

## 6

## Housing

## Strategic Context

- 6.1 Addressing the community's need for housing is a key part of the Authority's aim to support vibrant and thriving communities. National Park policies seek ways to address a particular part of overall housing provision and that is the unmet need for new affordable homes, both now and for future generations<sup>63</sup>. The National Park Authority is not the housing authority so the housing policies of the housing authorities cover the provision of housing in its widest sense.
- 6.2 However the adopted Core Strategy for the National Park states that it is not appropriate to permit new housing simply in response to the significant open market demand to live in its sought after environment. That view is confirmed by the National Park Vision and Circular<sup>64</sup>, and the Strategic Housing Market Assessments (SHMAs), of Derbyshire Dales and High Peak. These two councils comprise 82.3% of the National Park population<sup>65</sup>. This forms part of the evidence base for these councils' local plans and has led to agreed reasonable estimates for housing delivery in the National Park based on past trends. Estimates do not represent a target but neither do they represent a limit.
- 6.3 The expected levels of delivery in the National Park are set out in the spatial objectives of the Core Strategy. This gives estimated figures for three broad spatial areas, based on past trend of delivery, and known capacity for development in settlements. It does not provide estimates for each housing authority area.
- 6.4 All new housing is therefore permitted as an exception to the strategic principle that development of all types should be constrained in the National Park. All development on previously undeveloped land is classed as an exception site, insofar as housing allocations are not otherwise brought forward in the development plan. Nevertheless, as far as national park purposes can be upheld, the policies enable affordable housing to address local needs on these sites. Policies also enable essential worker housing, ancillary accommodation, holiday accommodation and open market housing, by conversion or new build where this can drive the conservation and enhancement of the National Park, e.g. by re-development of previously developed sites. Any of these, in the right circumstances, can address national park purposes and/or community needs.
- 6.5 The opportunity for more open market dwelling units is now limited by dwindling numbers of obvious larger enhancement opportunities such as the conversion of old mills. Therefore, over this plan period and subject to funding and suitable sites, it may be possible to further improve the numbers of affordable housing delivered relative to numbers of open market housing delivered. This gradual reduction in overall delivery is reflected in the trend figures included in the Core Strategy and in constituent authorities plans.
- 6.6 The Core Strategy establishes where new housing is acceptable in principle. It firstly directs the majority of new build development to a range of listed settlements, (**Core Strategy DS1**) and then describes the scope for development elsewhere in the National Park. **Chapter 12 of the Core Strategy** establishes the strategic context and key principles for housing delivery. **Policies HC1, HC2 and HC3 of the Core Strategy** need to be read in conjunction with the policies of this chapter and the Supplementary Planning Guidance: Meeting the local need for affordable housing in the Peak District National Park adopted in Jul 2003 (or any successor supplementary planning document SPD).

63 <http://www.peakdistrict.gov.uk/microsites/npmp/our-vision/thriving-and-vibrant-communities/tv4-affordable-housing>

64 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf) paragraphs 78 and 79

65 Source ONS Constitutional Boundaries Population Peak District National Park population estimates, mid-2010 by part Local Authority Quinary age groups, Persons, Males and Females

## Addressing the local need for affordable housing

- 6.7 In terms of the housing mix, the previous development plan objective for housing was to re-balance the housing stock by increasing the percentage of social housing. In many DSI settlements the percentage of social housing stock is now 10%- 15%<sup>66</sup>. However the high demand for housing means that affordability across the wider Peak District area continues to be a huge barrier to many local people wanting to enter the housing market. For example, in the Derbyshire Dales area of the National Park, evidence suggests that 64 affordable houses per year are required up to 2030<sup>67</sup>. These needs are shared across communities of other constituent council areas covering the National Park. Therefore, it is reasonable to surmise based on population numbers that there is an annual need for approximately 100 affordable houses.
- 6.8 However, national parks have the highest landscape designation in the UK and the purpose of designating them is to conserve and enhance landscape. This means that even affordable housing needs cannot be met in full. This is recognised in both the adopted Core Strategy and constituent authority Local Plans.

## What is locally needed affordable housing?

- 6.9 The key objective is therefore to address the evidenced need for affordable housing arising in the locality largely through development of exception sites, and recognising that the Authority is also providing market housing through conversion and re-development opportunities. This all helps address an unmet community need, and to a small, but not insignificant extent, help communities remain vibrant and thriving.
- 6.10 The NPPF provides a national definition of affordable housing, including:
- Social rented - Social housing is let at low rents on a secure basis to those who are most in need or struggling with their housing costs. Normally councils and not-

for-profit organisations (such as housing associations) are the ones to provide social housing;

- Affordable rented housing - The government has introduced a new tenancy scheme for social housing landlord, such as Housing Solutions. This new scheme is called Affordable Rents. The Affordable Rent Scheme allows housing associations to; let properties at rents of up to 80 per cent of those charged in the private sector; and
  - Intermediate housing – Homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity (shared ownership and equity loans), and other low cost homes for sale and intermediate rent, but not affordable rented housing.
- 6.11 All homes provided against the definitions in 6.10 above help address the challenge of affordability. Other forms of housing such as starter homes, which have legal status as affordable housing, are unlikely to address a locally evidenced need for affordable housing. This is because they may still be more expensive than can be afforded by local people in housing need. This is especially the case where local people cannot access mortgages for the houses. Products such as this and custom and self-build properties would not be appropriate to justify the development of exception sites; however they may provide a useful additional rung of housing as part of redevelopment sites, justified by conservation and enhancement. The Authority will assess the demand for such units at the time of the application and explore with the developer the options to address demand.
- 6.12 Self-build housing, also known as Custom Build, typically involves individuals commissioning the construction of a new house from a builder, contractor, package company or physically building a house for themselves. The Government are keen to promote an increase in self-build housing as one of the means of addressing housing need. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to keep registers of people who have expressed an interest in self and custom build in the plan area. It also places a duty on local authorities to “have regard to” such registers when carrying out their planning, housing, land disposal and regeneration. Where there is a proven need for self-build housing provision as demonstrated by the Authority’s Self-Build Housing Register, developers will be encouraged to make provision for small builders or individuals or groups who wish to custom build their own

66 ONS 2011 census neighbourhood statistics at parish level

67 Derbyshire Dales Housing and Economic Needs Assessment Draft Final Report Atkins for Derbyshire Dales District Council February 2014 [http://www.derbyshiredales.gov.uk/images/documents/D/derbyshire\\_dales\\_assessment\\_of\\_housing\\_and\\_economic\\_needs.pdf](http://www.derbyshiredales.gov.uk/images/documents/D/derbyshire_dales_assessment_of_housing_and_economic_needs.pdf)

home as part of a scheme to re-develop a site. In determining the nature and scale of provision, developers should have regard to considerations of viability and site specific circumstances. This form of housing will be considered under policy DMH6.

- 6.13 What is affordable on a case by case basis depends on prices in relation to incomes and mortgage availability. The government considers that if more than 3.5 times income is required by way of a mortgage, the house is not considered to be affordable. This means that for many people on average or lower quartile incomes, the majority of the housing stock in the National Park is not affordable. This situation is common across all desirable rural areas and is compounded by the fact the Peak District is close to many large urban areas to which people can reasonably easily commute.

## What is housing need, and when is new housing justified?

- 6.11 The Authority's objective is that new affordable housing addresses a range of local housing needs. This means consulting the housing authorities and, requiring developers to provide the mix of houses an area needs. In submitting an application, the Authority would expect the applicant to reflect any advice given.
- 6.12 Housing need is defined by the Housing Act 1996. However, the definition of housing need at a local level is for planning and housing authorities to determine. The Housing Act 1996 requires housing authorities to have an allocation scheme and a procedure for allocating properties, which gives 'reasonable preference' to certain groups as defined in the Act<sup>68</sup>, but the Act allows housing authorities to take into account local circumstances. For planning policy purposes the terms 'unsatisfactory' or 'overcrowded' are symptoms of need.

## Unsatisfactory accommodation

- 6.13 Housing authorities have some discretion over what is considered unsatisfactory. In this area it is rare that accommodation is considered unsatisfactory because of its condition or the quality of its facilities. The more common reasons are lack of space for the household and the cost (affordability) of the accommodation available. Affordability is often the reason why people are unable to set up a household for

the first time. The degree of priority given to a person when properties are allocated through choice based lettings schemes such as Home Options and Moorlands Choice is determined by the housing authority. They assess whether a person's claim of unsatisfactory accommodation justifies allocation of a property. A variety of choice based letting systems are used to assess and categorise people's housing need<sup>69</sup>.

## Overcrowded accommodation

- 6.14 Under housing law, there are two ways to calculate if a home is overcrowded. One is by the number of rooms for people to sleep in. This is called the room standard. The other is by the amount of space in the home and the number of people living in it. This is called the space standard. Statutory overcrowding is when there are too many people living in the home using either of the calculations.
- 6.15 In, determining applications for new affordable housing, need will be judged by reference to an up to date housing needs survey prepared by, or in consultation with, the housing authority and preferably involving the Parish Council. Evidence should be less than five years old, however other evidence may be acceptable provided the housing authority has maintained its intelligence on housing needs over the intervening period, and this intelligence justifies a scheme of the size and type proposed.
- 6.16 Housing need in rural areas is however difficult to gauge because the housing need is often hidden and some people are not registered as being in housing need. Therefore, the Authority encourages and supports any other methods of community engagement undertaken by housing bodies that helps establish genuine housing need. Housing Authorities use a series of questions to assess claims of housing need. This Authority has agreed with the Housing Authorities that it will require the same

68 <http://www.legislation.gov.uk/ukpga/1996/52/section/167>

69 <https://www.home-options.org/>  
<http://www.moorlandshomechoice.co.uk/>  
[http://cheshireeast.gov.uk/housing/housing\\_options/housing\\_options.aspx](http://cheshireeast.gov.uk/housing/housing_options/housing_options.aspx)  
<https://www.kirklees.gov.uk/community/housing/housingOptions.aspx>  
<http://www.berneslaihomes.co.uk/about-us/>  
<https://www.sheffield.gov.uk/in-your-area/housing-services/homelesshousingoptions/housingsolutions/housingoptions.html>  
<http://www.ne-derbyshire.gov.uk/housing/strategic-housing-service/choice-based-lettings-allocation-policy/>  
[http://www.oldham.gov.uk/info/200255/find\\_a\\_home](http://www.oldham.gov.uk/info/200255/find_a_home)

information when individuals apply to build affordable housing for their own use in a DS1 settlement (see Appendix 8) .

- 6.17 Where an individual is proposing to build homes for wider housing need (more than one), and the scheme is otherwise acceptable in terms of impact on the built environment, the individual also needs to establish the housing need through a parish wide housing need survey and/or other credible evidence from choice based lettings registers such as Home Options. If there is credible evidence of a wider community need for housing, the applicant may be permitted to build more than one house.
- 6.18 The Authority is tenure neutral, meaning that the Authority is only concerned whether the accommodation is fit, given the standards outlined, to address the housing need, rather than whether the accommodation is for sale or rent.
- 6.19 For the avoidance of doubt, and because of the high, and consistently rising trend in the monetary value of houses in the National Park, people owning a house inside the National Park are generally considered to be more able to resolve their own housing need than those who don't own a property. People who own a house outright are most likely to be able to resolve their housing preference since they will benefit most from the sale of a house. This is significant because almost three quarters of the household spaces in the National Park are owned by the current occupant, with 46% owned outright and 27% owned with a mortgage. These figures are higher than the 'all National Parks', regional and England averages.<sup>70</sup>
- 6.20 However, there may be circumstances where release of capital alone cannot resolve a need to move for other reasons. For example, decreased mobility might not be able to be accommodated by adaptations to a person's current home, and there may be no suitable homes available that could accommodate such a change of circumstance. This may create a housing need, and may become more common as the proportion of elderly residents increases.
- 6.21 Also, where people of any age 'own' a house but have a mortgage, unforeseeable changes to their circumstances, such as drop in income, redundancy, or household breakdown may lead to a break up of a household and/or a need to sell the property. In such cases, the capital gain from selling the property may be relatively modest by comparison with someone who owns a house outright. Where the changed circumstance is entirely unintended,

it is not unreasonable to consider that a housing need is created. Such circumstances would be captured under the term 'otherwise unsatisfactory' which is part of the policy and is explained above.

- 6.22 As previously stated however, the National Park is not an area where provision of housing to meet wider general housing demand is sustainable. Therefore, where the opportunity exists to enhance the National Park and an applicant proposes to achieve this through the building of new general market housing, the Authority will encourage the types of market housing that would be appropriate to local circumstances, such as smaller housing for people needing to downsize or smaller family homes for young families or single people. Whilst such housing may not be classed as affordable or intermediate housing, it could nevertheless improve the mix of housing and offer a wider choice.

### What does 'strong local connection' mean?

- 6.23 Communities want local people to have options to stay in the area, so the Authority has a mechanism to ensure, in so far as can reasonably be monitored and enforced, that affordable houses are allocated to those who not only have a housing need, but who also have a strong local connection. This helps prevent the involuntary drift of local people out of a community, and helps families to stay together. The strength of that local connection is shown in policy DMH2 and DMH3.
- 6.24 For the purposes of this development plan, 'strong local connection' means that a person has lived in the particular parish with a DS1 settlement (see Appendix 3) where a house is located or proposed to be located, (or an adjoining parish within the National Park) for a period of at least 10 years (not necessarily continuous) in the last 20 years. For example, if a person is wishing to build or occupy an affordable house in Castleton, they would need to have lived in Castleton, Edale, Hope with Aston, Bradwell or Peak Forest or any combination of these places for a minimum of 10 years in the last 20 years.
- 6.25 The Authority believes that for the purposes of applying housing policies, a period of residency of at least 10 in the last 20 years is still necessary before a person is considered 'local'. The '10 in the last 20 years' provision allows people brought up in the area to return, when they are in housing need, as 'need' is defined by the policies of this plan.

<sup>70</sup> (source 1991, 2001 & Census 2011 Tenure of Households)

6.26 Appendix 3 shows which Parishes are connected by boundary to which other parishes with a DS1 settlement. A Parish may be connected by boundary to more than one other Parish with a DS1 settlement. However, where a Parish is not directly connected to a Parish with a DS1 settlement (e.g. Ible and Aldwark Parishes) the housing need of people in those Parishes can be counted alongside the housing need for the Parish containing the DS1 settlement and immediately joining Parishes. This is relevant when deciding whether new housing is justified in the DS1 settlement, because the housing needs of settlements not named in **Core Strategy DS1** are not eligible for new housing development. The cascade system for allocating houses should also include places like Ible and Aldwark when properties are allocated to people in housing need from the DS1 settlement and surrounding Parishes. However in most circumstances the justification for new housing need only be drawn from the Parishes with DS1 settlements and their adjoining Parishes because this method encompasses most settlements.

## Returners

6.27 In line with longstanding wishes of communities, the Authority considers that people with a connection to the area, but now living outside the area, should also have the option to return to the National Park and strengthen family networks. Whilst this is accepted in principle 'returners' would still need to demonstrate they are in housing need. A local connection in this situation will be assessed by demonstrating a 10 year residential connection over a 20 year period.

6.28 Any new house permitted for 'returners' will be restricted to the size limits for affordable housing, and with its occupancy restricted in perpetuity to serve the needs of other local people in perpetuity, including other 'would be returners'. Without such a restriction, 'returner housing' could be sold onto to second home owners, buy to let landlords, or holiday cottage companies, rather than serving a community need for housing.

## Site selection

6.29 It is accepted that some green-field land needs to be developed to address housing need, but any site that is developed will be classed as an exception site. Development of exception sites will be for 100% affordable housing for those in housing need because that is the type of housing the area most needs. The Authority will not permit new open market houses on green field land in the National Park. The option to cross subsidise affordable housing by permitting open market housing on green field sites, whilst encouraged by the NPPF, was explored at the examination into the Core Strategy. It was considered by the Inspector to be unsustainable because it would diminish the availability of suitable housing sites for affordable housing, inflate the hope value on the land and reduce the likelihood of owners releasing the land for affordable housing. The same logic that applied then applies now, and no cross subsidy is permitted on exception sites. As such, the best price a landowner can expect to be offered in return for housing development is the price that developers are prepared to pay to enable the building of affordable housing to address local need.

6.30 Acceptable exception sites are scarce across most DS1 villages, so new housing should only be built on such sites when there isn't acceptable and available alternative housing that can meet claimed need. Where suitable property of an affordable price, size and type is available to buy or rent in the public or private sector, and the housing need could be met by this available property, new houses are less likely to be justified.

6.31 On schemes which offer potential to conserve and enhance the valued characteristics of the National Park, e.g. by effective development of previously developed sites, or where it can conserve valued vernacular buildings (designated and non-designated heritage assets) there is scope for market housing, but an element of affordable housing should also be sought where there is evidence of housing need, and to the extent that the viability of the scheme allows for it. The primary objective of permitting such schemes is however the effective conservation or enhancement of building and sites, with any element of affordable housing being considered a bonus.

6.32 If a parish doesn't have a DS1 settlement, any need arising from that parish would need to be met by new houses in parishes that do contain DS1 settlement(s). Whilst it is recognised that people would often prefer to stay in exactly the same settlement or parish, the **Core Strategy DS1** establishes that a sustainable pattern of

new affordable housing development is largely achieved by concentrating new build social housing into a range of settlements. This means that people in housing need would need to look to the DS1 settlements, or consider what can be achieved by way of conversion or ancillary accommodation in the parish in which they currently live.

- 6.33 In accordance with **Core Strategy policies DS1, GSP1 and GSP2 and HC1**, and DMC10 or DMH5 of this plan, there may be opportunities to convert traditional buildings to residential use in areas without a DS1 settlement. This can help reduce the need to develop green field sites, and address housing need where a DS1 settlement is considered too distant or inaccessible to reasonably address the particular housing need. It may also be possible to address need by ancillary accommodation provided by conversion, extension or in some cases new build. (See policy DMH5: Conversion of outbuildings within the curtilages of existing dwellings to ancillary residential uses and DMH7 Alterations and Extensions) However, development must satisfy policies in this chapter and the Conservation chapter.
- 6.34 When a DS1 settlement is split by the National Park boundary, the identification of the most appropriate exception site will be a matter for discussion between the Authority, the community, the constituent authority concerned, and the developer. Where the majority of the residents are outside the National Park but the larger geographical area of the parish lies inside the National Park it will not necessarily mean there is greater scope for development in the National Park. However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village, there is no objection in principle to a development of housing inside the National Park. This applies even if most of the population live outside the National Park, provided that all alternatives have been assessed.
- 6.35 Where a parish does have a DS1 settlement, the Authority encourages communities, constituent councils and housing providers to work together to find appropriate sites. Site search work may arise as part of a Neighbourhood Plan or other type of community plan. In the event that it does become part of an adopted Neighbourhood Plan, it will assume more significance in decision making, but will not automatically mean that any housing scheme proposed would receive planning permission. Sites identified in a Neighbourhood Plan will be a material consideration, but will not be treated as allocated sites because the development plan has no housing target; does not provide for a five year supply of sites; and does not

allocate sites for housing. Therefore whilst assessments of capacity for development may result in a mutually agreed understanding of development potential, it will not result in site allocations. This will remain the case unless and until the Authority has convincing evidence that development of allocated sites in Neighbourhood Plans can be restricted to the types of residential uses that are compatible with this plan (i.e. affordable housing to address needs in the community).

- 6.36 Experience has shown that in many cases local people in housing need are more able to acquire land or a building than they are a mortgage. This might make it financially possible for them to provide a home to meet their own need. If a person has a site option that has already been identified as appropriate for housing, the Authority is more likely to view applications to build on it favourably. However, if it hasn't previously been identified as appropriate, it may not be a good site for housing. Applicants should contact the National Park Authority or the Parish Council to establish whether any village wide assessment of suitable sites has been carried out and to allow proper consideration of the merits of their site or building. The fact that a person may only have one site option is not a material planning consideration in deciding whether the site is acceptable for development, irrespective of whether an assessment of sites has been undertaken. It is important that proposals for sites in settlements listed in **policy DS1 of the Core Strategy** are not judged in isolation, but are assessed against the capacity and character of the whole settlement.

## Size of affordable housing

- 6.37 Where affordable housing is proposed, the size of housing is controlled so the Authority can reasonably impose and retain legal agreements to ensure they remain affordable and for local people in housing need. The mix of houses should reflect what is needed in the area. If this is not apparent from housing need surveys, the Authority will consult the relevant housing authority manager. Homes built by individuals to meet their own need are classified as intermediate houses because they can be sold on or rented by the first owner and occupant after a period of three years to persons who are not in housing need provided the persons satisfies the local connection criteria. The ongoing value of these houses will be higher because of the less stringent occupancy conditions, but the size of the housing will nevertheless be controlled in line with the original applicant's housing need (controlled by

- the space standard requirement for households of different sizes). This places the houses in the intermediate bracket, between pure affordable rent and shared ownership prices and unencumbered open market rent and sale prices.
- 6.38 Where affordable houses are built, it is considered that the smaller the area of land taken up by each house, the lower the cost of the land per house, and the lower the value of the house will be on completion, and in perpetuity. There is however a need for all new development to be sensitive to any valued settlement pattern. This may justify different plot ratios from place to place. For example, the pattern of estate farm villages might justify a low plot ratio, whereas the pattern in former lead mining villages might lend itself to high densities. However, whilst it is reasonable to provide gardens wherever possible, the size of the plots should not, irrespective of the prevailing settlement pattern, be such that the value of the plot including the house cannot reasonably be retained as affordable. The conservation and design issues are covered in detail in Chapter 3.
- 6.39 The Authority recognises that in setting size limits, the occasional need of households of over 5 persons, whilst comparatively rare, is not obviously addressed by policy. However, the purpose of the size limits is to protect houses in perpetuity for all those in housing need, not to exclude the genuine housing need of households of more than 5 persons. Therefore, where evidence supports the need for a bigger house, applicants should explore with the Authority the scope for a larger property, which, through design, could subsequently operate as two smaller sized affordable houses, within the policy limits, in perpetuity. Section 106 legal agreements will be required to protect the community against loss of the larger house to the open market and to ensure the housing can operate in line with what most households need. If a Section 106 agreement cannot be constructed in such a way as to offer reasonable certainty that the houses can be retained as affordable for local persons in housing need in perpetuity, the Authority may not grant permission.
- 6.40 For the purpose of this policy, the Gross Internal Areas of a dwelling is defined as the total floor space measured between the internal faces of perimeter wall. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The Gross Internal Areas should be measured and denoted in m<sup>2</sup>. The Gross Internal Areas in the space standard are a refinement of existing standards, and aim to balance a high degree of functionality with affordability.
- 6.41 Extensions of up to 10% of the total floor area may be acceptable up to a maximum floor space of 97m<sup>2</sup>. However, if a house is built at or very close to the 97m<sup>2</sup> there is rarely justification for an extension because in all likelihood the extension would render the house unaffordable.
- 6.42 In all cases it is important that the proposed site or building can be developed without adverse effect on the valued character of the built environment and its landscape setting, in line with other policies in this plan and adopted design guidance
- 6.43 Where applications propose to convert buildings to a local needs affordable home, the Authority will only permit them for such use if the resulting floor space can be within or extremely close to those shown in policy DMH1. If the Authority considers that conversion of larger buildings means they cannot be sustained as affordable homes in perpetuity, it will inform the applicant of this early on and treat applications as proposals for open market housing under **Core Strategy HC1**, and DMC10 of this plan.
- 6.44 If a proposal is acceptable for conservation reasons under **Core Strategy HC1** and DMC10, an applicant is not required to prove local connection or housing need, and planning permissions need not be restricted by legal agreement. Conditions would only be used in so far as they are required to control future development affecting the building and its setting.
- 6.45 Where accommodation is required to meet a particular circumstance such as disability, the Authority encourages applicants to work within size limits wherever possible. This also helps protect the affordability of such accommodation in perpetuity making it more accessible for future persons with disability and others in need of affordable housing. However, if a scheme is justified for conservation reasons there is no reason to restrict occupancy and the size will only be controlled in so far as necessary to comply with DMC10.

## DMH1 New Affordable Housing

A. Affordable housing will be permitted in or on the edge of Core Strategy DS1 settlements, either by new build or by conversion; and outside of DS1 settlements by conversion of existing buildings provided that:

- (i) There is a proven need for the dwelling(s); and
- (ii) Any new build housing is within the following size thresholds:

Number of bed spaces	Maximum Gross Internal Floor Area (m <sup>2</sup> ) <sup>71</sup>
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

- B. Starter homes will not be permitted on exception sites<sup>72</sup> but may be permitted as part of a development of housing to enhance a previously developed sites
- C. Self-Build and Custom build plots will not be permitted on exception sites but may be permitted as part of a development of housing to enhance a previously developed sites

## Occupancy of houses

6.46 Whilst the Authority and housing providers have a good record of enabling and delivering affordable housing, it remains a relatively limited and precious commodity in the National Park. Therefore, occupants must always be eligible local persons in housing need as set down in policy DMH2. When a house becomes vacant it is important to the Authority and local communities that it is made available to, and is occupied by another eligible local person in housing need. The occupancy cascade system is described in policy DMH3 and re-stated in Section 106 Agreements. Whenever a house becomes vacant the same system of search should be used.

6.47 The Authority expects housing providers to comply with this, because it is only the affordable housing need of those with a strong local connection that has justified the houses being built in the National Park at all. If Housing providers are in any doubt about the eligibility criteria they should contact the Authority for clarification.

6.48 Where an application for a single privately built dwelling, as opposed to a scheme of houses, is approved, the first occupant must still meet the policy criteria for need and local connection. However single homes to address an individual need are generally built by individuals rather than housing associations and do not benefit from public sector subsidy. Therefore once single homes have been built to satisfy an individual's need and have been occupied by the first occupant for at least three years, the houses can be sold or rented to those with the local connection, but not necessarily a housing need, as outlined in DMH3 Bi) to iv). This ensures that such houses can continue to fulfil a useful role for the community in perpetuity. These houses are considered to be intermediate houses. The local connection requirement for second and subsequent occupants will be included in the Section 106 Agreement and the house must be built within two years of permission.

6.49 Requiring occupants to be living within the parish subject of the development, or adjoining parishes, responds to a strongly held community view that new affordable houses should be lived in by local people. However, where a housing provider or individual has followed the procedure described in DMH3 and has failed to find an eligible tenant, the provider or individual is encouraged to explore with the Authority the possibility of a temporary relaxation of the Section 106 requirements. The Authority will treat each case on its merits and offers no guarantee that a temporary relaxation will be granted.

71 Of which minimum built in storage area (m<sup>2</sup>)  
 One person 1  
 Two persons 1.5  
 Three persons 2  
 Four persons 2.5  
 Five persons 3

72 The Housing and Planning Act gives planning authorities the power to dispense with the requirement to provide starter homes on rural exception sites. <http://www.legislation.gov.uk/ukpga/2016/22/section/5/enacted>

6.50 In cases where Section 106 Agreements are being flouted, or temporary relaxations have not been agreed, the communities' trust in the system suffers. The Authority therefore strongly encourages housing providers and managers to work with the Authority to find a resolution, which in the longer term may make that community more willing to welcome further affordable housing. The terms of the legal agreements will state that the Authority reserves the right to request evidence of proper marketing of properties and confirmation that those occupying those properties have the necessary local connection. This may be considered necessary to monitor the effectiveness of the system in addressing local housing need and to give communities confidence that the system is operating as intended. The Authority reserves the right to take appropriate and proportionate action to ensure the houses are occupied by eligible people

6.51 For the avoidance of doubt, the National Park Authority does not generally build, own or manage affordable houses, so beyond ensuring that legal agreements are in place specifying eligibility criteria to live in the houses, the choice of occupants is decided by housing providers and managers.

6.52 For the avoidance of doubt, where a housing need comes from a Parish that does not contain a DS1 settlement, or an adjoining Parish, any housing need emanating from that Parish should be met in the nearest DS1 settlement. For example, a need arising from a small parish (such as Ible or Aldwark) could be met by allocation of a property in Winster. The eligible person would be classed as equally as persons in Winster or other adjoining Parishes. The allocation of the property is determined by other factors relevant to housing need and for a particular type and size of property. Therefore locational qualification is only one part of the allocation process.

## DMH2 First occupation of new affordable housing

In all cases, new housing must be first occupied by persons satisfying at least one of the following criteria:

- A. A person (and his or her dependants) who has a minimum period of 10 years' permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- B. A person (and his or her dependants) not now resident in the parish but having lived for at least 10 out of the last 20 years in the Parish or an adjoining parish, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- C. A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity.

### **DMH3 Second and subsequent occupation of affordable housing (The occupancy cascade)**

- A. Each and every time a previously occupied property becomes vacant, owners and managers of affordable housing must, as stated in the section 106 agreement, follow the cascade mechanism in steps B. i) to iv) , or C i) to v) until an eligible occupant is found.
- B. For RSL owned and managed homes, and privately owned and managed schemes of more than one affordable home.
  - (i) Sell or rent an affordable home to someone within the parish or adjoining parish who meets the eligibility criteria as set out in policy DMH1, the supplementary planning document and the section 106 Agreement.  
(Where a parish is split by the National Park boundary, only those people living within the National Park part of the parish should be eligible initially. The property should be advertised widely at the price advised by the district valuer and prepared at the time marketing is required or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The parish council, housing authority and housing associations working in the area should be advised of the vacancy as soon as houses become vacant)
  - (ii) After a minimum period of 3 months,(minimum three months total) widen the search to include (in order of preference) those in the Parish or an adjoining parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining parishes.
  - (iii) After a further month, (minimum 4 months total), widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
  - (iv)After a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural parish lying outside the National Park or rural parishes entirely outside the Park but sharing its boundary.
- C. For privately owned and managed affordable housing
  - (i) Sell or rent an affordable home to a person (and his or her dependants) with a minimum period of 10 years permanent residence over the last twenty years in the parish or an adjoining parish, or
  - (ii) A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity
  - (iii) After a minimum period of 3 months, widen the search to include (in order of preference) those in the Parish or an adjoining parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining parishes.
  - (iv)After a further month, (minimum 4 months total), widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
  - (v)After a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural parish lying outside the National Park or rural parishes entirely outside the Park but sharing its boundary.

## Essential worker dwellings

- 6.53 NPPF paragraph 55 requires local planning authorities to consider that, for land use planning purposes, the essential business need for a rural worker to live permanently at or near their place of work constitutes an exceptional circumstance that justifies a house in the open countryside.
- 6.54 **Core Strategy policy HC2** makes clear that dwellings for agricultural or forestry workers, or those employed in other rural enterprises that are operationally dependent on the land, can be permitted provided there is a proven business need that cannot be met by housing in a nearby settlement, or by use of housing already on the site. When assessing applications for more accommodation, the Authority will consider the business unit as a whole, including existing worker accommodation and any planning permission that has lapsed. Failure to implement previously granted permissions to provide such houses may indicate that the need no longer exists. In such cases, fresh applications to renew such permissions are not guaranteed to be permitted.
- 6.55 The Authority considers that most other businesses are not operationally dependant on the land and have no essential need for a worker(s) to live permanently at or near to the site. The desire of someone to live at or near their place of work is not a justification for a worker dwelling in the National Park.
- 6.56 A prerequisite for a planning permission for worker dwellings is that the house is tied to the business by a legal agreement. The legal agreement will help ensure the house operates as permitted and helps to prevent the legal separation of the worker accommodation from the business.
- 6.57 Long term control of a dwelling by a business ensures it can meet the future needs of that business. In tying the business and the worker dwelling(s) together the Authority aim is to ensure that housing in the countryside helps address the objective of encouraging rural enterprise and land management. The Authority will resist applications to remove the tie because without the tie the use of the housing will rarely help achieve the plan's conservation, housing, or economic objectives.
- 6.58 Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.
- 6.59 Whilst traditional land management businesses may expand or contract in terms of its landholding, the ongoing costs associated with the dwelling linked to the landholding must reflect the actual and potential income that might be generated from the landholding. It is conceivable that large landholdings in upland pasture areas may only sustain marginal businesses. It is also conceivable that small landholdings may sustain more profitable businesses e.g. if it is farming a different type of stock. The size of the landholding is therefore a guide to business viability, but will not of itself be used to control the size of the dwelling or ultimately determine whether to permit or refuse an application.
- 6.60 Stated intentions of a business to employ a worker to engage in or further develop land management business need to be genuine, reasonably likely to happen, and capable of being sustained for a reasonable period of time. Where the Authority is uncertain about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation. This offers a way for businesses to prove a need for a permanent worker dwelling. Temporary accommodation may also require planning permission, so businesses choosing this route to establish a business need for a permanent worker dwelling must assure themselves that any temporary accommodation has any permission required.
- 6.61 Where there is no current business need, the Authority may consider temporary relaxation of a worker occupancy condition to allow the property to be let outside of the business use on a short term basis. Should exceptional circumstances require that a dwelling be sold by the business (e.g. certainty of no further need) the Authority may agree to remove the legal agreement.
- 6.62 Where there is no proven business need for a new worker dwelling, but it is agreed by the Authority that the building proposed to be converted, or land proposed to be developed is inside or on the edge of a DS1 settlement, there may, if housing need and local connection is proven, be scope for a new affordable house. If permitted, its size would be restricted in accordance with DMH1, and it will be tied by legal agreement in accordance with DMH1. This will require that it remains occupied by a person with a housing need and local connection as defined in policy DMH2.
- 6.63 If conversion of a building is proposed and the building is considered to be of vernacular merit under policy DMC5 and DMC10, a business can apply for housing under the provisions of Core

Strategy HC1. If permitted, such housing will not be restricted to the sizes shown in DMH1 and it will not be subject of an occupancy restriction under DMH11.

- 6.64 For the avoidance of doubt, policy DMH4 also applies to the first house where a new farm business is established. The size of the first house should only be restricted for good conservation reasons and to reflect the likely sustainable income of a business.
- 6.65 Most importantly, the provision of worker housing must be achieved in ways that conserve and enhance the National Park and reduce pressure for new development. If occupancy conditions are lifted and a new need for further worker accommodation then re-appears, it places avoidable and unnecessary stress on national park landscapes. Therefore the Authority requires good evidence before permitting worker accommodation in the first instance, and before agreeing to the removal of occupancy conditions or legal agreements.
- 6.66 In terms of occupancy, generations of families employed in the same business may occupy properties interchangeably to suit their needs for smaller or larger accommodation provided the properties remain tied and available for worker use.
- 6.67 When proposals emerge to use holiday accommodation as worker accommodation the Authority will consider the extent to which residential amenity required for permanent occupation can be achieved in the holiday accommodation. The Authority will also consider the wider impact on the land management business from the loss of income from the holiday accommodation. If either of these two considerations makes the proposal unacceptable, the Authority will work with an applicant to explore better alternatives.

## DMH4 Essential worker dwellings

The need for a worker dwelling to support agriculture, forestry or other rural enterprises businesses will be considered against the needs of business concerned<sup>73</sup>. Development will be permitted provided that:

- A. A detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
- B. There is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
- C. There is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design, and could serve this purpose
- D. Where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and
- E. The new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and
- F. Where a house already exists, and is under the control of the business, the subsequent housing is subservient in size to the existing original house unless an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger house; and
- G. Stated intentions to engage in or further develop land management business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation.

<sup>73</sup> The personal preferences of an employee is not a material planning consideration

## Ancillary accommodation

- 6.68 For many reasons, some families want or need ancillary accommodation. A common example is the need to care for relatives unable to remain in their own home, but not wanting to move to care homes. In some cases it is possible to find suitable alternative accommodation which allows people to care, or be cared for in the same general area of the National Park or outside. However, in many cases this will be impractical. For example, the time required to travel between 'carer' and 'cared for' may be disproportionate to the short distances involved, making caring or being 'cared for' unreasonably difficult.
- 6.69 In other cases, there may be a natural desire to make space for younger generations to remain at home or return home, e.g. to assist, or take on family-run businesses. The Authority believes that such reasons may become increasingly common as the population becomes characterised by older generations taking a step back from full time work, but continuing to support businesses. Meanwhile, younger generations may increasingly need or choose to take a number of part time jobs to supplement income from the business at home, whilst wanting space to live their own lives, near to, but out from under the feet of parents and grandparents.
- 6.70 In many cases, the pattern of working part time or seasonally for a business will not justify a worker dwelling under the policy above. However, in such circumstances it may be possible to create ancillary accommodation. Such accommodation would be tied to the main house, but not the business. The Authority believes this is a positive approach to succession planning for families, especially where the outcome can reasonably be expected to bring long term benefit to the landscape, the community and the rural economy.
- 6.71 It might be possible to achieve the necessary ancillary accommodation through extension of existing houses. For the more traditional types of ancillary accommodation such as elderly dependent relative accommodation (granny flats), this may be the best way to achieve the extra living space. In other cases it may be possible to permit new buildings as ancillary accommodation, provided the Authority can reasonably maintain the link between the dwelling spaces by condition or, if expedient, a legal agreement. The purpose of the conditions or legal agreement will be to enable future families to benefit from the same arrangement. This offers continuity to communities where otherwise the opportunities to live in the area remain limited. The policy objective is the long term benefit to the community, rather than the particular individual or family grouping. It also serves to make the physical operation of the dwelling units acceptable in conservation terms, because it reduces the risk of separation. Policy DMH7: Extensions and Alterations outlines what is required for such development.
- 6.72 In other cases, for example where younger generations want to 'flee the family nest but not the tree', it may be possible to use other buildings as ancillary accommodation. Many areas of the National Park retain farmsteads and hamlets of high heritage value, and the Authority wants to see such buildings conserved. It is possible that some could usefully operate as ancillary accommodation tied to existing houses. The following policies and the policies of the Conservation Chapter should be read in combination to determine the scope for this type of development.
- 6.73 As with essential worker housing, proposals for further ancillary accommodation will be assessed against the range of accommodation that already exists on a site and the physical scope to provide more on a site. Whilst ancillary accommodation may be permitted to enable succession planning on farm businesses, this is only reasonable up to a point. The Authority will not be able to permit separate ancillary accommodation for every son or daughter of a farming family because in many cases that would extend development beyond what can reasonably be considered, in planning terms, ancillary.
- 6.74 It is generally preferable to re-use existing buildings rather than build new, but new ancillary buildings for residential use may be the only option. However any new building must be of a design and size that conserves and enhances any heritage significance of the existing building group, and be subsidiary to the main dwelling house in appearance. In permitting such accommodation the Authority requires applicants to consider the valued building pattern of any farmstead or other building group and aim to enhance that pattern where possible by removal of unsympathetic modern buildings. Such accommodation would also be linked to the main dwelling house, where expedient, by a legal agreement, to ensure ancillary status endures legally in perpetuity.
- 6.75 Where permitted development rights might otherwise facilitate unsympathetic changes to the ancillary building, they may be removed as part of the conditions of planning permission. This does not necessarily prevent further development, but enables the planning authority to control future changes through the planning system and ensure its ancillary appearance and relationship endures in perpetuity.

### **DMH5: Ancillary dwellings in the curtilages of existing dwellings by conversion or new build**

- A. The conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that:
- (i) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of the property at a later date through demand for further outbuildings; and
  - (ii) the site can meet the parking and access requirements of the proposed development; and
  - (iii) the new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling, or
- B. Where no buildings are suitable for conversion, a new build ancillary dwelling unit can be accommodated in such a way that it:
- (i) is within the existing building group; and
  - (ii) is subsidiary in physical size to the main house; and
  - (iii) is of an appropriate design and materials that complement the existing building group; and
  - (iv) is able to be located in such a way that any heritage significance of the existing building group is conserved or enhanced by the new building; and
  - (v) is able to be located in such a way that the wider landscape setting of the building group is conserved or enhanced by the new building; and
  - (vi) does not require new access points and tracks from highway to building or new services and utilities infrastructure; and
  - (vii) can be contained within a single planning unit by condition

For proposals under A or B, where it is not possible to secure its ancillary status in perpetuity by planning conditions, the ancillary accommodation will be tied to the main dwelling by way of section 106 agreement.

## Housing on previously developed land and by conversion of designated and non-designated heritage assets

6.76 In some circumstances, housing development can assist in conservation and/or enhancement of previously developed sites and heritage assets. In an area where people's assets often include land and buildings this offers scope for communities to provide housing for those who, whilst not in housing need, nevertheless want to remain or move into a community. In conserving and enhancing the National Park, an average of 59 such dwelling units have been added to the housing stock each year since 1991 demonstrating the success of the policy. However, the outcome of such development must be the conservation and enhancement of the National Park. The wider housing needs of the area are not justification to permit housing that does not achieve the necessary conservation and enhancement of the National Park. Also, it is not within the Authority's gift to prevent sale of such houses as second or holiday homes, or buy to let properties so there is no guarantee that such housing will address the wider housing needs of the area.

### Previously developed land

6.77 The following policy clarifies that in the context of proposals for dwelling use, previously developed land means land which is, or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. For the avoidance of doubt it does not include:

- land that is or has been occupied by agricultural or forestry buildings;
- land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through planning conditions and s106 agreements;
- land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;
- land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.<sup>74</sup>

6.78 For the purposes of policy DMH6, 'inside' means a site is within the existing built environment of the village or town to the extent that it can reasonably be considered to be part of, rather than separate from, groups of buildings that form part of the village (as opposed to being next to or close to small groups of buildings such as farmsteads which, whilst considered to belong to a village, are not physically part of the built environment).

6.79 The definition of 'in or on the edge of' is not related to a boundary on a map other than for Bakewell (see inset map) and any village where a Neighbourhood Plan has been adopted and a boundary has been identified (See policy DMC4: Settlement Limits)

6.80 Neighbourhood Plans may also include locally made judgements on site suitability for development. Any proposal to develop a site must accord with any adopted Neighbourhood Plan as well as the policies of this plan. A Neighbourhood Plan will only be adopted if it is in general accordance with this Authority's development plan. Consequently, because the development plan does not allocate sites for housing, a Neighbourhood Plan identification of a site cannot constitute a site allocation.

6.81 In some cases a site may be quite large and may or may not contain a range of buildings. For financial or personal reasons wholesale site re-development may not always be the applicant's preference, even if permission would have been granted. Applicants may need or prefer to secure permission for conversion of one building, or small parts of the site, to recoup investment before moving onto other buildings or other parts of the site. A sequence of applications to convert individual buildings or parts of a site may enable an acceptable enhancement of the site as a whole. However, it should not be assumed that this will always be possible, and this approach is at the applicant's risk. If the conversion of one part of a building or one part of an area of the site would effectively prevent works to enhance other buildings or parts of the site in future (e.g. by a private access point blocking access to the rest of the site) it may be refused.

6.82 Any attempt by applicants to use piecemeal re-development of sites or buildings to avoid providing affordable housing or commuted sums may be refused planning permission. The reasons for refusing permission would be that piecemeal development fails to deliver the conservation and enhancement required whilst enabling the delivery of affordable homes in line with objectives of **Core Strategy HC1**.

6.83 It may be the case that a site brief approach is preferred by the Authority to ensure that the long term re-development of a site, approached

<sup>74</sup> <http://www.planningportal.gov.uk/general/glossaryandlinks/glossary/p>

incrementally, meets a set of agreed criteria for siting, design and the achievement of other land-use and sustainability objectives.

6.84 When housing is proposed as part of a site's re-development, the Authority will ask housing managers to confirm the type and mix of houses needed. If affordable houses are needed in the location, a contribution towards meeting this need should be provided on site. If they are not needed in that location, the Authority may negotiate a financial contribution towards affordable housing elsewhere in the National Park as required by **Core Strategy HC1C (IV)**. These requirements should not overtake the first objective of achieving conservation and enhancement. Housing need should be established for the parish and the adjoining parishes. If the building is outside a parish with a DS1 settlement, the needs of the parish and the nearest parish with a DS1 settlement should be established.

6.85 If housing need exists, and the type of housing that is needed could be provided in such a way that conserves and enhances the building(s) and its setting, or the site subject of re-development, the Authority will ask the applicant to demonstrate, through a financial viability assessment, the numbers and types of affordable housing units can reasonably be gained for the community. If necessary, the Authority will commission its own viability assessment to verify the applicant's claims.

6.86 Since the 1994 Structure Plan, opportunities for this type of development has led to enhancement of former industrial and heritage sites such as Cressbrook Mill, the site of Station Yard Hathersage, the Glebe Mine site at Eyam, and led to conservation of the Filter House at Ladybower Reservoir. Chapter 3 of this development plan outlines conservation and enhancement requirements in more detail, so any policy in this chapter follows on from policies and text in that chapter.

### Conversion of designated and non-designated heritage assets to residential use

6.87 Designated and non-designated heritage assets can be converted to a number of uses, but the driver for conversion has to be first and foremost the conservation and enhancement that the new use can achieve as opposed to any benefits of the use itself. For this reason, proposals to convert designated and non-designated heritage assets are assessed against the policies in the Chapter 3.

### DMH6: Re-development of previously developed land to dwelling use

- A. Re-development of previously developed land for housing will be permitted provided that:
- The development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site; and
  - An adopted Neighbourhood Plan has not identified the land for continued community or employment use or open space; and
  - Where the land is inside or on the edge of a DS1 settlement, and subject to viability, an element of the housing addresses local need for affordable housing.
  - Partial or proposed multi-phased development of sites can, by use of condition or if expedient legal agreement ensure the conservation and enhancement of the whole site.

### Extensions and alterations

6.88 In many cases people are either unable, or do not want to move house. The Authority understands that householders may wish to extend their homes to improve the standard of the living accommodation, or to accommodate changing personal and family needs. Most householders generally benefit from permitted development rights, which means that some alterations and extensions do not require planning permission. However, in some case permitted development rights might have been removed as a condition of previous permissions and in other cases, extensions and alterations would not fall within the definition of permitted development in any case. It is the householder's responsibility to establish whether planning permission is needed. Where development needs permission, this is often acceptable, particularly if well designed and not harmful to neighbours' or conservation interests. If a building is listed, applicants should refer to Chapter 3 policy DMC7, carefully considering the existing building and wider built environment.

6.89 Extensions may be by way of new buildings and may, as already outlined above, provide a useful way of providing ancillary accommodation. The Authority considers the physical relationship of the buildings within the site and the wider built environment and landscape as more important than absolute size limits, but extensions must be physically subservient to the main dwelling.

6.90 Design and materials should work with and not against the building, and not adversely impact on other buildings in the vicinity, or valued landscape character. Applicants should refer to the Authority's overarching design guide and technical design guidance in the adopted Supplementary Planning Document for Alterations and Extensions<sup>75</sup>.

### DMH7: Extensions and alterations

- A. Extensions and alterations to dwellings will be permitted provided that the proposal does not:
- (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
  - (ii) dominate the original dwelling where it is a designated or non-designated cultural heritage asset; or
  - (iii) amount to the creation of a separate independent dwelling; or
  - (iv) create, by inclusion of land not previously within the residential curtilage, adverse effect on, or lead to undesirable changes to the landscape or any other valued characteristic.

Proposals for house extensions involving the conversion of adjoining buildings and by the provision of new ancillary buildings must also satisfy Policy DMH5

Where an extension provides ancillary accommodation and it is not possible to secure its ancillary status in perpetuity by planning conditions it will be tied to the main dwelling by way of a section 106 agreement.

### New outbuildings for domestic garaging and storage use in the curtilage of dwelling houses

6.91 Many houses have curtilages that are disproportionately large for the size of the dwelling house. It is unsurprising therefore that people want to make use of the curtilage to provide additional space where extensions or alterations to the house are either impractical or undesirable. Applications for additional outbuildings may be acceptable. However, plans should avoid detailing that may be tantamount to residential character. Care should be taken with dimensions, openings, internal spaces, floor layouts, staircases, walling and roofing materials, pipework, access roads and tracks, hard-standing areas or any other feature, which can more reasonably associated with residential use. Where dual use is proposed e.g. garaging and storage (often over two floors), the Authority considers that designs should have the minimum of features required and, where appropriate in the landscape setting, use simpler constructions methods offering a more functional solution. The impact may also be lessened by locating buildings adjacent to existing groups of buildings. The Authority will restrict the use of new outbuildings in the curtilage of dwelling houses by condition.

### DMH8: New outbuildings for domestic garaging and storage use in the curtilage of dwelling houses

New outbuildings will be permitted for garaging and storage use provided:

- A. the scale, mass, form, and design of the building conserves and enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including listed building status and setting, conservation area character, important open space, valued landscape character; and
- B. the building exhibits the minimum of features necessary for the proposed storage use.

<sup>75</sup> [http://www.peakdistrict.gov.uk/\\_\\_data/assets/pdf\\_file/0007/528631/Alterations-and-Extensions\\_Detailed-Design-Guide.pdf](http://www.peakdistrict.gov.uk/__data/assets/pdf_file/0007/528631/Alterations-and-Extensions_Detailed-Design-Guide.pdf)

## Replacement dwellings

- 6.92 Replacement of dwellings is considered sustainable provided that over time the outcome is an improvement in the design, quality and mix of housing stock. The Authority will not permit replacement of housing that has cultural heritage significance in the terms described in Chapter 3. For such houses the only options are the repair, and possibly extension of the building.
- 6.93 For houses without cultural heritage significance there is, in principle, no objection, to their replacement. However, the replacement must be of higher quality than that which it replaces in terms of design and materials, and it must enhance the site and the built environment and/or landscape setting. The Design Guide and Conservation Area appraisals can help applicants to produce schemes that achieve this. This level of rigour is supported by **GSP2 of the Core Strategy**.
- 6.94 It may be acceptable to permit larger houses (whether that is by height, floor space or mass, or a combination of these measures), but enhancement to the surrounding built environment and landscape cannot always be achieved by larger houses, even if, as individual buildings, their design is superior to the house it is proposed to replace. The replacement dwelling must produce a significant overall benefit (positive impact) to the natural beauty, wildlife and cultural heritage of the area (in accordance with **Core Strategy policy GSP2**). Housing that already integrates well with its surrounding landscape should not therefore automatically be viewed as having re-development potential.
- 6.95 Aside from size and design considerations, neighbours residential amenity must be respected and it is also important that the activity created by the new dwelling is no more intrusive in the wider landscape, for example in terms of noise generated or dispersed artificial light.
- 6.96 **Core Strategy policy CC1** places a requirement on all replacement housing to achieve a minimum sustainability standard. Sustainability of new buildings is important to achieve wherever possible. This includes replacements, where the opportunity exists to improve the quality and sustainability of the National Park housing stock. The Supplementary Planning Document for Climate Change and Sustainable Building outlines the Authority's requirements (see section 7.2)
- 6.97 The Authority acknowledges that some National Park communities perceive that this policy may lead to an unsustainable loss of smaller housing across national park villages. However, the Authority has no plan objective to protect small market housing in themselves other than conservation reasons. Also, if the Authority refuses planning permission for well-designed larger replacements it may simply result in larger houses of poorer design by use of permitted development rights to extend houses. If a Neighbourhood Plan or housing authority produces evidence that justifies retaining a size or type of housing for community reasons, the Authority can consider that a material consideration, alongside other considerations, but this cannot override conservation considerations.
- 6.98 In accordance with **GSP1, GSP2, DS1 and HC1 of the Core Strategy** and other relevant development management policies there may be circumstances where conservation or enhancement of a site in a DS1 settlement is considered to be required and the opportunity presents itself through an application to demolish a dwelling and redevelop the site for more than 1 dwelling. Such sites are classed as residential plots and not previously developed sites, which means there is less policy presumption in favour of their wholesale re-development. In accordance with **Core Strategy GSP2 D**, and taking into consideration the **DS1 Core Strategy** intention to concentrate new development into a range defined range of settlements, proposals on sites inside or on the edge of DS1 villages are more likely to be acceptable than sites that are not inside or on the edge of settlements.
- 6.99 Applicants are expected to demonstrate to the Authority's satisfaction that the proposals represent an opportunity to enhance the National Park by the treatment or removal of undesirable features or buildings. Any proposed development would need to conserve the valued characteristics of the site and its surroundings. This requires skilful design and placement, and an understanding of any valued settlement pattern. For example a plot within a street frontage flanked by terraced housing or semi-detached housing may lend itself to the footprint replicating that type of layout.
- 6.100 Where housing development is justified for conservation and enhancement reasons, the Authority expects applicants to also demonstrate an awareness of any wider housing needs in the community and demonstrate how their proposal addresses that need. Proposals that fail to address an evidenced community need are less likely to be granted permission.
- 6.101 Proposals for housing development in areas outside DS1 settlements are unlikely

to further the principle of concentrating most new development into a defined range of settlements. It will therefore require exceptional circumstances to justify replacement of one house with a number of houses on any site outside of a DS1 settlement.

## DMH9 Replacement Dwellings

- A. The replacement of a dwelling will be permitted provided that the dwelling to be replaced:
  - a. is not listed individually or as part of a group listing;
  - b. is not considered to have cultural heritage significance; and
  - c. is not considered to contribute positively towards the valued landscape character or built environment in which it is located
- B. Any replacement dwelling should only be larger than the dwelling it replaces where the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape; and
- C. In all cases the replacement dwelling must not create an adverse impact on neighbours' residential amenity; and
- D. In the event that the proposed replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling, where the existing dwelling is in residential use; and
- E. In a DS1 settlement, demolition of one dwelling and re-development with more than one dwelling may be permitted provided that the proposed development satisfies the criterion above and is required in order to achieve conservation and enhancement in accordance with Core Strategy policies DS1 C and GSP2 D, and HC1 C.
- E. Where there is specific evidence of general housing need in the Parish for a particular size of dwelling (for example from a Neighbourhood Plan), the size of the net additional housing units should reflect that evidence.

## Subdivision of dwellings

- 6.102 The subdivision of an existing dwelling into more than one dwelling unit requires planning permission because subdivision changes the planning status of the original dwelling to a new dwelling unit. Proposals will therefore be considered as applications for two or more new dwellings rather than an existing dwelling plus new dwelling(s).
- 6.103 Applications to create new dwellings from such buildings will be considered under **Core Strategy policy HC1**, GSP2, the conservation policies of this plan, and policy DMH7: Extensions and Alterations. Whether or not subdivision is acceptable will depend on the sensitivity of the building to accommodate change, and the standard of accommodation that can be created. It also depends on the landscape setting, and neighbour amenity. In exceptional circumstances permitted development rights may be removed by condition. This would be to protect the quality of the development, the setting of the development, and the residential amenity of neighbours living in the same or adjacent dwelling units.
- 6.104 New dwellings created through subdivision of a building with an existing residential use, will only be subject of occupancy restrictions where an existing occupancy restriction is effectively lost through the subdivision. The purpose is to avoid the practice of using subdivision as a means to remove occupancy restrictions. Whilst the Authority would welcome any unilateral offer of occupancy restrictions made by a developer, there is no justification for the Authority to require occupancy restrictions where a building previously benefitted from unrestricted residential use and new dwelling units at any scale and number are introduced. In these circumstances the principle policy driver is the conservation of a building through viable uses.
- 6.105 In cases where the existing dwelling is restricted by legal agreement to a particular residential use, removal of the occupancy restriction will not be permitted unless the Authority is provided with compelling evidence to suggest there is no legal justification to restrict occupancy. It is incumbent on the applicant to make such a case.
- 6.106 In subdividing the building the resultant flood risk to all dwellings must be mitigated for all dwelling units, and adequate access arrangements and car parking spaces standards must be incorporated. In addition, there must be adequate provision for refuse collection and adequate recycling facilities

for all dwelling units. In achieving these things, any development must conserve and enhance the building subject of the application, the surrounding built environment and/or landscape setting.

### **DMH10: Sub-division of dwellings to create multiple dwelling units**

The subdivision of a dwelling and the creation of new dwelling units will be permitted provided that the subdivision would not prevent or undermine:

- A. the quality of the landscape and immediate setting of the building in line with conservation policies; or
- B. the residential amenity of any nearby residential properties; or
- C. the use of the original dwelling where that is already subject to legal agreements restricting use:
  - (i) as an affordable house for eligible persons in housing need; or
  - (ii) as an ancillary dwelling; or
  - (iii) as an essential worker dwelling; or
  - (iv) by those either requiring or providing care; or
  - (v) joint use of the building for residential and business use.

### **Planning obligations (Section 106 Agreements)**

6.107 In order to retain houses for the purpose for which they were permitted and reduce the future development pressure on the National Park, the Authority will use conditions and where expedient Section 106 Agreements. National Park communities have been frustrated in the past by breaches of planning conditions, but Section 106 agreements have proved more successful in preventing such breaches. The Authority will therefore continue to use Section 106 agreements to:

- (i) Secure, in perpetuity; affordable homes for local people in housing need;
- (ii) Tie essential worker homes to the business, buildings and the land for which the business has planning permission; and
- (iii) Tie properties together to secure the ancillary status of accommodation in perpetuity (where that cannot be achieved by planning conditions).
- (iv) Secure care home spaces for local persons in need of such accommodation
- (v) Tie new outbuildings to main houses (where that cannot be achieved by planning condition)

6.108 Where eligible people are not available to occupy houses in accordance with legal agreements, the policy allows, by written agreement of the Authority, temporary variations to legal agreements to enable other uses such as holiday use. This increases opportunities for people to stay and enjoy the area, which furthers national park purposes. The Authority foresees very few cases where it would be justified to remove an occupancy restriction altogether.

6.109 The system that the Authority has put in place requires, in the interests of fairness and building trust of communities, the co-operation of all organisations involved in housing delivery and management. The Authority encourages discussion to pre-empt and resolve problems.

## DMH11: Section 106 agreements

Section 106 agreements will be applied to housing developments as follows:

### Affordable Housing

- A. In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 legal agreement, that will:
- (i) restrict the occupancy of all affordable properties in perpetuity in line with policies DMH1, DMH2 and DMH3; and
  - (ii) prevent any subsequent development of the site and/or all affordable property (ies) where that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity by restricting overinvestment.

### Essential worker dwellings

- B. Where planning conditions cannot achieve the desired outcome of ensuring worker dwellings are retained by the business, the applicant will be required to enter into a Section 106 legal agreement that will:
- (i) restrict the occupancy of all properties in perpetuity in line with policy DMH4;
- C. Where, permission is granted for the temporary release of an occupancy restriction on a property in a DS1 settlement, the dwelling will:
- (i) remain tied to the business; or
  - (ii) will remain limited to persons in housing need and satisfying the local occupancy criteria, under Policy DMH2, or may revert to holiday use, until such time as an essential worker or other qualifying person needs the property.
- D. Where, exceptionally, permission is granted for the temporary release of an occupancy restriction on a property outside a DS1 settlement, the dwelling will:
- (i) remain tied to the business; or
  - (ii) revert to holiday use; or
  - (iii) be temporarily occupied by local person who has lived in the parish or adjoining parish for ten out of the last twenty years and is in housing need, until such time as a business need arises again.
- E. The removal of section 106 agreements on essential worker dwellings will not be permitted unless it can be demonstrated that:
- (i) reasonable attempts have been made to allow the dwelling to be used by a person who could occupy it in accordance with the restriction; and
  - (ii) the long term need for the dwelling in the locality has ceased and a temporary relaxation therefore serves no purpose.

### Ancillary accommodation

- F. Where planning conditions cannot achieve the desired outcome of tying properties together, the ancillary accommodation, whether achieved by extension, conversion, or new build will be tied to the main property by legal agreement.
- G. Variation to a section 106 agreement may be permitted if it can be demonstrated that the proposed new use of the ancillary accommodation is in accordance with other policies of this plan relating for example to holiday accommodation use or essential worker use.
- H. Removal of a section 106 agreement to remove the ancillary status of accommodation will not be permitted.