

DELEGATED DECISION REPORT

HPK/2024/0184
Valid 10/05/2024

**LAND TO THE SOUTH OF
MACCLESFIELD MAIN
ROAD
LADMANLOW
BUXTON**

**PERMISSION IN PRINCIPLE IN
RELATION TO - RESIDENTIAL
DEVELOPMENT OF UP TO 3
UNITS**

(PERMISSION IN PRINCIPLE)

MAIN ISSUES

- Principle of Development

DESCRIPTION OF SITE

The application site comprises a small parcel of agricultural land that lies immediately adjacent to the A54 (Macclesfield Main Road), at the southern fringes of Buxton. The site benefits from a small field gate access in a relatively central location.

For the purposes of the Local Development Plan, the site lies outside of the built-up area boundary of Buxton in the Open Countryside.

PROPOSAL

This Permission in Principle application seeks to establish that the principle of up to 3no. residential dwellinghouses on the land is acceptable, with all technical matters (e.g. Design, Highway Safety) to be considered under the 'technical details' stage.

As per the online Planning Practice Guidance (PPG) the scope of permission in principle is limited to (i) Location (ii) Land use and (iii) Amount of Development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- EQ3 Rural Development
- H1 Location of Housing Development

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/0003/7608 Site for Dwelling and Garage (Refused 01/12/1998)
- HPK/0003/8158 Site for Dwelling (Refused 18/08/1999)

CONSULTATIONS

Publicity

Site Notice expiry date: 11th June 2024
Neighbour consultation period ends: 4th June 2024
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

OFFICER COMMENTS

The application seeks to establish the principle of introducing up to 3no. residential dwellings on the site, which lies outside of the built-up area boundary of Buxton in the Open Countryside.

The Council can currently demonstrate a 5 year supply of deliverable housing land supply, and as such full weight can be given to strategic housing policies contained within the Local Development Plan.

Chapter 5 of the NPPF contains the national planning policies aimed at delivering a sufficient supply of homes, and acknowledges that small and medium sized sites can make a positive contribution to the housing delivery of an area.

Local Plan (LP) Policy S3 sets out the strategic locations for new housing development, which diverts the vast majority of new development towards the built-up area boundaries of the Towns and Larger Villages.

LP Policy EQ3 applies to all new development proposals that are located within the Rural Areas outside of the built-up area boundary, and seeks to ensure that the new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy sets out the instances whereby new residential development will be supported in these areas, which amount (in summary) to the following:

- Replacement of a dwellinghouse
- Affordable Housing in accordance with Local Plan Policy H5
- To meet an essential local need such as a farm workers dwelling
- Re-use of a redundant building and/or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside
- Limiting infilling of a small gap capable of accommodating no more than 2 dwellings of a similar size and scale to the surrounding dwellings in an otherwise continuously built frontage
- Extensions to existing dwellings
- Gypsy and Traveller Site
- Development in accordance with Local Plan Policy H1

The site comprises an open parcel of agricultural land that does not contain any existing dwellinghouse or indeed a building, and does not due to its relationship with surrounding buildings constitute 'infill'.

The Planning Statement notes that the site could come forward for Affordable Housing or to meet an Essential Local Need. However no supporting information accompanies the application beyond a brief reference in the Statement.

LP Policy H5 sets out the criteria for Rural Exception Sites (Affordable Housing in the open countryside) makes clear that such development needs to be justified by evidence of need from a local needs survey, and that it would meet a genuine need as defined in the Affordable Housing SPD. No evidence has been submitted that makes clear that the proposed dwellinghouses would be affordable, as thus no weight can be given to LP Policy H5. Similarly, no evidence has been submitted that demonstrates that the proposed dwelling is required to meet an essential local need.

In light of the above, the proposed development fails to comply with any of the types of residential development set out under LP Policy EQ3, and thus the only way in which housing (of any quantity) can be supported on this site as a matter of planning principle, the application must comply with LP Policy H1.

LP Policy H1 refers to the Location of Housing Development, and states that consideration will be given to approving sustainable sites outside the defined built-up area boundaries, taking into account other policies in the Local Plan, provided that:

- The development would adjoin the built-up area boundary and be well related with the existing pattern of development and surrounding land uses of an appropriate scale for the settlement; and
- The development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and
- It would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities; and
- The local and strategic infrastructure can meet the additional requirements arising from the development

Having regard to the above, it is important to note that in order to be acceptable in principle, the application must demonstrate compliance with all four bullet points under LP Policy H1. An assessment of the proposal against this criterion is carried out below.

Whilst the site lies a short distance from the defined built-up area boundary of Buxton, as shown on the Local Plan Proposals Map (2016), it does not adjoin the boundary, and as such fails to comply with the first bullet point.

In addition to the above, it is also clear based on an assessment of the site and surrounding area characteristics that the introduction of up to 3no. dwellinghouse on the site would result in a clear and prominent intrusion into the countryside in a westerly direction away from the settlement boundary and would thus be in conflict with the second bullet point.

It is accepted that the site is located in a reasonably sustainable location with regards to access to local services and facilities and that the scale of development would not impact on local infrastructure and thus the third and fourth bullet points are satisfied.

However, due to the fact that the application fails to meet the first two criterion the principle of housing development on this specific site is not acceptable.

The application is therefore in direct conflict with Local Plan Policies EQ3 and H1.

Nutrient Neutrality

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Chapter 15 of the NPPF contains the relevant national planning policies for the conservation and enhancement of the Natural Environment.

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action

must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will involve additional hard surfacing / roof area and will therefore increase surface water run-off. The proposed development amounts to a change of use of the land from agricultural to residential accommodation that would increase overnight stays and as such has the potential to have an adverse impact the SAC. Appropriate Assessment is therefore required.

Habitat Regulations Appropriate Assessment

Due to the absence of any Nutrient Budget for the proposals submitted with the application, and comments from Natural England that raises concerns with regards to the impacts of the proposal, the Local Planning Authority cannot carry out a full Appropriate Assessment to determine whether the impacts on this ecological environmental designation are acceptable.

However, the proposal is likely to increase Nutrient Run-off as a result of both foul and surface water and in the absence of any mitigation to off-set the impact, however small, it is concluded that the proposal would adversely affect the favourable Conservation Status of the SAC and European site. As such the application in its current form conflicts with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

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:

- 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

- 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.

This application seeks confirmation that the principle of housing development of up to 3 no. dwellinghouses is acceptable on a parcel of agricultural land which does not contain any existing structures, lies outside of the built-up area boundary, and in the open countryside.

The Council can currently demonstrate a 5 year supply of deliverable housing land and as such full weight can be given to strategic housing policies contained within the Local Development Plan. The presumption in favour of sustainable development (i.e. the tilted balance) is not engaged.

An assessment of this application having regard to all relevant Local Development Plan policies and other considerations concludes that the principle of housing development on this site is not acceptable, being in direct conflict with Local Plan Policies EQ3 and H1.

Furthermore, the applicant has failed to demonstrate that the proposal would not adversely affect the favourable Conservation Status of the SAC and European site. As such the application in its current form conflicts with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

As such, the application is considered to amount to an unsustainable form of development, contrary to Local Plan Policy S1a and paragraph 11 of the NPPF. The application is therefore recommended for refusal for the reasons set out within the body of this report and on the Decision Notice.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 14th June 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council