
Appeal Decision

Site visit made on 2 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/M9496/W/21/3277313

Street Record, Litton Dale, Litton SK17 8QN

- 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 Richard Baker against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/1220/1217, dated 22 December 2020, was refused by notice dated 15 March 2021.
 - The development proposed is the erection of an affordable local needs dwelling, works of hard and soft landscaping and other works incidental to the proposals.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's final comments postdate the publication of an updated version of the National Planning Policy Framework (the Framework). They have therefore had an opportunity to comment thereon. In any case, the substantive elements of the Framework as they relate to the main issues of the appeal have not changed from the previous iteration. I have proceeded with reference to the 2021 Framework in my decision.
3. A completed planning obligation in the form of a Unilateral Undertaking (UU) has been submitted. It seeks to secure the dwelling as affordable housing for subsequent occupiers. The Council have acknowledged but have not offered further comments on the UU.

Main Issues

4. The main issues are: a) whether the proposal would meet an identified local housing need with specific regard to affordable housing and; b) the effect of the proposal on the character and appearance of the area.

Reasons

Local Need and Affordable Housing

5. Policy HC1 of the CS¹ states that provision will not be made for housing solely to meet open market demand. It goes on to set out the exceptional circumstances under which new housing in the National Park will be permitted.

¹ Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011)

This includes where it addresses eligible local need, it remains affordable and is restricted to local occupation in perpetuity.

6. Policies DMH1 of the DMP² states that in or on the edge of CS Policy DS1 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 section A(ii) of the policy. DS1 lists the settlements where new building development will be acceptable for affordable housing. There is no dispute between the parties that for the purposes of assessing the location in this context, the appeal site is on the edge of Litton, an eligible settlement listed in Policy DS1.
7. Expanding on this position, Policy DMH2 of the DMP states that in all cases, new affordable housing must be first occupied by 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 living in accommodation which is overcrowded or otherwise unsatisfactory, among other criteria.
8. I have had regard to the appellant's evidence in this and other regards, including the statement of need for affordable housing. The Council does not build or manage affordable houses but does work alongside housing authorities for this purpose. In this case, the local organisation is Home Options, which the appellant states they do not qualify for help from as they already own a property. While I understand they may not want to sell their existing home to qualify for support from Home Options, there is no substantive evidence before me to demonstrate that there is a local need in this case otherwise.
9. Although I have no reason to doubt the appellant is a long-term resident of the National Park, they currently reside within the parish of Bradwell. I am informed the opposite side of the road falls within Tideswell rather than Litton. Whilst the site is only a few metres from a qualifying adjoining parish, this would not meet the criteria of Policy DMH2 for the first occupier to be living in an adjoining parish for at least 10 years. In addition, there is no evidence before me that the appellant's existing accommodation is unsatisfactory or overcrowded other than not meeting the aspirational needs of a dwelling large enough for starting a family.
10. Moreover, the size of the dwelling would be the maximum allowed for 5 people, although based on the submissions the property would initially be for 3 people. The limit on sizes set by the policy does not justify building to the maximum allowable. While I understand the desire of the appellant to move to a larger dwelling and start a family, this is not their current situation. In the meantime, a dwelling to meet the existing needs of the appellant would be more appropriate. Longer term, were their circumstances to change, extensions and other alterations to the existing dwelling could be considered to meet their new requirements.
11. Accordingly, based on the evidence before me it has not been demonstrated that there is a need for an affordable dwelling in this location. This would be contrary to Policies DMH1 and DMH2 of the DMP and HC1 of the CS. Among other things, these restrict the construction of new build dwellings to suitable locations and guidelines for appropriate sizing of dwellings considered to be

² Peak District National Park Development Management Policies (Part 2 of the Local Plan) (2019)

local needs to that necessary for realistic living. The proposal would also be contrary to the aims of the Framework which advises in paragraph 78 that in rural areas, decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Character and Appearance

12. The appeal site comprises part of an agricultural field located on the edge of the village of Litton. The established pattern of development in the area is predominantly linear following the roads which run through the village, although this becomes more sporadic towards the appeal site as the landscape becomes more open. There are cottages adjacent which form a terrace on the same side of the road while there is a large, detached property on the opposite side of the road.
13. The character of the appeal site is derived from its rural appearance and inherently open and undeveloped character. The field rises steeply to the south leading to an expanse of open agricultural fields in this direction as well as to the east and west. The transition from village to open countryside is apparent when moving from the more built-up part of Litton in the northeast into open countryside beyond the appeal site. The field therefore contributes positively to both the rural setting of the village and open landscape character of the area. Moreover, National Parks have the highest status of protection in relation to landscape and scenic beauty.
14. The proposal would lead to a significant urban incursion into a part of the field that would detract from its inherent undeveloped character. This would be compounded by inevitable domestication such as an established curtilage, garden paraphernalia and off-street parking. Moreover, the position of the dwelling would be elevated higher than adjacent properties due to the steeply rising topography of the host field. As such it would be prominent in the local area.
15. I disagree that there would be no gap between the nearest dwellings and the appeal site. There would be a clear separation from the adjacent terraced cottages. While the house would front the same road and some design elements of the proposal, such as materials and form, would be acceptable and reflect local vernacular, the incursion into open countryside would harm the character and appearance of the area.
16. Based on the above, the proposal would harm the character and appearance of the area. this would be contrary to Policies DMC3 and DMC4 of the DMP and Policies GSP1, GSP3 and L1 of the CS. These seek, among other things, for development to pay attention to siting in relation to existing buildings, settlement form and character, including impact on open spaces and the wider landscape setting which contribute to the valued character and appearance of the area. The proposal would also be contrary to aims of the Framework which states in paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, among others.

Other Matters

17. The proposal would provide an affordable home for the appellant and subsequent occupiers of the property. There would also be associated benefits to new residents moving into the area with regards to the sustaining of local

services and facilities. This is alongside the aim of the Council to reverse a trend of a decreasing population of younger people. However, due to the scale of development, these benefits would invariably be limited.

18. The dwelling has been designed to be energy efficient with regards to its heating and water usage. It would also involve the planting of native species to boost biodiversity locally. However, these are necessary to meet various policy requirements of the development plan and the more overarching aims of the Framework. There is no objection from the Council on the grounds of highway safety or flood risk. However, taken together these factors are either neutral or would offer limited weight in favour of the proposal.
19. My attention is drawn to other applications approved by the Council in similar circumstances³. While it appears these were approved in the context of local need affordable housing, I have limited details on the circumstances of the applicants in either case. Moreover, I note they were both recommended for refusal but approved by the planning committee and were both located within more built-up areas as opposed to the more open surroundings of the appeal before me. In any event, each proposal is assessed on its own merits and their existence does not persuade me the proposal should be allowed given it would give rise to multiple planning harms and conflict with the to the development plan.
20. I understand the appellant, alongside their work as a builder, also works on the family farm. Some of this land is adjacent to the appeal site. My attention is drawn to an approved agricultural building nearby to support the farming activities of the business. While I acknowledge being closer to this land would be convenient when the appellant is needed on the farm, the proposal is not an application for a rural worker's dwelling which has its own specific requirements and limitations on its occupation. As such, these benefits would be private to the appellant and carry little weight in favour of the proposal.

Conclusion

21. The proposal would conflict with the development plan taken as a whole. While I have considered the personal circumstances of the appellant, there are no material considerations worthy of sufficient weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

³ NP/DDD/0418/0282; NP/DDD/0515/0425