation of the dwelling is blank save for a glazed door and due to the distance and intervening driveway, it is not felt the relationship would harm either dwelling's amenity.
75. The site is a sufficient distance from other neighbouring dwellings such that its amenity impact would be acceptable, and it is concluded the development accords with policies GSP3 and DMC3 in respect of amenity.

Other Matters

76. The Authority's tree officer notes the proximity of development to two ash trees which the application seeks to retain. Although prominent, the trees are identified to have early signs of Ash Dieback and as their removal may become inevitable, the tree officer has requested replacement of the two trees with appropriate new planting as the loss of trees would be noticeable in the streetscape. This would negate the requirement for an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.
77. Tree planting is currently shown on the Site Plan, and it is possible that the final siting and species mix could be secured through planning condition to ensure appropriate tree replacement and to address the tree officer comments and requirements of DMC13.
78. The application indicates the intention to install solar panels on the rear roofslope, and an air source heat pump, which can be secured by condition, complying with CC1.

Conclusion

79. The proposed dwelling is located on the edge of Peak Forest, a DS1 listed settlement and the location is therefore considered to be acceptable for affordable housing 'in principle', subject to meeting eligible housing need and other impacts of development.
80. Whilst the applicant has demonstrated they have a local connection with Peak Forest and that they are in housing need, the size of the proposed dwelling is significantly larger than the identified need, which is for a one person household. The proposed dwelling is therefore in excess of a size that is affordable for an individual in order to meet their housing need, and is contrary to Policies HC1 and DMH1.
81. The development would result in less than substantial harm to the Conservation Area. This harm has not been outweighed by the benefits of the development, due to the issues identified around the size of dwelling proposed and the resulting policy conflict.
82. 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