

<b>APPLICATION NUMBER</b>		22/01389/FUL	
<b>SITE ADDRESS:</b>		Land South East Of Marston Bank Farm Barway Marston Montgomery Derbyshire	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 10 no. dwellinghouses with associated infrastructure, the formation of a new field access and demolition of existing buildings	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Penlee Ltd
<b>PARISH/TOWN</b>	Marston Montgomery	<b>AGENT</b>	Teresa Critchlow – Sammons Architectural Ltd
<b>WARD MEMBER(S)</b>	Cllr T Morley	<b>DETERMINATION TARGET</b>	12 <sup>th</sup> June 2023 (EOT agreed 14 <sup>th</sup> July 2023)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- The effect of the proposal on the character and identity of the settlement and the local landscape</li> <li>- Highway considerations</li> <li>- Flood risk and drainage</li> <li>- Residential amenity impacts</li> <li>- Impact on trees, biodiversity and wildlife, and</li> <li>- Developer contributions and housing mix</li> <li>- Planning Balance</li> </ul>

<b>RECOMMENDATION</b>
That the application be refused for the reasons set out in section 8.0 of the report.

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 This 2.8 hectare site is not within a settlement and is located in between Rocester and Marston Montgomery. There are several steel clad industrial type buildings on the site, with ancillary hardstanding areas and smaller buildings and cabins used for the manufacture of agricultural machinery and equipment. To the south-east, south-west is open countryside. Adjacent north-west of the application site is Marston Bank Farm. Public Right of Way Marston Montgomery 34 runs adjacent to the southern boundary of the site. The topography of the site is sloping from west to east with the highest level being 136.480 AOD in the north west, falling to 133.04m AOD in the south east.



## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Full planning permission is sought for ten dwellings with a new access onto Barway located centrally on the site's frontage with four pairs of semi-detached dwellings and two detached dwellings surrounding the central turning head with a small private drive off for two properties. Plots 1 – 4 would face Barway with plots 5 and 6 side on to the road and other plots to the rear. Parking is to the front of properties with two spaces per property. A new field access to the adjacent field to the south east is also proposed.
- 2.2 The dwellings are two storey brick and tile dwellings with traditional decorative brick eaves, arched lintels and chimneys. Plot 7 has a single storey glazed section on the rear elevation and plot 8 has a single storey across the rear of the dwelling with a balcony above the flat roof section.
- 2.3 The proposed housing mix is 100% market housing comprising of the following:-
- 4 x 2 bedroom
  - 6 x 3 bedroom
- 2.4 A number of supporting studies have been submitted with the application including:  
Design and Access Statement;  
Flood Risk Assessment;  
Preliminary Ecological Appraisal and Preliminary Roost Assessment  
Biodiversity Net Gain and Metric  
Climate Change SPD  
Phase I Desk Study Assessment

## **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

- 3.1. Adopted Derbyshire Dales Local Plan 2017  
S2: Settlement Hierarchy  
S4: Development in the Countryside  
S9: Rural Parishes Development Strategy  
S10: Local Infrastructure Provision and Developer Contributions  
PD1: Design and Place Making  
PD3: Biodiversity and the Natural Environment  
PD6: Trees, Hedgerows and Woodlands  
PD7: Climate Change  
PD8: Flood Risk Management and Water Quality  
HC4: Affordable Housing  
HC11: Housing Mix and Type  
HC14: Open Space and Outdoor Recreation Facilities  
HC19: Accessibility and Transport
- 3.2. Other:  
The National Planning Policy Framework (2021)  
National Planning Practice Guide

## **4.0 RELEVANT PLANNING HISTORY:**

06/00629/FUL - Formation of equestrian manege, Granted 07/11/06

04/09/0795/FUL - Use of site for the repair/fabrication and maintenance of agricultural machinery and erection of replacement workshop and new storage building, Granted 11/01/05

03/03/0232/FUL - Change of use of dwelling to create 2 no. dwellings, Granted 15/05/03

02/06/0449 - Erection of two storey extension, Granted 31/07/02

01/01/0006 - Construction of new access to agricultural building, Granted 14/02/01

## 5.0 CONSULTATION RESPONSES

### Marston Montgomery Parish Council

- 5.1 No objections subject to the following three conditions
1. That the speed on Bar Way be reduced to thirty miles per hour
  2. That any monies under Section 106 be remain within Marston Montgomery Village
  3. That this application be considered at the next planning committee.

### Environmental Health

- 5.2 No objections to this application in principle, providing that the recommendations in the phase one report for a phase two ground investigation is carried out and any necessary remedial strategy is submitted.

### Highways Authority

- 5.3 The proposal is for the demolition of buildings and change for use of site from B2 to 10 dwellings, the proposal would utilise the existing access onto Barway. The proposal would also included a new field access also into Barway. The principle of the proposal is acceptable given the existing use, with the assumption that the proposal would remain private and not be put forward for adoption especially given that only 4 plots directly front the access road. The vehicular access shall be constructed as a splayed dropped crossing to ensure the proposal looks and remains private. Conditions in respect of a construction compound, existing access and new field access, parking and turning and wheel wash facilities during construction.

### Rights of Way Section (DDC)

- 5.4 It is confirmed that Marston Montgomery Public Footpath No. 34 runs close to the proposed development site. The legal line of the footpath is currently obstructed and must either be reinstated on the legal line as shown, or a diversion under Section 119 of the Highways Act 1980 must be sought. As the footpath has been obstructed for some time, it is likely that an alternative line has been in use for many years, and will have also acquired rights through established use. In order to be able to comment fully on the proposals, it will be necessary for the applicant to provide a plan indicating the used line of the path in relation to the proposed development. If the used line crosses the proposed development site, it will have to be accommodated within the layout plans. For these reasons, the Rights of Way Section objects to the proposals at this time.

### Peak & Northern Footpaths Society

- 5.5 There are some concerns as there is no mention of the existence of Marston Montgomery Footpath 34 in the Design and Access Statement, although the path is shown on the site layout plan. It is essential that the applicant confirms the exact location of this path with the county council rights of way officers to make sure that it would not be obstructed by the proposed development. The path seems to be currently obstructed by the menage south of the application site and the opportunity should be taken to resolve this problem, possibly by means of a diversion. If the development takes place, there will inevitably be greater use of this footpath, and the developer should contribute to the improvement of the path as necessary.

### Ramblers Derbyshire Dales Group

- 5.6 Has a holding objection:
- i) From the Definitive Map, Right of Way Marston Montgomery FP 34 may be obstructed at

SK 1271 3844, SK 1270 3844 and SK 1264 3845. PRow should be consulted to ascertain if there are RoW issues. The FP should be open and walkable before any planning permission is granted

ii) I could see no mention of the RoW FP in the D&AS. This is unhelpful

iii) Marston Montgomery FP 34 should remain unaffected at all times, including the path surface, both during and after any development

iv) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works

v) Any encroachment of the paths would need consultation and permission with/from the DCC Rights of Way Team.

#### Archaeology (DDC)

- 5.7 The proposed development area lies just to the north of preserved medieval fields with extant rig and furrow earthworks and also lies to the south of the supposed extent of the medieval park at Marston Montgomery (MDR14260). It is noted that the site currently has buildings on it and associated concrete slab. It is considered that there will be no archaeological impact from the proposed development there is no objection.

#### Education Authority (DCC)

- 5.8 The proposed development falls within and directly relates to the normal area of Marston Montgomery Primary School. The proposed development of 10 dwellings would generate the need to provide for an additional 1 infant and 1 junior pupils. Marston Montgomery Primary School has a net capacity for 70 pupils, with 36 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 53. An evaluation of recently approved major residential developments within the normal area of Marston Montgomery Primary School shows no new developments, which wouldn't result in any additional primary pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 1 infant and 1 junior pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Queen Elizabeth Grammar School. The proposed development of 10 dwellings would generate the need to provide for an additional 3 secondary pupils including post16. Queen Elizabeth Grammar School has a net capacity for 1645 pupils with 1376 pupils currently on roll. The number of pupils on roll is projected to decrease to 1330 during the next five years. An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth Grammar School shows new development totalling 428 dwellings, amounting to an additional 120 secondary including post16 pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 3 secondary including post 16 pupils arising from the proposed development.

The above analysis indicates that there would be no need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests no financial contributions.

#### Director Of Housing (DDDC)

- 5.9
1. It is noted that the Design and Access statement states there is no need to provide affordable housing.
  2. It is understood that the district has now been designated a rural area within the definition of the Housing Acts. As such the Council should seek an affordable contribution from schemes of 5 or more homes.
  3. such a contribution should be in the form of 2 x 2 bed houses. The floor areas set out in the Design and Access statement are appropriate.

### Environment Agency

- 5.10 The proposed development will be acceptable if the measure(s) detailed in the non-mains drainage assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

### Derbyshire Wildlife Trust

- 5.11 The Trust has reviewed the Preliminary Ecological Appraisal (Arbtech), which reports the results of survey work undertaken in July 2022, and the Biodiversity Net Gain Assessment (Arbtech, February 2023). The site is of low ecological value and they advise that sufficient information has been provided with regards to habitats and protected species. The baseline value of the site has been calculated in terms of biodiversity units, however the proposed habitats have not been added to the metric and therefore no calculation of net loss or gain is provided. The report predicts a gain is likely and they agree but the proposed habitats should be added to the metric to complete the assessment.

### Local Lead Flood Authority

5.12

1. Additional information to clarify the proposed surface water drainage outfall si required, specifically who owns this system and information about its condition and capacity? Has permission been granted to attach to this system? Is the system an existing surface water sewer or combined sewer? Where does this sewer outfall into a watercourse?
2. Additional information to show that infiltration is not a viable option for the site.
3. The area of permeable paving shown in the model as attenuation storage is 10m x 17.5m but there is considerably more permeable paving shown on the site prelim. Strategic Drainage Plan, please clarify if these additional areas are positively drained or intended to infiltrate.

### Chesterfield Royal Hospital

- 5.13 Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £9K

## **6.0 REPRESENTATIONS RECEIVED**

- 6.1 One letter of support and one of objection have been received and these are summarised below:
- a) As a fellow Marston Montgomery village resident who currently lives in a previous development completed by the applicant I support this new development due to the quality of homes produced by the applicant.
  - b) The dwellings are well designed and resemble cottage features such as wooden exterior door and windows, all with a sensitive consideration for our beautiful countryside and landscape.
  - c) From an aesthetic stand point the dwellings would be easier on the eye than an existing industrial site.
  - d) The ethos of the company is with a view to produce more affordable homes which is welcoming and much the reason we are able to remain in the village and this gives the younger generation a chance to enter the property market and potentially remain in the village they grew up in; rather than being forced to move to an urban environment.
  - e) In the Parish Council meeting, developer's commitment to the measures identified in the



- f) associated design and access statement related to PV systems, high efficiency heating systems and insulation was questioned and the answer received from the developer was that the exact final design would be dependent upon costs of materials etc, and would be “*in compliance with building regulations*”.
- g) There is a concern is that if commitments made in the design and access statement in respect of are not actually
- h) commitments then they should be a constraint in the planning approval.
- i) Including Solar PV panel and air source heat pumps in the scheme to be built is cheaper than retrofitting them later.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- The effect of the proposal on the character and identity of the settlement and the local landscape
- Highway considerations
- Flood risk and drainage
- Residential amenity impacts
- Impact on trees, biodiversity and wildlife, and
- Developer contributions and housing mix
- Planning Balance

### Principle of development

- 7.1 The proposal site is half a mile to the west of main built-up area of the village of Marston Montgomery, although it abuts development immediately to the west. Policy S2 sets out that isolated groups of buildings where nearly all services and facilities must be accessed in higher order settlements are, for the purposes of this plan, considered as ‘countryside’. In these locations, development will be strictly limited to that which has an essential need to be located in the countryside. Policy S4 states that new development in the countryside protects and, where possible, enhances the landscape’s intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. Planning permission will be granted for development where it comprises the redevelopment of a previously developed site and/or conversion or extension of existing buildings for employment use provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area. The only forms of new residential development in the countryside that will be considered, include affordable housing in accordance with Policy HC4.
- 7.2 Marston Montgomery is Fourth Tier settlement under Policy S2: Settlement Hierarchy. The policy identifies ‘Fourth Tier’ settlements as accessible settlements with minimal facilities with a very limited range and low level of employment opportunities, services and facilities. This part of Policy S2 maintains that development will be limited to that needed to help maintain existing services and facilities and meet the housing needs of the settlement. The policy iterates that there is limited scope for development within these settlements and that development should be commensurate with the scale and function of the settlement and can be accommodated through infill and consolidation of the existing built framework of the Settlement, be well related to the existing pattern of development and surrounding land uses and would not lead to prominent intrusion into the countryside. An exception can be made for affordable housing sites under Policy HC5: Meeting Local Affordable Housing Need (Exception Sites).

- 7.3 Policy S9: Rural Parishes Development Strategy seeks to promote the sustainable growth of the rural parishes whilst promoting and maintaining the distinct identity and historic character of individual settlements, improving accessibility to services and facilities wherever possible and meeting the housing needs of local communities. The site is currently in commercial /industrial use for the manufacture of agricultural machinery and equipment, therefore the proposal includes the loss of business premises, including the demolition of five existing B2 units on site. Policy ED1: New and existing employment development sets out that the District Council will protect existing employment sites and premises in order to ensure that development would not result in a loss of land or buildings for employment use and development involving the change of use of existing business or industrial premises for non-employment uses will only be permitted where the continuation of the land or premises is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development; and the proposal is compatible with neighbouring uses.
- 7.4 The applicant has set out in the accompanying design access statement that the constrained nature of the site is no longer able to serve the needs of the business. The applicant states that given the rural location of the business on the edge of a small village, there is little opportunity to expand the business and on site production cannot keep up with demand. Historically the site has evolved from a working farm and small contracting business. Proposals involving the loss of employment land to other uses are required to have been subject to a marketing exercise for a minimum of six months prior to any application for planning permission for redevelopment of the site. The applicant has not submitted a marketing exercise, nor any commercial evidence showing the business is no longer viable, contrary to Policy EC3.
- 7.5 The agent has cited decisions where it is their view that policy EC3 has been applied relatively flexibly. However, application ref 21/01257/FUL for Speedwell Mill related to the conversion and extension of an existing extension which is not comparable. Application 22/00610/OUT related to one stoneworker's dwelling close to Brassington where the existing business would remain on site. Application ref 21/01246/OUT is the former Farmers Garage employment site located within Matlock which was surrounded by residential properties. It is opined that none of these decisions are comparable and furthermore, even if a marketing exercise were carried in this case, there is no principle for residential development in this countryside location. NPPF paragraphs 84 and 85 is clear in relation to the use of previously developed land within the countryside for employment uses only. On this basis, it is not considered that Local Plan Policy EC3 is out of date and this proposal conflicts and is a departure. In respect of the Council's lack of a 5-year supply of housing, paragraph 11 d) ii is engaged and as such the impacts of the development will be assessed against benefits in the planning balance.
- 7.6 To conclude, the proposal for ten open market dwellings on this existing employment site is not acceptable in principle as it does not constitute housing development that is appropriate in this countryside location, contrary to Policy S4. Furthermore, insufficient marketing evidence has been provided that the existing employment use is no longer viable and in accordance with Policy EC3, redevelopment of previously developed sites for employment use may be considered if appropriate to their location and they would not adversely impact on the character and appearance of the rural area. Thus there are three strands to this proposal not being acceptable in principle in this countryside location, it is not residential development appropriate in the countryside, the viability evidence is lacking and the redevelopment does not involve employment use.

The effect of the proposal on the character and identity of the settlement and the local landscape



- 7.7 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. The proposal involves a development of 10 dwellings surrounding a turning head where there is open land to the south east and south west and the character of the area is of farm complexes or detached dwellings set within spacious plots, the majority of which are adjacent or close to the road frontages. This proposal would introduce an urban form of development adjacent to open countryside that would be wholly out of character. Semi-detached dwellings in small plots are proposed with are more akin to urban areas. It is understood that the proposal would replace large industrial green clad buildings, however, these were assessed as being required for an existing established agricultural related business and were on the frontage of the site with the built development not currently extending at the depth proposed.
- 7.8 The existing properties in the immediately locally comprise of the linear barn conversion style property of Marston Bank Farm and The Spinney which appears as the original farmhouse with ancillary barns on the roadside, all of which was originally one farm complex. Parkfield House is a large two storey dwelling with extensive extensions to the rear in a prominent position from the road. The dwellings proposed are very similar in design, small in scale in comparison to existing dwellings with no regard to the context of this rural lane where open views of the countryside to the rear of the site can be obtained. Furthermore, the proposed development would be highly visible from public footpath Marston Montgomery 34 which is adjacent to the southern boundary and as such would appear as an intrusion into the countryside away from existing buildings and harmful to the character of the local and wider landscape, contrary to Policies S4 and PD5.

#### Highway considerations

- 7.9 Development plan policies require that the access serving a development is safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development. The existing access to the industrial premises is located 25m south east of the access to Marston Bank Farm. This proposal seeks to move the access 8m to the south west, with a 5m wide central turning head and 1.8m pavement to the south west and a 0.6m service strip on the north western side. A 3.5 - 4.5m width private drive is proposed for access to the parking for plots 1, 2, 9 and 10.
- 7.10 The Highways Authority states that the principle is acceptable given the existing use of the site. They have made the assumption that the access road would remain private and not be put forward for adoption and have no objections subject to conditions in respect of the construction compound, access modifications, the new field access, parking and manoeuvring provision, no gates within 10m of the highway and wheel washing facilities during construction. On this basis, the proposed access, parking provision and manoeuvring areas are considered acceptable and the proposal accords with Policy HC19.

#### Flood risk and drainage

- 7.11 Adopted Local Plan Policy PD8 directs new development away from areas of current or future flood risk and states that the development should not increase the risk of flooding elsewhere. The site is within Flood Zone 1 and is not at significant risk of flooding from any source. A Flood Risk Assessment (FRA) has been submitted in support of the application in accordance with the requirements of the National Planning Policy Framework. The Marston Brook is located approximately 530m to the east of the site and the River Dove, 1.25 Km to the west of the site. There is a drainage system to the south of the site that discharges into Marston Brook.

- 7.12 The FRA states that the proposed surface water network would include a 600mm diameter pipe beneath the access road which will be used to store surface water for all storm events up to and including the 1 in 100 year return period with an allowance of 40% for climate change. Prior to connecting to the existing drainage system and in turn Marston Brook, foul flows will pass through a Waste Water Treatment Plant or Bio Disc Unit, appropriately sized for the 10 proposed dwellings. The Lead Local Flood Authority has reviewed the FRA and drainage strategy and requested additional information to clarify the proposed surface water drainage outfall, to establish that infiltration is not a viable option for the site and clarification on the amount of permeable paving.
- 7.13 The agent has confirmed that utilising the existing drain linking the site to the watercourse is no longer proposed. Instead, it is proposed to discharge both the clean water discharge from the treatment tank and rain water run off created by the development into a suitably designed rubble filled soakaway sited in the adjacent field and upon which notice has already been served on its owners. No porosity testing has been carried out to prove the water would drain into the ground strata and as such the agent suggests a condition requiring porosity testing be performed before installation. No further comments have been received from the LLFA to date and this shall be reported through late representations.

#### Residential amenity impacts

- 7.14 Adopted Local Plan Policy S1 seeks to secure development which provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living environment. Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts.
- 7.15 The nearest dwelling to the site is Marston Bank Farm to the north west. The side elevation of Plot 1 is proposed 1m from the north western boundary with this property directly opposite the rear yard area. The blank gable for the single storey section is adjacent to the property's access together with the blank gable of a single storey outbuilding. The nearest windows on the property are on the rear part of the dwelling and face south east adjacent to the rear yard area. Thus the side gable of Plot 1 would be 18.8m from these windows and only small first floor bathroom window is proposed in the north western elevation. On this basis, the impact on the residential amenity of Marston Bank Farm is not considered adverse provided that the window is obscured glazed and any permitted development rights for additional openings on this elevation are controlled by condition. Parkfield House is located to the east opposite Barway and opposite where the new field gate is proposed approximately 34m from the nearest point of Plot 5. This relationship does not give rise to any significant residential amenity concerns. The proposal is therefore considered to accord with Policies S1 and PD1.

#### Impact on trees, biodiversity and wildlife

- 7.16 Policy PD6 of the Adopted Derbyshire Dales Local Plan requires that Trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible. There are trees within the existing boundary hedge and verge area, all are shown to be retained and do not present a constraint to development in accordance with Policy PD6.
- 7.17 The Adopted Derbyshire Dales Local Plan (2017) seeks enhancement of biodiversity (Policy PD3) and is supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity. The direction of travel and importance of improving biodiversity is also clear from the Environment Act 2021, even though the 10% requirement is not yet in force. Whilst the Trust has confirmed sufficient information has been provided with regards to habitats and protected species, the proposed habitats have not been added

to the biodiversity metric and therefore no calculation of net loss or gain has been provided. The report predicts a gain is likely and the Trust agrees, however, the proposed habitats should be added to the metric to complete the assessment. When this information has been provided, they can advise with regard recommended conditions. Due to the lack of principle for this site it is not considered expedient to request this information.

#### Developer contributions and housing mix

- 7.18 The original submission proposed ten open market houses with no affordable housing. However, due to the consultation response from the Director of Housing in relation to the Rural Areas Designation and that 2 x 2 bed houses should be provided on site, the agent has questioned the designation and that 2 dwellings does not equate to 30% and also sought to get a view as to whether a off site contribution for the 2 dwellings would be acceptable. Due to the lack of principle, it was not considered expedient to negotiate on affordable housing and in any case this was not offered at the outset but in response to a consultation.
- 7.19 All rural parishes outside the main built areas of Matlock, Ashbourne and Wirksworth have been designated as Rural Areas under s157 of the Housing Act 1985, including Marston Montgomery. The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) use this definition to define designated rural areas. In these areas, the NPPF states Local Planning Authorities can seek an affordable housing contribution on sites of five units or fewer. Policy HC4: Affordable Housing has been amended to reflect this new legislation as follows: The District Council will seek to maximise the delivery of affordable housing across the Plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities. In order to address the significant need for affordable housing across the Plan area, all residential developments of 5 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing This is the District Council's interim policy position, that replaces the threshold in Policy HC4 in the Local Plan and was approved by Council on 26<sup>th</sup> January 2023. The affordable housing provision should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes. These proportions may be varied in light of individual site circumstances and local considerations with the agreement of the District Council. Where the proposed provision of affordable housing is below the requirements set out above, the District Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced provision. Affordable housing provision should normally be provided in the form of completed dwellings, designed as an integral part of the development site itself and in perpetuity. In exceptional cases, the Council may allow provision of affordable housing off-site or by means of a financial contribution of equivalent value or through the provision of serviced land or a combination thereof.
- 7.20 In order to comply with Policy HC4, 30% of the dwellings should fall within the definition of affordable housing in the NPPF. A policy compliant scheme would be 3 affordable dwellings provided on site. The application does not propose any affordable housing. The agent has suggested that the equivalent of 2 x 2 bed dwellings be provided as an off-site financial contribution, which would not be acceptable as it conflicts with the development plan.
- 7.21 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities in accordance with table 6. At ten dwellings this application falls below the threshold.
- 7.22 In respect of the requirements of Policy PD7 Climate Change, the Design and Access Statement states that dwellings would be designed to achieve a minimum of Code for Sustainable Homes level 4, maximising solar gain through orientation, provision of PV panels on all rear south facing roof slopes, installation of EV charging points together with

energy efficient building fabric, insulation and glazing and heating systems. These measures could be secured by planning condition if the principle of development were acceptable.

### Planning Balance

- 7.23 It is considered that appearance of the area would be unacceptably urbanised by extending built development into the countryside, appearing as an intrusion into the countryside away from existing buildings and harmful to the character of the local and wider landscape. It is acknowledged that the Council are unable to demonstrate the supply of housing sites as required by the Framework with paragraph 11 engaged which states that there is a presumption in favour of sustainable development unless, amongst other things, the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 7.24 Substantial weight is attached to the benefits of increasing the supply of housing in meeting local need and the development would be energy efficient. However, the development would not be in a sustainable location and would result in significant harm to the local landscape's intrinsic character and distinctiveness. In this case, the adverse impacts of granting planning permission would, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposed scheme would not therefore be sustainable development for which the presumption in favour applies.

## **8.0 RECOMMENDATION**

1. The proposal by reason of scale, layout and design would introduce an urban development in this countryside location which is harmful to the local landscape's intrinsic character and distinctiveness and would significantly and demonstrably outweigh the benefits of housing provision. The proposal therefore would not constitute a sustainable form of development contrary to Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).
2. The development would result in the loss of an established rural business where no marketing exercise nor any commercial evidence on viability has been provided, contrary to Policy EC3 of the Adopted Derbyshire Dales Local Plan (2017).
3. The development would not deliver sufficient affordable housing contrary to Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision relates solely to the application plans and documents:

Plan No's 2022-2697-04F, 2022-2697-05B, 2022-2697-06B, 2022-2697-07A, 2022-2697-08B, 2022-2697-09F, 2022-2697-10A, 2022-2697-11A, 2022-2697-12, 2022-2697-15 and 04 J7/02094.

K23-008-001 - Drainage Strategy  
Design and Access Statement;

Flood Risk Assessment;  
Preliminary Ecological Appraisal and Preliminary Roost Assessment  
Biodiversity Net Gain and Metric  
Climate Change SPD  
Phase I Desk Study Assessment