



ROMAN**SUMMER**

PLANNING STATEMENT

149 LONG LANE, CHARLESWORTH

ON BEHALF OF MR. & MRS. STEWART

OCTOBER 2013

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1.0 Introduction

- 1.1 We are instructed by Mr & Mrs Stewart to apply for full planning permission for the erection of a contemporary dwelling (with garage) of excellent sustainability credentials to replace the existing house (recently demolished - see photograph below) as an alternative house to that approved under planning application **HPK/2012/0715**, and a temporary contractors' compound for the duration of the construction period. The proposed house will appear identical in nearly every respect to the house already approved, aside from the modest extension elements described below. As before, it will be finished in stone and render, with a simple slate pitched roof.



- 1.2 Three extended elements have been designed as additions to the house as approved. These reflect the permitted development rights that were in place at the time the application was approved (and which remain largely intact), or, in the case of the rear ground floor extension, the recently extended Permitted Development (PD) rights introduced by the Coalition Government. The 'extensions' together comprise a dormer roof extension; an extension of the basement that was approved beneath the new house, such that it now extends across the whole of the floorspace

of the approved house (rather than three quarters of that floorspace); and a single-storey, flat roofed rear extension.

1.3 This Planning Statement acts as an ‘umbrella’ document to support the planning application. It is intended to bring all key planning–related issues together in one place, and, crucially, to assess the proposal against relevant planning policies. However, it is important that this Planning Statement is not read in isolation. It forms only one part of a package of documents and drawings, which – considered together – support the planning application. The application comprises the following documentation :

- Application form and certificates
- Application fee of £385
- This covering letter
- Planning Statement
- Design & Access Statement (for house as approved)
- Design & Access Statement - Appendix 1 (which deals specifically with the extended elements)
- The following drawings :
 - Ref: al(05)300 P02– Site Location Plan
 - Ref: al(05)200 Revision C – Proposed Location & Site Plan
 - Ref: al(05)101A – Existing Site Plan
 - Ref: al(05)102A – Existing Elevations 1
 - Ref: al(05)103A – Existing Elevations 2
 - Ref: al(05)301 P01 – Existing Consent Plans & Elevations (submitted for information purposes and not for approval)
 - Ref: al(05)302 P01 - Proposed Permitted Development – Larger Home Extensions Application (plans, sections and elevations)

1.4 The remainder of this Planning Statement is structured as follows:

- Section 2.0 summarises the background to the project, and describes the application site, surroundings and proposal;

- Section 3.0 summarises the main planning policies applicable to the proposal;
- Section 4.0 assesses the proposal against relevant policies, and highlights the land use planning benefits of the scheme;
- Section 5.0 sets out our conclusions.

2.0 Planning History & Descriptions

Planning History

- 2.1 This section summarises the recent planning history, which assists in establishing the policy context against which earlier proposals have been judged. We also summarise the recent changes to Permitted Development (PD) rights, which are fundamental to the assessment of this application.
- 2.2 Application **HPK/2010/0211** for a replacement dwelling was lodged in 2010, and was refused permission as the LPA considered it to be materially larger than the existing dwelling. It was also suggested that the form, design and materials would not respect local landscape characteristics.
- 2.3 In 2011, a second application (**HPK/2011/0181**) was submitted for the replacement of the bungalow with a contemporary two storey dwelling with garage. That proposal had a total floor area of 293 sqm. This application was refused on 9 June 2011 on the basis that it was contrary to both local and national policy in relation to development within the Green Belt, specifically with regard to the size of the property.
- 2.4 It is worth noting that the siting, design, mass and form of the replacement house were arrived at in conjunction with, and guided by the LPA and the Alliance Design Review Panel. Indeed, the case officer handling the application wrote a most encouraging and supportive Delegated Report, which was subsequently changed (from approval to refusal) by the Head of Planning Services.
- 2.5 An appeal was duly lodged (**APP/H1033/A/11/2166653**), which was dismissed on 23 March 2012. The Inspector noted that the development would result in a circa 75% increase in floor area over existing, and more than that when compared with the original dwelling. The Inspector concluded that the development was contrary to PPG2, as well as local policies H14 and OC3.

- 2.6 As a result of that dismissal, a new scheme was brought forward (**HPK/2012/0715**) in 2012. That was based upon the definition of an acceptable size in the appeal notification. It sought to address both the LPA's and Inspector's concerns about the refused scheme, and this application was ultimately approved on 13 February 2013.
- 2.7 In May 2013, shortly after the application was approved, the Government extended domestic Permitted Development rights (albeit most of the previous PD rights remain firmly in place).
- 2.8 The new PD rights came as no surprise to the planning profession, as they had been advertised and consulted upon well in advance of release. The RTPI and other bodies had objected quite vociferously to the proposal, and there was a good deal of debate and discussion in the professional planning press.
- 2.9 The initial announcement from the Government was in September 2012, when it was indicated that more flexible permitted development rights were to be introduced for a three year period, in order to make it easier for homeowners to extend their properties.
- 2.10 A consultation document - *Extending permitted development rights for homeowners and businesses* - was then published on 12 November 2012, which made it clear that the main proposal was to increase the size limits for the depth of single storey domestic extensions from 4m to 8m (for detached houses), in non-protected areas, for a period of three years.
- 2.11 At the same time, the Government made it clear that existing limitations and conditions designed to protect the amenity of neighbouring properties would remain in force. For example, development will not be able to cover more than 50% of the curtilage of the house, single storey extensions must not exceed 4m in height, and any extensions which have an eaves height of greater than 3m must not be within 2m of the boundary.
- 2.12 The Government made it clear that a large factor in extending PD rights was to save home owners money as well as to boost the construction industry. It was suggested that the new measures will bring extra work for local construction companies and

small traders, as families and businesses who were previously deterred take forward their plans. For illustration purposes, the Government explained that 20,000 new extensions could generate up to £600m of construction output, supporting up to 18,000 jobs. In addition, they suggested, each family who benefits will save up to £2,500 in planning and professional fees, with total savings of up to £100m a year.

2.13 Saving money is clearly one important factor in our clients' decision to progress this application.

2.14 The 'bones' of how the new system is intended to work is set out below :

- Homeowners wishing to build extensions under the new powers would notify their local council with the details.
- The council would then inform the adjoining neighbours.
- If no objections are made to the council by the neighbours within a set period, the development can proceed.
- If objections are raised by neighbours, the council will consider whether the development would have an unacceptable impact on neighbours' amenity.

2.15 It is clear that, providing the extension(s) permitted under the new rights comply with the size restrictions (and of course relevant parts of the previous PD rights that continue to prevail), the only consideration that falls to the Council is in respect of impact on neighbours, and only if the neighbour(s) object. That does not of course mean that the works cannot proceed. Instead, it is then open to the LPA to request that details are submitted for Prior Approval so that the impact on adjacent residents can be properly assessed.

2.16 In this case, we are confident in suggesting that there are no neighbours who could reasonably argue to be impacted by the proposed extension elements on the approved dwelling. Indeed, our client has already shared the details of this proposal with the two closest neighbours (on the opposite side of Long Lane), and neither of these have raised any concerns (presumably on the basis that they will not be able to perceive any of the additional works).

2.17 When the LPA approved HPK/2012/0715 in February 2013, it was clearly aware that, not only would the PD rights that were in place at the time apply to our client's new dwelling, but that there was a distinct probability that those would be extended to allow for even larger extensions. Notwithstanding that, Permitted Development (PD) rights were not removed from HPK/2012/0715.

2.18 In his letter to MPs of 19 April 2013, the Secretary of State for Communities and Local Government explained the reasoning behind the new regulations / policy :

'It is consistent with growth and with localism. We are cutting red tape and devolving power to the lowest appropriate level. We are decentralising power from the state down to local residents.

We are backing families who work hard, want to get on and improve their homes. We are strengthening individuals' property rights and supporting aspiration and home ownership. '

2.19 It is against that backdrop that this application ought to be considered.

2.20 Our client is understandably keen to press forward with their new family home (as approved under HPK/2012/0715), but they – very reasonably – wish to take advantage of the recently extended PD rights that would result in a modestly larger home.

2.21 There is no question that our clients are in a position to commence development of the approved house immediately after discharge of two pre-commencement conditions (Condition 2 requires submission and approval of materials samples; Condition 5 requires details of arrangements in respect of construction-related storage, parking and suchlike). Nor is there any question that the recently extended PD rights will apply in this case.

2.22 While we were not involved at that stage, we understand that those extended PD additions were discussed with the LPA, who (we are advised) raised no concerns about the details presented. At the time, our clients' perception was that the LPA was in agreement with the logic of the Certificate of Lawfulness application.

Otherwise they would clearly have not taken the time, trouble and expense of pursuing a type of application that the LPA considered to be unacceptable and would not validate.

- 2.23 The Certificate application was registered by the LPA and was 'live' for 7 weeks, but it was then made invalid on the basis that the LPA considered they had registered it "*in error*" (on the basis that the approved house should have been substantially complete before any such application was submitted).
- 2.24 For that reason, our client is submitting this detailed planning application seeking permission to erect the dwelling to take account of the PD rights that they enjoy (or at least will enjoy once the house is largely complete). Rather than delay this matter until such time the approved house is substantially complete, they (reasonably and sensibly) wish to deal with the issue now. Assuming the application is approved, that will then allow the house to be built in a single phase, without the expensive / unnecessary delays and construction issues that would result from putting the project on hold when it is substantially complete in order to pursue a Prior Approval submission to confirm the extended PD extension.
- 2.25 Aside from the inevitable delays and costs associated with such as 'staggered' approach, there are technical and logistical design problems associated with only part-building the house, and then having to adjust the internals and other abortive works in order to accommodate the PD extensions. The process of extensions breaking into the building's envelope is far more complicated in a PassivHaus design. Furthermore, if a delay is required, necessitating the building contractors to return to the building after a period, there would be further damage to the grounds of the house which our client intends to cultivate.
- 2.26 There are considerable complications and costs associated with all of the above, which our client reasonably wishes to avoid. That is the rationale behind this application, which will enable the entire house to be efficiently and cost effectively constructed.

2.27 It is worth adding that the proposed former window and basement extension would arguably not be notifiable to the LPA. It is only the rear extension that is the subject of the new PD rights, and as such only that element would be subject to the new regime.

2.28 At this point, it is worth highlighting an area of ambiguity that prevails in respect of basement extensions. We suggest that such extensions (which are wholly beneath the ground; do not extend beyond the footprint / principal walls of the house; and cannot be perceived in any dimension from above ground) are permitted development by virtue of Class A of Part 1 of the GPDO :

“The enlargement, improvement or other alteration of a dwellinghouse.”

2.28 Our view is supported – at least in large part – in the DCLG ‘*Supplementary Report: Basement Extensions Householder Development Consents Review - Implementation of Recommendations*’ (November 2008). While that report was not absolutely conclusive on basement development, it canvassed the views of 28 LPAs. The overwhelming majority (21) responded to a survey confirming that they treated basement extensions as permitted development. Some LPAs (in London, where such schemes are more common) have produced SPG/SPD guidance in this regard. Of the 7 LPAs who did not express this view, most of those were outside London and as such had no or little experience handling such cases, and one of those went to the extent of suggesting that basement extensions are not classed as ‘development’ (we disagree). Other respondents qualified their answers in respect of whether any external alterations were to arise from basement works (such as lightwells, earthworks or steps – none of which form part of this application).

2.29 The DCLG therefore concluded at paragraph 2.21 that :

‘There is a strong majority view that basement extensions benefit from “permitted development” rights under the current GPDO. This is important because it means that proposals for a basements class in an HPDO would not open up a new area of “permitted development” but rather codify and build on current accepted practice.’

2.30 Furthermore, the Planning Officers Society was approached with the same query, and their response (recorded at paragraph 2.27 of the report) was that :

‘Currently there is an inconsistent approach to whether basements are “permitted development ... basements should be confirmed as constituting development .’

2.31 We acknowledge that the above report is not 100% conclusive, but we suggest that it sets out a compelling case that basement extensions do constitute permitted development.

2.32 In that regard, this application is promoted on the basis that the extension of the basement that formed part of the approved house (which covers three quarters of the footprint of the house as approved) to cover 100% of the footprint of the house (as approved) will be permitted development. It would seem inarguable that those additional works constitute *“the enlargement, improvement or other alteration of a dwellinghouse.”* Since the clients’ proposal limits the basement infill to the confines of the approved house, it does not breach any of the PD conditions.

2.33 In the event that the LPA disagrees with not only us, but also the majority of those LPAs who were canvassed and the Planning Officers Society, then we suggest that the ‘very special circumstances’ to justify development are the conclusions of the DCLG report, combined with the overwhelming lack of harm that would arise from the infill of the basement to the Green Belt or any other land use consideration. The basement infill will not be perceptible from any vantage point (public or private), and as such ought to be accepted as appropriate development (as was the basement associated with the approved scheme).

2.34 Crucially, the house that will arise from this proposal will be no larger (in any dimension) than the house that would result in the event that the approved scheme was implemented, followed by the implementation of PD rights.

2.35 Equally crucially, our client is willing to accept a condition that removes PD rights utilised by the proposed application that would allow for future extensions. In other words, once the house that is the subject of this application has been constructed, it will not benefit from any further permitted development rights to

extend it. The other PD rights associated with the approved house (and which will not have been exercised by this application) will of course remain in place. Our client is not looking to 'extract' any more or less out of this process beyond the PD rights that the Government has presented to them (and which the LPA selected not to remove when granting HPK/2012/0715).

- 2.36 On the above basis, we trust that the LPA will receive this application favourably. Ultimately, the 'extended house' could be brought forward under PD rights. The approach being taken is simply intended to streamline the process and minimise any further delays, costs and anxiety beyond those our client has already experienced. We anticipate that the LPA will be sympathetic to our client's predicament and will receive this application favourably.

The Application Site

- 2.37 The site is located between Broadbottom and Charlesworth on Long Lane, roughly 100m to the east of the Church of the Immaculate Conception. Long Lane rises up from the Church towards Charlesworth, and the site is located on the south side of a steep section of this road. The site is approximately 36m x 30m (maximum dimensions), with a 5m level difference east to west, and a 1m level difference north to south. The rear of the site has panoramic views that extend down the Etherow Valley towards Tom Wood, Chew Wood and Chisworth beyond.
- 2.38 The site falls within the Green Belt and, until very recently, was occupied by a 1920s bungalow of nondescript architectural quality, with a number of poorly executed extensions in various materials, along with poor quality outbuildings.



[Aerial image showing the main development site (red line) prior to the recent demolition of house, and the applicant's wider ownership (blue line). Note that the area for the proposed contractors' compound is not marked – refer to Site Location Plan for details]



Surroundings

- 2.39 The site lies within a hamlet. The surrounding area consists of four dwellings and a church. The other dwellings are a pair of two storey Accrington brick semis with a slate roof, and a single storey red brick and render bungalow, again with a slate roof. The church is of gritstone construction with a steeply sloping slate roof.



[Surrounding buildings]

The Proposal

- 2.40 The proposal is to replace the dwelling that, until recently demolished, occupied the site with a two-storey, 167 sqm new build dwelling (which benefits from planning permission). The former double garage is to be replaced with a new double garage (enlarged to allow space for modern vehicles). Alongside this, three extended elements are included, all of which we contend would be permissible under PD rights once the approved dwelling is constructed. These are a dormer roof extension; an extension of the basement within the footprint of the house already approved; and a single-storey, flat roofed rear extension which will extend beyond the rear wall of the original dwelling by 7.9m (slightly less than the permitted 8.0 metres). This will have a maximum height of 3.7m (less than the permitted 4.0 metres) from natural ground level.
- 2.41 Access to the site will not be altered.

- 2.42 The design of the dwelling and associated garage will reflect those of the approved house, using a simple palette of local materials. Landscaping elements will include a low stone wall running to the east of the house, along with minor modifications around the driveway (west of the house) to allow for vehicle turning and off-road bin storage (again, reflecting the scheme that benefits from planning permission).
- 2.43 The application also proposes the establishment of a temporary contractors' compound for the duration of the construction period. All development projects inevitably require a compound such as this to provide a safe, secure and convenient facility for contractors, and to keep such activities away from publicly accessible areas. In this case, because the main development site is relatively small and constrained, it is proposed to locate the contractors' compound on the field that immediately abuts the main development site, and enlarge the field entrance to allow lorries and equipment to enter. This is to comply with Highways recommendations for shouldering and set back to ensure road safety and minimise traffic disruption. The size, configuration and location of this compound is precisely the same as that indicated on the drawings approved under application HPK/2012/0715. We also note the provisions of Condition 5 of that consent. In this case, however, we consider it appropriate to include the temporary compound within the application red line area (as opposed to outside the red line as per the approved scheme). The likely construction period is anticipated to be circa 10 to 12 months, but this might of course be slightly extended or reduced. As such, we would not wish to 'fix;' an absolute timeframe for the compound, other than to confirm that it will be removed in entirety within 28 days (or sooner) of completion of the development and fit out. After that, the land will be restored to agricultural use.

3.0 Overview of Planning Policy

- 3.1 This section summarises the planning policy context against which the application falls to be considered. These policy strands will then be considered further in Section 4.0 of this Statement.

National Planning Policy Framework (NPPF)

- 3.2 The NPPF was published on 27 March 2012. It replaces all former PPGs and PPSs into a much distilled format.
- 3.3 Paragraph 12 makes it clear that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Development that accords with an up-to-date Local Plan should be approved, whilst development that conflicts should be refused, unless other material considerations indicate otherwise. Paragraph 2 confirms that the NPPF is a material consideration in planning decisions.
- 3.4 One important statement appears toward the end of the Framework, but we consider it is worth highlighting this at the outset. Paragraph 187 states that :

*'Local planning authorities should **look for solutions rather than problems**, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should **work proactively with applicants** to secure developments that improve the economic, social and environmental conditions of the area.'*

Sustainable Development at its Heart

- 3.5 From the outset, the NPPF asserts that development that is sustainable should go ahead **"without delay"**, and that a presumption in favour of sustainable development should be the basis for every planning decision.
- 3.6 Paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is elaborated in paragraph 7, which suggests that there are three dimensions to sustainable development: **economic, social and environmental**.

Core Principles

- 3.8 Paragraph 17 states that, within the overarching roles that the planning system ought to play, 12 core land-use planning principles should underpin both plan-making and decision-taking. These include (with our emphasis) :
- Planning should not simply be about scrutiny, but instead be **a creative exercise** in finding ways to **enhance and improve** the places in which people live their lives
 - Planning should **proactively drive and support sustainable economic development** to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.;
 - Planning should always seek to secure **high quality design** and a good standard of amenity;
 - Take account of the different roles and character of different areas, **protecting the Green Belt, and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.**

Design Quality

- 3.16 Paragraph 56 carries forward the sentiment of previous policy statements - that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning. It should contribute positively to making places better for people.
- 3.17 Paragraph 60 confirms that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 3.18 Paragraph 63 states that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Protecting Green Belt

- 3.19 Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 3.20 Paragraph 80 states that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.21 Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 3.22 Paragraph 88 further highlights that, when considering any planning application, LPA's should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.
- 3.23 Paragraph 89 states that LPAs should regard the replacement of buildings as appropriate in Green Belt, provided :
- 'the new building is in the same use and not materially larger than the one it replaces.'*

High Peak Borough Council Local Plan

- 3.24 The High Peak Borough Local Plan, adopted March 2005, provides guidance on matters such as housing, employment, the natural and historic environment, transport and retailing.
- 3.25 As prescribed under the provisions of the Planning and Compulsory Purchase Act 2004, if Councils wished to extend the time that these policies remained active for

an extended period, an application could be made to the Secretary of State to issue a direction to save selected Local Plan policies

- 3.26 High Peak Borough Council opted for this, with the Secretary of State's Direction coming into effect on 31 March 2008. As a result, a Saved Policies Local Plan has now been issued.
- 3.27 With regard to the preparation of its new Local Plan, the Council is currently considering options, and anticipates that the Plan will be adopted in early 2015.

Design

- 3.28 Policy GD4 (Character, Form And Design) outlines that the Council will only permit development if the key design elements (including scale, siting, layout, density, form, height, proportions, design, colour and materials of construction, elevations and fenestration, along with any associated works such as landscaping) are sympathetic to the character of the area, and that there will be no undue detrimental effect on the visual qualities of the locality or the wider landscape.
- 3.29 Policy GD5 (Amenity) states that the Council will grant permission providing that the development will not create unacceptable loss of or suffer from unacceptable levels of privacy or general amenity.
- 3.30 Policy GD6 (Landscaping) states that the Council will permit development that contains a high standard of hard and/or soft landscape treatment in keeping with the character of the area, including the integration of existing features and the use of native species suitable to the location.
- 3.31 Policy BC1 (External Materials) states permission will only be granted subject to the type, colour and specification of all external materials and the way they are applied will be sympathetic to the character and appearance of the immediate surroundings and the wider area.

Environment

3.32 Policy OC1 (Countryside Development) outlines that the Council will permit development which can only be carried out in the countryside provided that:

- It will not detract from the open character of the countryside
- It will not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanising influence
- It will not negatively impact on the character or distinctiveness of the countryside

3.33 Policy OC2 (Green Belt Development) states that development in the Green Belt will only be permitted in *very* special circumstances unless it falls under one of four categories:

- agriculture and forestry
- essential facilities for outdoor sport and recreation and cemeteries
- limited extension, alteration or ***replacement of existing dwellings***
- limited infilling or redevelopment at existing major developed sites

3.34 Policy OC3 (Special Landscape Area Development) states that, in such areas, development will be permitted so long as it accords with policies OC1 and OC2, and that the development will be required to have special regard to the landscape quality of the area in relation to siting, design and landscaping.

3.35 Policy OC4 (Landscape Character and Design) states that planning permission will be granted for development provided that the design is appropriate and accords with the characteristics of the type of landscape within which it is located. Furthermore, existing features which are important to the local landscape character shall be retained, incorporated into the development and protected during construction work.

Housing

- 3.36 Policy H11 (Layout and Design of Residential Development) outlines that planning permission will be granted subject to the incorporation of good design and reflection of local distinctiveness, whilst making efficient use of the land.
- 3.37 Policy H13 (Replacement Dwellings in the Countryside) states that planning permission will be granted so long as the new development sited as close as is reasonably practicable to the existing on and that the new dwelling, including any ancillary buildings, will not be materially larger or higher than the existing building on the site.

4.0 Planning Assessment

4.1 Having established the relevant planning policy framework against which the application falls to be assessed, we now turn to consider the proposal against this, and in doing so we highlight the likely land use planning benefits, merits and particular circumstances that lend weight to the proposal. We would suggest the main policy areas to be :

- (i) Green Belt considerations;
- (ii) Special Landscape Area;
- (iii) Design Excellence;
- (iv) Sustainability.

GREEN BELT CONSIDERATIONS

4.2 Both the recently published NPPF and High Peak's local policy framework confirm that the principle of replacement houses in the Green Belt is 'appropriate development', subject to NPPF paragraph 89 test that :

'the new building is in the same use and not materially larger than the one it replaces.'

4.3 There is no question of course that the proposal is in the same use as the house that, until very recently, occupied the site.

4.4 In terms of 'materially larger', we are aware of the LPA's past resistance to a house larger than that approved, and the Inspector's endorsement of the same. However, the new PD rights (which in many senses open up a new planning chapter) were clearly drawn up to be applicable in the Green Belt. No special recognition is included in the extended rights to properties in the Green Belt.

4.5 It is therefore self-evident that the Government considers that, unless PD rights have been removed or the property is listed or in a conservation area (none of which applies in this case), all houses in the Green Belt can appropriately be extended up to the new increased threshold without causing harm to the Green Belt. The only

mechanism available to any LPA to control such extensions is if, as a result of its consultation exercise, neighbours object on legitimate planning grounds. In this case, no neighbours can or will be affected by the extended elements.

4.6 In view of the above, and regardless as to the planning history of the site (which must be considered alongside the new policy regime), it seems inconceivable that any party could sensibly argue that the extended house now being proposed could be inconsistent with Green Belt policy. We accordingly contend that the proposal cannot be considered to be *'materially larger than the one it replaces'*, and as such the proposal complies with both NPPF and Local Plan policies governing development in the Green Belt.

4.7 In the event that the LPA disagrees with that analysis, we then turn to consider whether any 'very special circumstances' prevail. In this case, there is one undeniable very special circumstance, in that PD rights confer on our client the right to extend their home to the extent that is now being applied for. There is little question about that. So, in the unfortunate event that this application is refused, our clients could and would construct their house as per the approved scheme, and would then turn to implemented their PD rights. The resulting house would be precisely the same. The principal difference being that our client would have expended considerable (unfair and unnecessary in our view) frustration and costs to get to that same ultimate position, and the construction process would be unduly prolonged (no doubt to the frustration of local residents who will need to contend with the inevitable construction traffic / noise / activity). That would hardly be an appropriate or sustainable scenario.

SPECIAL LANDSCAPE AREA

4.8 The site is also located within a designated Special Landscape Area. Policy OC3 (Special Landscape Area Development) states that, in such areas, development will be permitted so long as it accords with policies OC1 (Countryside) and OC2 (Green Belt), and that the development will be required to have special regard to the landscape quality of the area in relation to siting, design and landscaping.

- 4.9 We have addressed Green Belt policy above and have concluded that the scheme is appropriate, or – if the LPA disagree – that the new PD rights constitute ‘very special circumstances’. We therefore contend that the proposal is compliant with Policy OC2.
- 4.10 In terms of Policy OC1 (Countryside Development), this indicates that the Council will permit development in the countryside provided that :
- It will not detract from the open character of the countryside
 - It will not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanising influence
 - It will not negatively impact on the character or distinctiveness of the countryside
- 4.11 Our assessment of the scheme against this policy reflects that of Green Belt policies. The first criterion above relates to open character, and openness is of course the essential attribute of the Green Belt. We suggest that, if the proposal is acceptable from a Green Belt openness perspective (as we contend it is), then the same must be the case in respect of this requirement of OC1.
- 4.12 In terms of the second criterion, the replacement of a house will clearly not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanising influence.
- 4.13 In terms of the third criterion, we suggest that the proposal will not negatively impact on the character or distinctiveness of the countryside. The new house is already approved, and the modest additions (reflecting PD rights) will be barely discernible, and could not sensibly be suggested as harming the character or distinctiveness of the countryside. Indeed, we suggest that the replacement of what was a wholly unprepossessing house with a house of excellent design and sustainability credentials will have a positive impact on character or distinctiveness.

- 4.11 In essence, a design of exemplary quality, innovation and character is presented. The additional elements (over and above the approved house) will be barely perceptible from public vantage points (and in any case will be permitted development if the approved house was constructed). The additional dormer window is a fairly minor addition and respects the adjacent windows.
- 4.12 For the above reasons, we suggest that the proposal complies with policy OC3.

DESIGN EXCELLENCE

- 4.13 It is not the purpose of this Planning Statement to dwell in detail on design considerations, as those are addressed in the Design & Access Statement (and its Appendix 1 which deals specifically with the extended elements). However, it is important to emphasise the extent of thought that has been paid to design. We consider that the scheme presented via this application of the highest design standard, which respects the surrounding and wider area, and looks to minimise impact on the openness and visual amenities of the Green Belt and SLA. It is based on a thorough understanding of the context, significance and local distinctiveness of the site, as well as the wider surroundings.
- 4.14 The scale, siting, layout, form, height, proportions, design, colour and materials, elevations and fenestrations and associated landscaping works are sympathetic to the character of the area, but clearly expressed in a contemporary manner. There is no detrimental effect on the visual qualities of the locality or the wider landscape. The scheme replaces what was a poorly designed, incongruous mock-Tudor bungalow with a well-designed vernacular, low energy dwelling.
- 4.15 In considering the above, we draw some comfort from the design policies introduced in the NPPF. For example, Paragraph 60 confirms that planning policies and decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. At the same time (it states), it is proper to seek to promote or reinforce local distinctiveness.
- 4.16 Paragraph 63 (of NPPF) goes further in stating that, in determining applications :

'... great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

4.17 Furthermore, paragraph 56 of the NPPF explains that design should make places better. This is clearly the case here. A poor quality bungalow which offered no visual benefit to the surrounding area is being replaced with a well thought out, well-designed development.

4.18 As a result, we suggest that the design formulated and presented in this case reflects the above policy aims and represents excellent architecture and design. In turn, we suggest that the scheme is compliance with the design-oriented policies of the NPPF and High Peak's local design-related policies GD4, GD5, GD6 and BC1.

SUSTAINABILITY

4.19 Paragraph 93 of the NPPF states that :

'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.'

4.20 The NPPF suggests that, to support the move to a low carbon future, local planning authorities should, inter alia, *'actively support'* energy efficiency improvements to existing buildings.

4.21 The building is designed to stringent PassivHaus energy standard (see passivhaus.org.uk). A dwelling which achieves the PassivHaus standard typically includes:

- ✓ very good levels of insulation with minimal thermal bridges - well thought out

utilisation of solar and internal gains;

- ✓ excellent level of airtightness;
- ✓ good indoor air quality, provided by a whole house mechanical ventilation system with highly efficient heat recovery.

4.22 For Europe (40° - 60° Northern latitudes), a dwelling is deemed to satisfy the PassivHaus criteria if :

- ✓ the total energy demand for space heating and cooling is less than 15 kWh/m²/yr treated floor area;
- ✓ the total primary energy use for all appliances, domestic hot water and space heating and cooling is less than 120 kWh/m²/yr

4.23 These figures have been verified for the proposed house using the PassivHaus Planning Package. The standards comply with the aspirations set out in SPD2 Chapter 8 as follows:

- ✓ The buildings major elevation is aligned within 30° of due south - Larger windows are proposed on south facing aspects - The client and their designer have demonstrated a commitment to the environmentally sustainable design through adoption of the Passivhaus standard.
- ✓ Renewable energy sources are proposed
- ✓ A roof mounted solar thermal and PV array and a GSHP
- ✓ A rainwater harvesting system will reduce the dwelling's reliance on external water supply.

4.24 We suggest that these sustainability credentials should carry considerable weight in the assessment of this application.

4.25 We would add that any unnecessary delay / staggering of the construction period would be unsustainable. Not only would this cost our client more in time, frustration and cost (with the end result being precisely the same), but it would also extend the inevitable disruption that all construction projects carry to adjacent

residents and other local people. In this regard, we point to paragraph 187 of the NPPF, which states that :

*'Local planning authorities should **look for solutions rather than problems**, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should **work proactively with applicants** to secure developments that improve the economic, social and environmental conditions of the area.'*

5.0 Conclusions

- 5.1 This planning application proposes the replacement of a nondescript house (which arguably harmed the visual amenities of this rural location, the Green Belt and the Special Landscape Area) with a house of exemplary contemporary design and excellent sustainability credentials. It also promotes a temporary contractors' compound for the purpose of the construction of the proposed house, on land owned by our client that abuts the main development site.
- 5.2 Planning permission is already in place for a replacement dwelling, and the approved drawings indicate the same contractors' compound.
- 5.3 The LPA did not attach a condition to the consented scheme that removed permitted development rights. In taking that decision, it was no doubt accepted that the house could be extended without compromising the Green Belt or the Special Landscape Area.
- 5.4 Shortly after the application was approved, the Government introduced additional PD rights that allow for larger extensions. That intention was well publicised in advance and a 'hot topic' of debate in the planning profession. At the point of approving the house application, the LPA was clearly aware of not only the established PD rights (which relate to the proposed dormer window and basement extension), but also the proposed PD adjustments (which relate to the rear extension) and the high probability those would be carried forward.
- 5.5 There is little question that our client can and will take full advantage of the new PD rights. The only question is whether they start construction of the approved house, and then, at the point that the house is largely complete, implement their PD rights. The alternative approach is that set out in this application, which will result in a house precisely the same, but built in a single phase. This will save our client time, energy and money, and will minimise the build period and the associated disruption. The approach promoted by this application is without doubt the most efficient, logical and sustainable solution.

- 5.6 The most critical planning consideration relates to the extent of compliance (or otherwise) with national and local Green Belt policies. There is no question that the LPA concurs that the approved house complies. Had that not been the case, the application would have been refused. We have suggested that the same house with the modest 'PD extensions' will not materially harm openness, and as such this new application is compliant with Green Belt policy. The new PD rights are not restricted in any way in the Green Belt, and it is inconceivable that the Government did not consider the Green Belt implications of the new regime.
- 5.7 We have also suggested that, in the event that the LPA disagrees with the above, then the 'very special circumstance' to justify approval of the rear extension is the new PD regime itself, and the fact that our client can take full advantage of that in the future in the event that this application fails.
- 5.8 Added to the above is the excellent design quality of the scheme and its impressive sustainability credentials. Paragraph 63 of the NPPF tells LPAs that :
- '... great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'*
- 5.10 Meanwhile, the NPPF suggests that, to support the move to a low carbon future, local planning authorities should, inter alia, '*actively support*' energy efficiency improvements to existing buildings.
- 5.11 For all of the above reasons, we contend that the application proposal is compliant with relevant policies at both national and local level. We accordingly commend the application to the Council and urge its positive determination.