



Appeal Decision

Site visit made on 24 August 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/M9496/W/21/3275813

Land adjacent to the Sports Field, Taddington, Derbyshire SK17 9TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr William Davidson Hawley against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0221/0150, dated 5 February 2021, was refused by notice dated 5 May 2021.
 - The development proposed is erection of one local needs affordable home.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues in this appeal are the consistency of the development with local needs planning policy for affordable homes and the effect of the development on highway safety.

Reasons

Consistency

3. Policy HC1 of the Peak District National Park Core Strategy (2011) (the CS) states that provision will not be made for housing solely to meet open market demand and goes on to set out the exceptional circumstances under which new housing in the National Park will be permitted, including where it addresses eligible local need and it remains affordable and restricted to local occupation in perpetuity. Policy DS1 of the CS lists the settlements where new building development will be acceptable for affordable housing.
4. The criteria which define eligibility for such housing are set out in the Peak District National Park Development Management Policies (2019) (the DMP) Policies DMH1 and DMH2 and the explanatory text to those policies. Policy DMH1 states that in such settlements new build housing will be permitted where there is a proven need for the dwelling and any new build housing is within size thresholds set out in the policy.
5. Paragraph 6.24 of the explanatory text in the Housing Chapter of the DMP relates to the circumstances when new affordable housing is justified. It states that the Authority has agreed with the Housing Authorities that it will require the same information when individuals apply to build affordable housing for their own use in a Core Strategy DS1 settlement.

6. From the evidence in front of me, it appears the appellant has met the necessary tests to prove that he qualifies for local need housing, and the Council do not dispute this.
7. The concerns from the Council on this issue relate to the prospective size of the dwelling. The proposals are for a 97m² dwelling, which is the maximum allowed for a three-bedroomed, five bed space new build local needs property. The Council have refused on the basis that the size of the dwelling is excessive for the needs of the appellant (one person). The counter argument from the appellant is that the dwelling takes into his future requirements (raising a family), without having to be concerned with the possibility of extending the dwelling in the future.
8. In addition to this, the appellant has also quoted a number of previous applications for applicants in a similar situation where planning approval has been given. I have not been given any further details for these schemes, so I cannot assess the context or reasoning behind them. In any event I have to look at the scheme on its own merits.
9. I have difficulty accepting the arguments of the appellant in respect of this issue. The limit on sizes set by the policy is not an opportunity to instantly go to the maximum allowable, and the possibility that the applicant could start a family in the future is not a justifiable reason to propose the maximum size, as it is just that, a possibility.
10. I have no concerns with it being assessed as a local needs home, but I am also certain that a smaller dwelling could be designed to meet the needs of the appellant, and if in the long term, circumstances change, then extensions and other alterations could be looked at, and controlled appropriately by the Council to ensure consistency with character and any impact on the wider area.
11. Therefore, on this issue I find the proposals to be in conflict with Policy HC1 of the CS and Policy DMH1 of the DMP which amongst other matters, restrict the construction of new build dwellings and set out guidelines for appropriate sizing of dwellings considered to be local needs to that necessary for realistic living.

Highway Safety

12. The proposed access would be taken from a Public Right of Way, known locally as Hades Lane, and would be a narrow access. The Council considers that the access would be limited in visibility in both directions due to the geometry of the junction. As such, the Council considers that the proposed development would give rise to an increase in highway safety issues and that the use of Hades Lane and Lower Smithy Lane would be unacceptable due to the increase in vehicle movements, leading to highway safety issues.
13. I accept that visibility at the access point and the Main Road junction is limited but the fact that the immediate access road is relatively narrow, and general quality of the local highway network, I observed that vehicular speeds on the stretch of the road are low. Given the low level of vehicle movements from one additional dwelling and the slow speed of highway traffic, I do not consider that the additional use of the highway and junction would give rise to circumstances that would materially compromise highway safety.

14. I consider that the section of access road between the appeal site and the junction with Lower Smithy Lane is only likely to be used by one vehicle at any time and therefore will not cause highway safety issues.
15. Taking the above into account, I do not consider that the proposed development would have a significant adverse effect on highway safety. Consequently, there would be no conflict with Policy DMT3 of the DMP which amongst other matters, expects development to provide safe access. In addition to this I find no conflict with the guidance set out in Paragraph 111 of the National Planning Policy Framework.

Other Matters

16. I have noted the comments of local residents in relation to the difficulties of obtaining reasonably priced property in the locality and the benefits of retaining the younger generation in the area and I am aware of these difficulties in certain locations in this and other areas. However, I have identified harm in the assessment above and the issues raised do not overcome that harm.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I find that the appeal should be dismissed.

Paul Cooper

INSPECTOR