
7. FULL APPLICATION – ERECTION OF AN AFFORDABLE DWELLING TO MEET A LOCAL NEED AT, GREEN FARM, ALDWARK (NP/DDD/0515/0425, P.2656, 422786/357367, 30/10/2015/CF/KW)

APPLICANT: MR DANIEL WAIN

Background

A decision on this application was deferred by members at the meeting of the Planning Committee in October 2015 following a resolution to approve the application contrary to an officer recommendation of refusal on policy grounds. The following report sets out the reasons for approval of this application and the reasons for conditions and a legal agreement that officers would recommend being imposed on any permission granted by the Authority for the newly-built house proposed in this application.

Site and Surroundings

The application site is situated on the northern edge of Aldwark hamlet and within the designated Aldwark Conservation Area. It comprises a small croft bounded by a neighbouring detached cottage (Ivy Cottage) to the east and a modern farm building to the west. The frontage of the croft is set behind a small enclosed area of land, which fronts on to the central grassed area that forms a distinctive part of the character of Aldwark hamlet. The rear boundary of the croft is situated adjacent to open farmland.

Access to the croft is via a short grass tack which leads directly off the western side of the central grassed area. A public footpath also passes close to the site along the track on the north-western side of the central open grassed area.

Proposals

The current application proposes the erection of a newly-built affordable local needs dwelling for the applicant who works on the family farm in Aldwark. The applicant also run a local contracting firm based near the application site.

The amended plans submitted in support of the application show a detached affordable, two-bedroomed local needs dwelling positioned in the centre of the croft. The two storey house would have a simple traditional double-fronted design and would be constructed of natural limestone under a natural blue slate roof. The internal floor area of the dwelling measures around 81m², which is within the Authority's maximum size guidelines for affordable local needs dwellings (87m²).

Vehicular access would be via the existing grassed track with a grassed driveway/parking area provided to the front of the dwelling.

RECOMMENDATION:

That the revised application be APPROVED subject to prior entry into a s.106 legal agreement that would maintain the proposed house as an affordable house to meet local need in perpetuity naming the applicant as the intended first occupant and subject to the following conditions/modifications:

- 1. The development hereby permitted shall be commenced within two years of the date of the permission.**
- 2. The development hereby permitted shall not be carried out otherwise in complete accordance with amended elevation plans and the submitted block plans subject**

to the following conditions:

3. **No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the National Park Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:**
 - (i) **The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works**
 - (ii) **The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.**
4. **No development shall take place until a landscaping scheme has been submitted to and agreed in writing by the National Park Authority. The submitted scheme shall include: (i) details of all trees to be retained and protection for those trees during the construction phase of the proposed development; (ii) precise details of all hard and soft landscaping including details of any seeding or planting, surfacing materials and boundary treatments; (iii) precise details of the provision and undergrounding of services; and (iv) precise details of parking provision within the site curtilage. Thereafter, the proposed development shall be carried out in complete accordance with the approved landscaping scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted.**
5. **No works shall commence on the erection of the newly-built dwelling hereby permitted until samples of the materials to be used in the construction of the external surfaces of the dwelling, including a sample panel of the stonework for the external walls, sample of the stone, quoins, sills, lintels, and surrounds to be used in the construction of the external walls, samples of all roof coverings and rain water goods, and samples of all external door and window frames, have been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no ancillary outbuildings or other structures incidental to the enjoyment of the dwelling shall be erected.**
7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or alterations to the newly-built dwelling shall be carried out.**

Key Issues

1. Reasons for approval of the current application
2. Whether the proposed legal agreement would be directly related to the development; and fairly and reasonably related in scale and kind to the development as well as being necessary to make the development acceptable in planning terms
3. Whether the suggested conditions are reasonable and necessary

History

There is no relevant planning history on the proposed dwelling site prior to the resolution made by the Authority's Planning committee to approve this application. However, the following planning history on Green Farm is considered to be relevant to this proposal.

January 2009 – Refusal of full planning consent for the conversion of a barn to the south of green Farm to a holiday unit and a dependant relative unit on grounds that the resultant dwelling would not be ancillary and insufficient evidence had been submitted to satisfy the requirements of the Authority's affordable local needs dwelling conversion policies.

April 2009 – Consent granted for the conversion of the barn to the south of Green Farm to two holiday units.

November 2011 – Refusal of consent for extension between two detached outbuildings and conversion to a holiday unit, on grounds that the scheme would require significant enlargement and alteration to the existing buildings, which would harm their character and setting and the Conservation area.

August 2014 – Enquiry from the applicant seeking advice on whether an extension between the two detached buildings to the north-west of Green farmhouse and their conversion to a local needs dwelling would be acceptable.

Following a site visit by the Authority officers, the applicant was advised that as the proposal would require demolition and rebuilding of the larger of the two buildings, the principle of conversion/extension of the buildings to a separate local needs dwelling would not meet the Authority's affordable local needs dwelling policies as it would comprise primarily new-build local needs dwelling accommodation outside of a 'Named Settlement'.

Officers also advised verbally that the principle of the rebuilding/extension and conversion of the buildings to an ancillary dwelling for the applicant tied to Green farm via a Section 106 legal agreement would receive officer support. Further detailed design advice was also given by officers to resolve outstanding design issues with respect to the initial sketch scheme submitted by the applicant. The amended scheme was for a modest, low two-storey ancillary dwelling unit with an approximate internal floor area of around 90m². Notwithstanding this advice, the applicant subsequently confirmed that this option was no longer available, for family reasons.

Consultations

External Consultees

County Council (Highway Authority) – No objections, subject to the attaching of conditions requiring space to be provided for storage of plant and materials etc.; the new vehicular driveway (min. width 2.75m) and sightlines on to the highway being provided; parking spaces being provided prior to occupation and details of the measures taken to prevent the discharge of water from the site onto the highway.

District Council – No reply to date.

Parish Council - There is no Parish Council or Parish Meeting representing Aldwark, however, seven individual letters of support have been received. These are reported in the Letters of Representation section of this report below.

Internal Consultees

Authority Conservation Architect – Detailed comments have been received, which state that the site comprises an irregular-shaped field located within the northern part of the village core. The site is enclosed by drystone walls built from locally-derived limestone. The site access is located at the south-west corner. This is approached via a short narrow route off the road that encloses the village Green. A small rectangular field, containing a former pig sty and store, separates the development site from the road.

To the east of the site stands a 17th century listed cottage with outbuildings. This property and many other dwellings in the northern part of the village face south. A large modern agricultural structure is located to the western edge of the site. To the north are open fields, enclosed by a network of drystone walls, which then drop in level towards the north. The historic Ordnance Survey map records show a rectangular feature, possibly a building, on this site. Additionally, Aldwark is one of the oldest settled villages in the National Park. Consequently, it is recommended that the Authority Archaeologist be consulted on the proposal.

Aldwark Conservation Area appraisal describes the centre of the village as, 'Most of Aldwark encircles the central field with farms and a few houses widely spaced around it'. Constructing a property on the proposed site will maintain the wide spaces between the buildings, therefore the settlement pattern and grain will not be harmed. There is also no objection to the proposed position of the building on the site or its orientation. The latter is in keeping with neighbouring properties.

There are no objections to the density or general mass of the building; however, it would be preferable if the dwelling was excavated into the slightly sloping ground levels across the site. The dwelling proportions, design and materials reflect the local vernacular; however, the proposed use of photovoltaics on the front roof pitch, facing the village centre will detract from the host building and the Conservation Area. Subject to minor design amendments and a sympathetic landscaping scheme for the building and the access track, this proposal will not harm the setting of the listed buildings in the vicinity of the site. The new-build will obstruct long-ranging views out of the Conservation Area when viewed from the south of the site, but this will not harm its character.

Authority Archaeologist – The application has archaeological implications. The field which is proposed for development is within the historic core of Aldwark village and is within its Conservation Area. In respect of the evaluation work on archaeology submitted by the applicant to address these concerns, the Authority's archaeologist has stated that the evaluation results are a little inconclusive but in the absence of remains of high significance or complexity; there is no archaeological objection to the development proposals.

The Authority's archaeologist goes on to say it is likely however that the development groundworks will impact upon further structural fragments (similar to those encountered in the evaluation trenches in the applicant's evaluation), and given the archaeological sensitivity of the site it is still possible that fragmentary early remains might be present. There is consequently a requirement for a conditioned scheme of archaeological work to record any such remains in line with paragraph 141 of the Framework. This should take the form of archaeological monitoring and recording during the development groundworks.

Representations

Seven individual letters of support have been received from Aldwark residents, which make the following points:

- The applicant is a hard-working Aldwark resident who provides an important service for the local farming community. He deserves to be able to live and work in Aldwark where he has lived all his life.

- There is a need for a better balance of age groups in the hamlet; young people are forced to move as they cannot afford to buy here.
- There are plenty of holiday-lets; more permanent residents are needed in order to keep the rural community alive and to prevent the village dying.
- The proposed dwelling is in keeping with the village.

Main Policies

Local and National Housing Policies

National policies in the National Planning Policy Framework ('the Framework') and local policies in the Development Plan set out a consistent approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. However, the Framework does not offer any support for the provision of affordable housing to meet local need anywhere other than in existing settlements.

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements within the National Park. In this case, there is some residential development in and around Aldwark but Aldwark is not a named settlement for the purposes of DS1 and the application site is within open countryside for the purposes of local and national planning policies.

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements. In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy, policy LH1 of the Local Plan says that, exceptionally, newly built dwellings will be permitted in or on the edge of named settlements subject to certain criteria including proof of need; local qualification and the affordability of the proposed housing.

Design and Conservation Policies

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Policy GSP3 of the Core Strategy and Policy LC4 of the Local Plan are also directly to the current application because they set out the design principles for all new development in the National Park, seeking to safeguard the amenities of properties affected by development proposals, and setting out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park. Policy CC1 of the Core Strategy and the associated supplementary planning document on climate change and sustainable development encourage incorporating energy saving measures and renewable energy into new development.

Policies GSP2 and L1 of the Core Strategy are also especially relevant to the current application because they reiterate that landscape conservation is a priority in the National Park. L1 also cross refers to the Authority's Landscape Strategy and Action Plan. With reference to the Authority's adopted Landscape Strategy and Action Plan. The application site is within the White Peak, and specifically within the Limestone Village Farmlands landscape type.

In these respects, the application site and its landscape setting is characterised as pastoral farmland enclosed by drystone walls made from limestone with repeating pattern of narrow strip fields originating from medieval open fields, scattered boundary trees and tree groups around buildings, and discrete limestone villages centred on clusters of stone-built dwellings. Taken together, L1 and Landscape Strategy and Action Plan seek to ensure development proposals would not harm these valued characteristics of the Limestone Village Farmlands or the scenic beauty of the National Park

These policies are consistent with national planning policies in the Framework that afford great weight to the conservation of the natural beauty of the National Park and promote high standards of design for development proposals, which should be sensitive to the locally distinctive characteristics of their landscape setting.

The location of the application site within a Conservation Area is also a highly relevant consideration noting that the Framework states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles. Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development within a Conservation Area set out in policy L3 of the Core Strategy and saved Local Plan policy LC5.

L3 states that development must conserve and where appropriate enhance and reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of national, regional or local importance or special interest. LC5 also states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the conservation area will be preserved and, where possible, enhanced.

Finally, saved Local Plan policies LC15 and LC16 require an appropriate archaeological assessment of sites that may be of archaeological interest. Where development affecting a site of archaeological interest is acceptable, this will require the implementation of an appropriate scheme for archaeological investigation prior to and during development in accordance with these policies and in accordance the overarching objectives of Core Strategy policy L3.

Assessment

In this case, the applicant has demonstrated that there is a need for the dwelling and he has a local qualification. The proposed dwelling also meets the relevant affordable floorspace guidelines and affordability criteria set out in the Authority's proposals. It is also clear that the proposed house could be accommodated on the application site without any harmful impact on the special qualities of the surrounding Conservation Area or its wider landscape setting. The house would be of an appropriate design and would not be unneighbourly and it could be provided with a safe and suitable access. Therefore, the principal reason for refusal of this application was the concern that Aldwark is not in a named settlement and housing policies in the Development Plan only support the provision of newly-built affordable dwellings in named settlements as set out in policy DS1 of the Core Strategy.

Whilst the emerging Development Plan Document takes the same approach to affordable housing in the National Park, in October 2015 members of the Authority's Planning Committee took the firm view that Aldwark should be seen in the same way as a named settlement and was therefore an appropriate location for a new affordable house justified by a genuine local need also taking into account the proposals were found to be in general accordance with the wider range of design and conservation policies in the Development Plan and the Framework. Furthermore, in the absence of any harm to the valued characteristics of the National Park and taking into account the intended first occupant worked within the local area, it was considered that the new house would be a sustainable form of development that could be easily distinguished from an isolated new home in open countryside.

Therefore, it was considered that an approval for the current application would be a warranted exception from the specific provisions of Local Plan policy LH1 rather than a significant departure from the Development Plan. However, the resolution to approve this application was made to subject to prior entry into a legal agreement for affordable housing and appropriate planning conditions.

In this case, the planning reasons for approving the newly-built house are based principally on the applicant's local qualification so the proposed legal agreement is necessary to make the development acceptable in planning terms noting the same agreement would be required if the new house were in a settlement named in DS1 in any event. As noted above, the legal agreement would include obligations regarding to affordability and local occupancy criteria in accordance with the requirements of the Authority's adopted guidance on affordable housing. Therefore, it is considered that the legal agreement would be directly related to the development and fairly and reasonably related in scale and kind to the development, as well as being necessary to make the development acceptable in planning terms both in terms of maintaining the proposed development as affordable housing to meet local need. Consequently, the requirement to enter into the proposed legal agreement before the permission is issued can be robustly justified.

The Authority's adopted guidance on affordable housing requires a start to be made on the development within two years, primarily because of the pace of change in terms of need and cost. A condition specifying the approved plans is necessary in the interests of the proper planning of the local area taking into account the acceptability of the design, siting and layout of the proposed development would support any approval of the current application. Pre-commencement conditions relating to submission of landscaping details and agreement on construction materials, design details and architectural specifications would also be necessary to ensure that the development is completed to an appropriate standard of design if the current application were to be approved. These conditions also reflect guidance in the recently published Planning Practice Guidance, which says conditions should not be overly prescriptive and a long list of conditions specifying design details should be avoided.

Planning Practice Guidance also says that permitted development rights should not be removed other than in exceptional circumstances. In this case, it is considered necessary to remove permitted development rights for extensions and outbuildings in accordance with the Authority's adopted guidance on affordable housing. If the current application were to be approved, it is considered that managing further extensions to the house and any additional outbuildings is important to ensure the house remains affordable and within the size limits for affordable housing. It is therefore considered that the exceptional circumstances exist in this case that justify removing permitted development rights.

Finally, taking into account the archaeological sensitivity of the site, it is possible that the proposed development could damage archaeological interest and fragmentary early remains might be present on the application site. There is consequently a requirement for a conditioned scheme of archaeological work to record any such remains in line with paragraph 141 of the Framework and policies LC16 and LC17 in the Local Plan, which should take the form of archaeological monitoring and recording during the development groundworks as set out above.

Conclusions

It is therefore concluded that the reasons for approval of this application are based on proper planning considerations and the suggested conditions and the requirement for a legal agreement are properly justified. Therefore, it is considered that an approval for the current application would be an acceptable exception to, rather than a substantial departure from, the Development Plan and national planning policies in the Framework and that it would not be fundamentally contrary to the principles of sustainability underpinning housing policy in the National Park.

Accordingly, the current application is recommended for conditional approval subject to prior entry into an appropriate legal agreement for affordable housing to meet local need naming the applicant as the intended first occupant.

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