

**10. DEMOLITION OF EXISTING BUILDING, ERECTION OF AN AFFORDABLE LOCAL NEEDS DWELLING, WORKS OF HARD AND SOFT LANDSCAPING AND OTHER ASSOCIATED WORKS AT LAND SOUTH OF BOUNDARY FARM, LYDGATE, EYAM (NP/DDD/1125/1191), HF**

**APPLICANT: AIMEE MILLS**

**Summary**

1. The application proposes an affordable local needs dwelling on the edge of Eyam.
2. The dwelling is for a single occupant who is in housing need and meets the local connection criteria. However, the dwelling (70sqm) exceeds the size threshold for single occupancy affordable dwellings under Policy DMH1 (39sqm) and the DMH1 Development Management Practice Policy Note (58sqm) when accounting for flexibility due to reasons of local character or personal circumstance. The dwelling is therefore larger than the size justified by the identified need, contrary to Policies HC1 and DMH1.
3. The application is therefore recommended for refusal.

**Site and Surroundings**

4. The site is located on the southern edge of Eyam, outside of the Conservation Area, situated at the end of Lydgate, a narrow road which splits into three tracks running south east / west from the village. The site is accessed by a private farm track, the most western out of the three tracks.
5. The site comprises a small dilapidated farm building constructed of corrugated metal sheets. The building serves the field to the south of the building. The land levels on site slope from north west to north east, with land sloping away from the building.
6. There is a dwelling immediately to the north of the site, comprising a two storey dwelling and attached garage. The dwelling shares a boundary with the application site and sits at a lower level to the proposal.
7. There is a Public Right of Way (PRoW) WD34/17 to the north / north east of the site.

**Proposal**

8. The proposal is for an affordable local needs dwelling with an internal floorspace of 70sqm and providing for downstairs kitchen and living space, and for upstairs bathroom and two bedrooms. The proposal would be a self-build dwelling.
9. The elevations confirm the dwelling would be set into the sloping levels of the site, taking on the appearance of a single storey dwelling to the west and a two storey dwelling to the south and east. A small area of residential curtilage is proposed to include two car parking spaces to the north of the dwelling, and a patio to the south.
10. Due to the variable levels on site, there would be retaining walls south and west of the courtyard area to the south, and north east of the car parking. A set of steps is proposed along the southern edge of the patio to enable access from higher ground directly east of the dwelling, down into the patio. The south elevation details the levels of the retaining stone wall to the south of the dwelling with the steps to be contained behind that wall.
11. The site is accessed via an existing track extending north of the site towards Lydgate.

## **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.**

## **Key Issues**

12. The principle of the development and its impact on the character and appearance of the site, the landscape, neighbouring amenity, highway safety and ecology.

## **History**

13. No relevant planning history.

## **Consultations**

14. Derbyshire County Council (Highways): Request application is deferred pending information regarding details of the access track dimensions, how pedestrian movements will be undertaken, visibility splays of the access, details of the track gradient and surfacing and access to the dwelling for a pump appliance. Also requested are parking bay dimensions, provision of cycle parking and details of refuse collection.

Further response on receipt of additional information confirms the access width, access for fire appliance, parking bay dimensions, cycle parking and refuse collection are acceptable. A condition for hard surfacing of the access is necessary.

15. Eyam Parish Council: Supports the application and inclusion of a Section 106 Agreement to ensure the property remains an affordable local need dwelling in perpetuity.
16. Natural England: No objection subject to appropriate mitigation being secured to avoid damage or destruction of interest features for which Stoney Middleton Dale Site of Scientific Interest (SSSI) has been notified. To mitigate adverse effects and make the development acceptable an appropriate Construction Environmental Management Plan (CEMP) should be secured.

## **Representations**

17. 21 letters of representation have been received. 19 responses are in support of the application and raise the following material considerations:
  - The application will enable a member of the local community to have a permanent home and remain in the community they grew up in, close to family who have a long established presence in the area, and close to their local place of work;
  - The applicant is unable to buy an existing property due to high prices in the area and other young people are struggling to access housing locally. The proposal epitomises the purpose of local needs housing policy;
  - The applicant is an active and valued member of the community who works at a local library and would continue to contribute socially and economically to the local area and to the community facility which they work within;
  - The proposal supports the Authority's aim for sustainable communities;

- Without the proposal there is a risk of displacing the applicant from the area which would have a significant impact on them socially, economically, and would impact on community vitality and demographic imbalance;
  - The proposals are sympathetic to the area and will enhance the site;
  - The development will not harm ecology;
18. One general comment raises a discrepancy on the application plan, relating to Lydgate Farm which is to the north of the farm track and PRoW. The map should be updated to reflect its correct location to avoid confusion. Whilst the discrepancy is noted, it is not considered to have a bearing on the understanding and determination of the application.
19. One response states there is not an objection to the application, however raises the following concerns:
- Initial comments regarding lack of clarification between levels (including finished floor levels) of Boundary Farm and the proposed dwelling (now addressed).
  - The main usable neighbouring garden is significantly lower level than proposals.
  - Soft landscaping supported however this will take time to mature and achieve visual impact mitigation. Impact should be assessed without landscaping.
  - Concerns about extent of application site boundary that runs adjacent to neighbouring curtilage should this be used as garden in the future.
  - Future extensions / alterations (even modest) could harm residential amenity. Request for permitted development rights to be restricted if permission granted.
  - Concern with consultation process.
  - Final comments on receipt of clarification confirm no objection. Relationship between development and neighbouring dwelling Boundary Farm, including introduction of retaining walls, height of dwelling and raising of land for car parking. Potential impact on amenity of occupants of Boundary Farm and request that members take this into consideration as the impact is finely balanced.

### **Main Policies**

20. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, CC1, HC1, DS1, L1, L2
21. Relevant Development Management policies: DMC3, DMC12, DMH1, DMH2, DMH3, DMH11, DMT3, DMT8

### **Development Management Practice Note Policy DMH1**

22. 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.

23. 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 39m<sup>2</sup>. 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 58m<sup>2</sup>.”*

#### National Planning Policy Framework (NPPF)

24. 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.
25. 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.
26. 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.

#### Assessment

27. Policy HC1.A(I) permits housing that addresses eligible local needs and that remain affordable with occupation restricted to local people in perpetuity.
28. 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 Eyam. The application site is considered to be located on the edge of Eyam and the location of the site is considered to be suitable for affordable housing ‘in principle’ subject to impact on the character of the area and other matters such as amenity.
29. The submission confirms that the applicant has lived in the adjoining Parish of Grindleford since the age of 9, and before that in Hathersage. The applicant therefore satisfies the location connection for the purposes of DMH2, which requires new affordable housing to be first occupied by those with a minimum period of 10 years permanent residence in the Parish or adjoining Parish, within the National Park, and is currently in overcrowded or otherwise unsatisfactory accommodation.
30. The submission also notes the applicant works in Bakewell and on their family farm, with the site being close to their existing family who have long been established locally.

The proposed location would allow the applicant to tend to livestock on the field adjacent to the proposed development.

31. 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.
32. In terms of housing need, the applicant currently lives in their parental 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.
33. The dwelling proposed is a 2-bedroom property and measures 70sqm. The size of the property exceeds the maximum thresholds of 39sqm for a one person dwelling under DMH1, and the threshold of 58sqm under the DMH1 practice note, where personal circumstance or local character justify a larger dwelling.
34. The application states that the dwelling is proposed at 70sqm for 3 people, and that the design of a dwelling for 1 or 2 people at 39sqm or 58sqm would, having regard to Nationally Described Space Standards (NDSS), create a one bedroom dwelling. The Authority's policies do not reference NDSS. The submission indicates that it would not be possible to provide a smaller dwelling that would accord with design requirements, as a typical one bedroom bungalow would not fit with design principles or the locality.
35. The submission references that as discussed in earlier planning committee meetings, a smaller dwelling would not allow for future proofing, although it is noted in this case that "need" is an indicator of existing deficit, and is different from demand which relates to individual choice. HC1 and DMH1 require housing to address "need". The agent has however further indicated that a one bedroom property would not allow the applicant to work from home or have anyone to visit.
36. They further outline the need for affordable housing in the area, with Derbyshire Dales District Council having recently undertaken a housing needs survey in Eyam, whilst the wider Derbyshire Dales area has a need for 64 affordable houses per year (although it is unclear whether this just covers land within the National Park or wider District).
37. Notwithstanding the justification presented around housing need and the requirements for a larger dwelling due to personal circumstances and local character that have been presented by the application, the proposed development still exceeds the more flexible 58sqm threshold afforded by the DMH1 practice note.
38. 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.

#### Impact on Character and Appearance

39. It is recognised there is scope for enhancement on site due to the presence of the existing dilapidated agricultural structure. The proposed dwelling would replace that structure, which whilst unsightly is smaller in scale than the proposed two storey dwelling. The dwelling is set into the sloping levels of the site so that from the west and across half of the north elevation the dwelling would appear as single storey. It would appear as two storeys across the other half of the north elevation and the south and

east elevations, with levels sloping away to the south and east.

40. The submitted sections confirm that the height of the dwelling would nonetheless be taller than that of the adjoining property, Boundary Farm, by approximately 2m. The development would undoubtedly increase the built mass of development on the site and result in a taller form of development compared with the existing situation. Other urbanising features would be introduced including car parking and retaining walls.
41. Notwithstanding this, the development is located on the edge of Eyam and near to other residential properties which have a variety of heights. The property is considered to respond to the levels of the site and whilst it would result in a noticeable change in the locality, particularly from the north and further east along the PRoW, it is felt the change is appropriate within its setting having regard to the inset of the dwelling into the sloping site, the presence of other dwellings nearby, and given the site is not significantly divorced from the settlement edge.
42. Furthermore, the proposed materials and detailing of the development including limestone walls, gritstone detailing and blue slate roof. The proportions, fenestrations and overall design and appearance of the property is sympathetic and acceptable.
43. The extent of residential curtilage is edged green on the Site Block Plan and includes only the dwelling two parking spaces and sunken paved garden to the south. The extent of curtilage is considered to be appropriate and well contained by the development.
44. Whilst there were some concerns around the introduction of formal, more urban retaining wall features, this could be softened through sensitive landscaping. It has also been agreed that a small step in the larger retaining wall visible on the east elevation would allow for planting to be introduced to break up the extent of walling. Proposed native hedging would help to screen the car parking area. Whilst landscaping would take time to mature, a condition could be included to detail planting and ensure this is introduced at suitable maturity to ensure some mitigation is still achieved initially.
45. Overall, whilst Officers do not consider the proposals are a significant enhancement due to introduction of additional massing and retaining walls, the design of the dwelling is concluded to be appropriate, as is its landscape impact. In the event of an approval, planning conditions would be necessary to control the extent of residential curtilage, external lighting, materials, landscaping, cables, pipework and window and door details. It would also be necessary to restrict permitted development rights to conserve the character and appearance of the site and amenity.
46. Subject to the inclusion of appropriate conditions, there is no objection to the development on design grounds or regarding landscape impact. The development therefore complies with Policies GSP1, GSP3, L1 and DMC3.
47. The access is similarly considered to be acceptable in appearance and compliant with DMT3. Whilst the Highways Authority requests the first 5m of the access is hard surfaced with tarmac to prevent spread of debris onto the highway, it is noted the highway in this location is a loose stone track. Therefore, this is not considered to be necessary. A more appropriate surface would be preferred over tarmac to conserve local character.

#### Residential Amenity

48. The nearest residential property to the application site is Boundary Farm, which is directly north of the development. The south elevation of Boundary Farm is roughly 8.5m from the shared boundary to the development at its closest distance.

49. Whilst a response from the neighbour confirms they do not object to the application they have raised concern regarding the relationship between their property and the proposals including the raising of the levels of the car parking area, introduction of various stone walls and the increase of mass and visual presence of built form. The plans submitted have improved concerns over lack of clarity around the level difference between the properties, however the response asks for careful consideration of the relationship due to potential impacts on the residential amenity of Boundary Farm.
50. Following request for clarification, the submission confirms the parking area levels will be +249.15 compared with the existing (understood to be in the region of +248.11) which the submission states is a modest increase of the existing. The need to raise the levels is to achieve level access between parking and the dwelling for the purposes of Building Regulations. The parking area is set slightly lower than the track.
51. There will be a stone wall containing the car parking area, which will inevitably have a greater height than the level of the car parking spaces. Visuals are provided in the Design & Access Addendum to demonstrate the change in relationship between Boundary Farm and the existing and proposed context. Whilst there would be walls and car parking visible above the height of the garden of Boundary Farm, officers have had regard to the presence of the existing agricultural structure close to the boundary and which has a height of +250.64.
52. As the height of the stone wall is likely to be similar to that of the existing agricultural structure, which also sits flush to the boundary at its north east corner, it is considered on balance that the impact of the car parking and wall would not be unacceptably overbearing on the amenity of Boundary Farm. This is improved by the fact that the area of car parking has been slightly reduced by the applicant following discussions, whilst soft landscaping between the car parking and neighbouring boundary has the potential to further reduce impact.
53. It is acknowledged there may be opportunity for overlooking from the parking area into the neighbouring garden and potentially towards the glazed first floor opening on the south elevation that serves the main bedroom at Boundary Farm. As the parking area is expected to be used in passing for parking only, it is anticipated any overlooking and privacy impacts would be to a degree that would not be unacceptable. It is however considered there is scope to further soften the relationship through soft landscaping between the car parking and stone wall, so that landscaping can achieve a good height to limit overlooking. Officers acknowledge landscaping would take some time to mature, but that it could be introduced at a reasonable level of maturity.
54. The ridge of the dwelling itself would be approximately 2m taller than that of Boundary Farm. The distance between the south (side) elevation of Boundary Farm and north elevation of the new dwelling is around 16.5m. The siting of the new dwelling is generally further west of the extent of the south elevation of Boundary Farm such that it is not considered the new dwelling itself would be overbearing to Boundary Farm.
55. The windows on the proposed dwelling are positioned at an angle to Boundary Farm that is not considered to be harmful in terms of privacy or overlooking.
56. Whilst the matters raised by the neighbour are duly noted, in light of the above assessment it is concluded that whilst the development would be noticeable from Boundary Farm, the impact on neighbouring amenity is not considered to be unacceptable and the development would not conflict with Policies GSP3 and DMC3.
57. Concerns regarding the potential expansion of the residential curtilage of the dwelling in the future are noted and a condition restricting residential curtilage is necessary both

to ensure a thorough assessment on neighbouring amenity, and due to the likely unacceptable landscape impacts, that would arise through a larger garden.

### Highways

58. The site is accessed via an existing sloped track which connects with Lydgate further north. Following a request for further information from the Highways Authority, the submission confirms provision of two appropriately sized car parking spaces, storage for 2 bikes and bins, a refuse collection point, hard surfacing for the parking (self-binding gravel) and that the site can be reached by emergency fire equipment.
59. The Highways Authority raise no objection subject to conditions including hard surfacing of the first 5m of the site access, to prevent spread of debris onto the highway. However, officers consider tarmacking the existing twin track agricultural access would result in more harm than retaining a loose stoned access, given the track to the north on to Lydgate is itself comprised of loose stone. The condition is therefore not included.
60. Officers are satisfied that vehicles can exit the site in a forward gear and given the nature of the access and highway, vehicles speeds would be slow such that impact on highway safety would be acceptable, as would impact on any users of the PRoW to the north.
61. It is concluded the development is acceptable with regard to access and parking and complies with Policies DMT3 and DMT8.

### Other Matters

62. The proposed development is for self-build and is therefore exempt from the requirement to achieve Biodiversity Net Gains (BNG). The existing agricultural structure is dilapidated and is not considered to be one which would be suitable for accommodating protected species such as bats as confirmed by the Protected Species Form. Development should however be subject to checks for nesting birds.
63. The site is roughly 85m east of the Stoney Middleton Dale Site of Specific Scientific Interest (SSSI). Natural England have been consulted on the application and confirm no objection subject to mitigation to ensure development does not harm the SSSI. Mitigation can be secured through a Construction Environmental Management Plan (CEMP) and a pre-commencement condition would be sufficient to secure the CEMP.
64. As Policy DMC11 supports achieving ecological enhancements, a condition could be included with any consent to require details for ecological enhancement (such as bird box provision) to be submitted for approval.
65. Subject to the above mitigation and enhancement measures, it is concluded development would be acceptable with regard to ecology and Policies L2, DMC11 and DMC12.
66. The submission demonstrates the site will be appropriately drained with a package treatment plant and drainage field proposed to the south and east of the dwelling.
67. Details have been submitted to demonstrate compliance with Policy CC1, including provision of solar panels on the south roof slope of the proposed dwelling and provision of an air source heat pump.

## **Conclusion**

68. The proposed dwellings is located on the edge of Eyam, a DS1 listed settlement. The location is therefore considered to be acceptable for affordable housing 'in principle', subject to meeting eligible housing need and the other impacts of development.
69. Regarding the other impacts, the proposals are concluded to be acceptable on balance in respect of residential amenity and are acceptable in terms of impact on character and appearance, highways, ecology, sustainability and drainage, subject to conditions.
70. Whilst the applicant has demonstrated they have a local connection through residence of more than 10 years in an adjoining Parish, and that they are in housing need, the size of the proposed dwelling is 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, contrary to Policies HC1 and DMH1.
71. 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