

PLANNING APPLICATION NUMBER: HPK/2023/0112

**Replacement of existing water supply pump housing unit with new building
at Moorside Cottage access drive Charles Lane, Glossop**

ADDITIONAL SUPPORTING STATEMENT.

1. Background

- 1.1. Moorside Cottage and Moorside House are set above the village of Old Glossop and are accessed via a private driveway off Charles Lane. Water is supplied by United Utilities to the private land position at the bottom of Charles Lane. The current water housing is subterranean which is a brick construction and is 1.5 m below ground level. There is no access to the open tank which is not a sealed water tank, and which does not therefore meet the requirements of the current British Standard Specifications for the Design and Construction of vessels and tanks in reinforced plastic.
- 1.2. The water is then pumped with an antiquated system and machinery to the properties. The electrical supply and system operating the pump sits within the same housing unit hanging precariously above the water and, in terms of Health and Safety, provides a significant risk both in terms of maintenance and any danger to any unlawful trespassers. The building has minimal security potential and is no longer fit for purpose having been constructed probably more than 60 years.
- 1.3. There is a need to replace the tank and pumping machinery in order to maintain the supply to the residencies, and this has to be carried out in a manner that will satisfy the requirements and standards that UU, as a water undertaker, set in order to meet their duty in providing wholesome water that meets the standards set out within the Water Supply (Water Quality) Regulations 2016 (as amended).
- 1.4. It has been shown through submission of documents in response to previous comments that the water pressure from the mains is such that UU can still only deliver a supply to the tank position, and that delivery of water to Moorside cottage and Moorside House from the tank must be pumped from that position, and that the equipment and pipework to achieve that is the responsibility of the applicant.

- 1.5. A new supply is required to the tank site and before this can be delivered by UU they have to be satisfied that the plumbing from the point of connection is satisfactory and meets modern requirements.
- 1.6. The Drinking Water Inspectorate has a duty to oversee the drinking water quality, and this includes the duty placed on Local Authorities by the Water Industry Act 1991, in terms of their duties in enforcing regulations for Private water supplies. Local authorities' duties are dealt with in The Private Water Supplies (England) Regulations 2016. The current system unless reaching modern standards may be deemed to be "unwholesome" and a potential danger to human health.
- 1.7. The Water Supply (Water Quality) Regulations 2016 (as amended) place a duty on Water Undertakers to provide wholesome water in accordance with the Water Industry Act 1991, and at the point of consumption, (insofar as is possible). They also require that drinking water should not contain any element, organism, or substance (whether a parameter) at a concentration or value which would be detrimental to health.
- 1.8. Water quality is normally tested at the tap.
- 1.9. However, it is the householder who is responsible for any deterioration in the quality of the water as a result of the distribution system, (the supply pipe and plumbing within the property and in this case the maintenance of the tank and equipment to which the Water Undertaker's supply is connected).
- 1.10. Due to the commercial activity which involves the rental of Moorside House as a dwelling there is a requirement for the local authority to carry out a risk assessment every 5 years.
- 1.11. In order to comply with this duty UU impose standards on the plumbing arrangements from their supply termination to the tap. Should those standards not be met then UU will not connect the mains supply.
- 1.12. From the point that UU's supply terminates, (ie at the tank), the water supply is a private water supply as defined in the Private Water Supplies (England) Regulations 2016 which states at section 2(1):
 - 1.12.1. *"private supply of water" means a supply of water other than a supply provided directly by a water undertaker or licensed water supplier, and which is comprised of all physical assets from the point of abstraction to the point of use, including associated pipes, fittings and tanks;*

1.13. Further it should be noted that the rental of Moorside House, (which takes its water supply from the same subterranean tank), as a dwelling renders this a commercial activity, and the duty placed on the local authority by section 6 of the Act applies. Section 6 is reproduced below.

1.13.1. (1) Subject to paragraphs (2) and (3), a local authority must carry out a risk assessment for every private water supply in its area and review and update that risk assessment every 5 years (or earlier if it considers that the existing risk assessment is inadequate).

(2) In the case of a supply provided to a single dwelling, the duty in paragraph (1) applies only where that supply is provided as part of a commercial or public activity.

(3) In the case of any other supply provided to a single dwelling, a local authority must carry out a risk assessment if requested to do so by the owner or occupier of that dwelling.

(4) The risk assessment must establish whether there is a risk of supplying water that would constitute a potential danger to human health.

1.14. Given that the standards cannot be achieved with the use of a like for like replacement the proposal has been developed. This requires a building large enough to house the tanks, pumping equipment and a safe electricity supply. Securely. There is insufficient room within the current building to provide a compliant water supply, as is needed, to maintain the supply to both the applicant (Moorside Cottage) and the occupiers of Moorside House.

1.15. Accompanying this additional supporting statement is a technical paper which indicates the size of the tanks etc to be provided. These are accurately drawn onto the amended plan submitted previously to the council and which indicated a reduction in the size of the housing unit.

1.16. The applicant secures no financial benefit from this application other than bringing the water supply system up to modern day standards and ensuring that all current regulations are met, including the ability for the authorities to satisfactorily exercise their duties.

2. Planning Officer comments on application.

2.1. The following is a reproduction of the planning officer's comments as a response to the application:

*The site lies in a **highly prominent location adjacent to a public footpath in the open countryside and in the Green Belt**. The starting point for assessing this application is therefore Local Plan Policies **EQ3** (Rural Development) and **EQ4** (Green Belt Development), together with relevant paragraphs relating to the Protection of the Green Belt contained under **Chapter 13 of the NPPF**.*

*To be acceptable in principle, the proposed new building **must fall within one of the exceptions to inappropriate development set out under paragraph 149** of the NPPF. If a proposal for a new building in the Green Belt fails to meet any of these exceptions, then it will constitute inappropriate development in the Green Belt and not be supported **unless Very Special Circumstances exist** that outweigh the harm to the Green Belt.*

*The **only possible** exception that this proposal could realistically fall under is **(d) “the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces.”** However, based on the submitted plans, there would clearly be a significant increase in both floor area and volume comparable to the existing building and as such fails to meet this exception and constitutes inappropriate development in the Green Belt.*

*The only way therefore that this proposal can be supported is if there are **Very Special Circumstances** that exist that outweigh the **harm** to the Green Belt due to its inappropriateness.*

It would be useful if you could provide some context and justification for the proposed building to understand whether such circumstances exist that would allow me to support the application. In the absence of any Very Special Circumstances, the application will be recommended for refusal.

2.2. This is addressed as follows:

3. NATIONAL PLANNING POLICY.

In this section where the NPPF is quoted the emphasis has been added by the author of the statement, by using Bold Italics, because of its importance to the relevance of this statement.

The NPPF at section **2 Achieving sustainable development** is quoted below:

Paragraph 11. ***Plans and decisions should apply a presumption in favour of sustainable development.***

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type, or distribution of development in the plan area⁷; or
 - (ii) ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are ***no relevant development plan policies***, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits***, when assessed against the policies in this Framework taken as a whole.
- (iii) **Planning policies and decisions should promote an effective use of land in meeting the need for homes** and other uses, while safeguarding and improving the environment and **ensuring safe and healthy living conditions**.

At section **13. Protecting Green Belt land**

Paragraph 137. The Government attaches great importance to Green Belts. The ***fundamental aim of Green Belt policy is to prevent urban sprawl*** by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138. Paragraph 138 sets out the five purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to prevent the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Proposals affecting the Green Belt

Paragraph 147 ***Inappropriate development is, by definition, harmful to the Green Belt*** and should not be approved except in ***very special circumstances***.

Paragraph 148. When considering any planning application, local planning authorities 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 by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.***

Paragraph 149. **A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:**

- a) buildings for agriculture and forestry.
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial

grounds and allotments if the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- c) ***the extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building.***
- d) ***the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.***
- e) limited infilling in villages.

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) ***limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use*** (excluding temporary buildings), which would:

- ***not have a greater impact on the openness of the Green Belt than the existing development;*** or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150. Certain other forms of development are also ***not inappropriate in the Green Belt*** provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction.
- b) ***engineering operations.***

etc.

4. HIGH PEAK ADOPTED LOCAL PLAN.

The relevant policies raised by the planning officer are:

- 4.1. **Policy EQ3** applies to any development proposal that is in the open countryside. The policy seeks to ensure that new development is strictly controlled to protect the landscape's intrinsic character and distinctiveness and supports equestrian development where it does not have an adverse impact upon the character and appearance of the area.

- 4.2. **Policy EQ4** requires development proposals in the Green Belt to be assessed and determined in accordance with national planning policies.

5. THE PROPOSED DEVELOPMENT.

Considering the proposal against the foregoing:

5.1. Impact on the Green Belt.

- 5.1.1. The proposed development sits marginally inside the Green Belt but within the main boundaries of Moorside Cottage and Moorside House. There are housing developments within 5 m of the proposed new building and a significant housing development adjacent to it at Hawkshead Mill.
- 5.1.2. The term openness (NPPF para 137) is not explicitly defined within the NPPF and has been considered within several planning judgements. It has been established that there are two aspects to the impact on openness: (i) spatial impact and (ii) visual impact.
- 5.1.3. With regards to the spatial impact on the Green Belt, the proposed development has been reduced in size and is of a size to meet its purpose, and within a short distance of a cluster of buildings that makes up Charles Lane. As such, given its close relationship with existing man made and natural landscape features, it is considered that the spatial aspect of openness would be preserved.
- 5.1.4. Turning to the potential visual impact on the openness of the Green Belt, the proposed development is substantially hidden by the land and shrubs, which aside from a stone rear elevation is not visible to the public. It is accepted that there would be some visual change to the aesthetics when compared to the existing position. However, just because a proposal can be seen, does not make it harmful in visual terms. The nature of proposed development is entirely appropriate for its rural location and engineering requirements it is considered that the visual aspect of openness would be preserved.
- 5.1.5. With regards to any conflict with the purposes set out under Paragraph 138 of the NPPF, the proposed development would not result in unrestricted sprawl of large built-up areas, would not prevent neighbouring towns from merging with one another, would not result in encroachment into the countryside, would not result in any adverse impacts to historic towns or prevent any derelict land from benefiting from urban regeneration.

- 5.1.6. As such, it is considered that the proposals amount to appropriate development in the green belt and would preserve the openness of the Green Belt and would not result in any conflict with the purposes of including land within the Green Belt.
- 5.1.7. The application is thus compliant with LP Policy EQ3 and EQ4 and relevant restrictive policies contained under Chapter 13 of the NPPF.
- 5.1.8. It is noted that no objections have been received from members of the public regarding the proposed development or from any other organisation or authorities including the Old Glossop Residents Association. However, it does not automatically follow that because one can see a development, it results in a degree of harm.
- 5.1.9. The properties of Moorside Cottage and Moorside House are in prominent positions, but the proposed location of this development is not. The public footpath referred to sits within the boundaries of Moorside and is not extensively used as indicated save for local dog walkers and no objections have been raised.

5.2. **Nature of the development.**

- 5.2.1. The proposed development amounts to an engineering operation and thus the proposed development falls within one of the exceptions within Paragraph 150 of the NPPF.
- 5.2.2. The development amounts to the extension and alteration of a building that already exists and is not disproportionate over and above the existing building in terms of the size necessary. The building has to be capable of accommodating tanks and back up for two properties as well as pumping equipment and power for the pumps, in a manner that would make the facility safe and in line with current regulations. The development does therefore fall within paragraph 149(c) and or 149(d) of the NPPF
- 5.2.3. The proposal does include an engineering operation. As such an assessment of the proposed development must be made with regards to whether these engineering operations preserve the openness of the Green Belt. It is considered that the development does not have a greater impact on the openness of the Green Belt than the existing development.

5.3. **Very Special circumstances.**

- 5.3.1. In assessing whether there are very special circumstances an approach acting within the “Wednesbury Principles” has been taken.
- 5.3.2. Two steps have been taken, the first to determine whether any individual factor taken by itself outweighs the harm and the second is to determine whether some or all the factors in combination outweigh the harm.
- 5.3.3. There is case law that says that several factors, none of them “very special” when considered in isolation, may when combined amount to very special circumstances and goes on to say that “there is no reason why a number of factors ordinary in themselves cannot combine to create something very special.
- 5.3.4. The following is a list of Very Special Circumstances:
 - 5.3.4.1. The current supply of domestic water to both Moorside Cottage and Moorside House is antiquated, is not fit for purpose and is not compliant with current modern-day regulations.
 - 5.3.4.2. United Utilities have confirmed that there is a need to pump water to the Properties via sealed water containers and a pressurised pump system.
 - 5.3.4.3. BS specifications for design and construction of tanks confirms the inadequacy of the current system in terms of current regulations.
 - 5.3.4.4. It is not possible to maintain, service or repair the existing system due to its inaccessibility.
 - 5.3.4.5. The current size of the existing plant area is insufficient to meet the requirements of modern-day storage facilities water together with the health and safety requirement required in terms of access to the systems both in terms of repairs and servicing.
 - 5.3.4.6. The new facility would be a deemed engineering system and one that is a requirement for a remote rural property without a direct supply to a water utility company.
 - 5.3.4.7. Drinking Water Inspectorate and local authorities have a duty to ensure end usage of supplies is wholesome water which is not a danger to human health.
 - 5.3.4.8. The development sits within the boundary of the Green Belt and within proximity are built-up residential and commercial premises.

- 5.3.4.9. The proposed building is not materially larger than the existing but is a size which can accommodate modern machinery.
- 5.3.4.10. The current system although being submersible is impractical in terms of accessibility. It is not deemed reasonable or practical to build a larger submersible plant due to the terrain where the building will be positioned. There are positioned within that area numerous airshafts, culverts, and sluice systems all of which can be seen on the ordinance survey plan. The proposed plant is at the base of a stone quarry and therefore would make any submersible development extremely difficult.
- 5.3.4.11. The airshafts, culverts and sluice systems which are in operation ought not be interfered with in any way as they form an effective a flood defence system for Old Glossop village.
- 5.3.4.12. There is no deemed harm to the Green Belt due to the proposed positioning of the building and its proximity to the Green Belt boundary and built-up area.
- 5.3.4.13. Inappropriate development is defined as harmful to the Green Belt but this proposal provides a facility for a modern-day water plant system.
- 5.3.4.14. The extension or alteration of the building would not be disproportionate but would be sized to accommodate the plant machinery required and would not be deemed to be more materially larger as a result thereof.
- 5.3.4.15. No financial benefit is gained because of this development.
- 5.3.4.16. The proposed development satisfies all health and safety and current regulations in the supply of drinking water.
- 5.3.4.17. The proposed development will ensure that both the Water Inspectorate and local authority are able to comply with their duties to monitor the supply of drinking water.
- 5.3.4.18. The proposed development satisfies United Utilities requirements in terms of a private supply being connected to the mains water system.
- 5.3.4.19. The development does not in any way seek to encourage a build-up of additional properties.
- 5.3.4.20. There will be little or no visual impact in terms of the development, and it is suggested that the development in any event complies fully with the NPPF.
- 5.3.4.21. No public objections have been received.

6. PLANNING BALANCE AND CONCLUSION.

- 6.1. LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 6.2. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
 - 6.2.1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - 6.2.2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.3. For reasons indicated above and with reference to local and national planning policies, it is submitted there is compliance with LP Policies EQ3 and EQ4, and relevant restrictive policies contained under Chapter 13 of the NPPF.

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