



**Castle House
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Wednesday, 28 May 2025

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor P Harris
Councillor K Melton
Councillor E Oldham**

**Councillor P Rainbow
Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 5 June 2025 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
<p>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</p> <p>If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.</p>	

AGENDA

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1. Notification to those present that the meeting will be recorded and streamed online
2. Apologies for Absence
3. Declarations of Interest by Members and Officers
4. Minutes of the meeting held on 8 May 2025

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Part 1 - Items for Decision

5. Little Elms Pre School, The School Building, Main Street, Oxton, Southwell, NG25 0SA - 25/00133/FUL
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6. Park View Caravan Park, Tolney Lane, Newark-On-Trent - 25/00131/S73 29 - 57
7. Land To The North Of Gander Hill Cottage, Bathley Lane, Norwell, Newark On Trent, NG23 6JU - 25/00599/PIP
Site Visit at 10.15am 58 - 71
8. National Civil War Centre & Palace Theatre, Newark Museum, 14 Appleton Gate, Newark On Trent, NG24 1JY - 25/00538/LBC 72 - 84
9. Nominations to the Planning Policy Board Four Members of the Planning Committee to be nominated to the Planning Policy Board.

Part 2 - Items for Information

10. Annual Report detailing the exempt reports considered by the Planning Committee 85 - 87
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Part 3 - Exempt and Confidential Items

13. Exclusion of the Press and Public

There are none.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 8 May 2025 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)
Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor L Dales, Councillor S Forde, Councillor P Harris, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor L Tift and Councillor T Wildgust

ALSO IN ATTENDANCE: Councillor N Allen

APOLOGIES FOR ABSENCE: Councillor C Brooks and Councillor T Smith

123 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

124 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales, A Freeman and K Melton declared an other registrable interest for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

Councillor L Dales declared a disclosable pecuniary interest regarding Agenda items 8 – Excepted Applications under the Protocol for Planning Committee and 9 – Excepted Application Report, as the applicant was a family member. Councillor L Dales left the meeting for both reports.

125 MINUTES OF THE MEETING HELD ON 13 MARCH 2025

AGREED that the minutes from the meeting held on 13 March 2025 were agreed as a correct record and signed by the Chair.

126 CHANGE TO THE ORDER OF BUSINESS

The Planning Committee Chair sought Committee approval to change the order of business on the agenda. Agenda Item 7, Smallholding, Rear of 55 Beacon Hill Road, Newark On Trent (25/00512/PIP) would be taken as the first item for decision, the agenda would resume its stated order thereafter.

AGREED that the order of business on the agenda be changed.

127 SMALLHOLDING, REAR OF 55 BEACON HILL ROAD, NEWARK ON TRENT, NG24 2JH - 25/00512/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission in principle for a residential development of between two and four dwellings following the demolition of agricultural buildings.

A site visit had taken place prior to the commencement of the Planning Committee, for Members as there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from a neighbour.

Mr Stephen Mawson, objector, spoke against the application.

Councillor Lisa Geary, Newark Town Council, spoke against the application.

Mr Anthony Northcote, Agent for the applicant, spoke in support of the application.

Members considered the application and the housing supply targets were considered as the Council had not to date met that housing target. It was commented that the National Planning Policy Framework allowed development when there were existing buildings on the site, a Member considered that bungalows may be acceptable. The adjacent road - Cranwell Close was also taken into consideration as they had also built on back land. A Member commented on the number of proposed dwellings and that up to 4 houses would be an over-intensification of the site. Other Members commented that if the Committee were minded to approve this application it would set a precedent for this area and further applications would be submitted. Members raised concern that the nature reserve was also in close proximity and the proposed development could damage the ecology.

A vote was taken and lost for approval, with 4 votes For and 8 votes Against.

Having attended the meeting during the public speaking, Councillor S Saddington took no part in the debate or vote.

AGREED Proposer Councillor K Melton and Seconder Councillor D Moore (with 9 votes For and 3 votes Against) that contrary to Officer recommendation Planning Permission be refused for the reason: Back land development against Policy DM8 and not in keeping with the area, the scale of the development and development in the open countryside.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was

against Officer recommendation, a recorded vote was taken.

Councillor	Vote
A Amer	For
L Dales	Against
S Forde	For
A Freeman	Against
P Harris	For
K Melton	For
D Moore	For
E Oldham	For
P Rainbow	For
M Shakeshaft	For
L Tift	For
T Wildgust	Against

128 FLAGGS FARM, CAUNTON ROAD, NORWELL, NEWARK ON TRENT, NG23 6LB - 24/01810/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of two former farm storage buildings to storage and distribution (Use Class B8) and associated parking. The application was retrospective.

A site visit had taken place prior to the commencement of the Planning Committee, for Members as there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the Local Ward Member and Local Residents.

Councillor Penny McQuilkin, Norwell Parish Council, spoke against the application. Mr George Machin agent for the applicant, spoke in support of the application.

Members considered the application and it was commented that this was a distribution centre in a rural location which was unacceptable given the narrow roads which were not suitable for HGV lorries. It was also noted given the large storage areas on site the business was likely to increase in size which again was considered unacceptable. Members questioned the number of lorry movements in the conditioned peak time and the Senior Planning Officer confirmed that a maximum 2 lorry movements would take place in peak hours and that the Highway Authority had not objected to the application because they considered there to be adequate capacity on the local road network. Members considered what could be done in terms of conditions to prevent the business from expanding in the future. The Senior Planning Officer advised that consideration of the application was limited to what was

being proposed and the submitted information had to be taken at face value.

A vote for approval was taken and lost, with 6 votes For and 7 votes Against.

AGREED Proposer Councillor D Moore and Seconded Councillor M Shakeshaft (with 8 votes For and 5 votes Against) that contrary to Officer recommendation Planning Permission be refused for the following reason: Inappropriate development in the open countryside, contrary to Policy DM8 and SP3.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
A Amer	For
L Dales	Against
S Forde	For
A Freeman	Against
P Harris	For
K Melton	For
D Moore	For
E Oldham	Against
P Rainbow	Against
S Saddington	For
M Shakeshaft	For
L Tift	For
T Wildgust	Against

129 OLD VOLUNTEER PUBLIC HOUSE, 61 CAYTHORPE ROAD, CAYTHORPE - 24/01621/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of land to form a beer garden to include associated seating and structures, children’s play area and associated car parking which was retrospective and proposed erection of glazed structure and associated landscape and bio-diversity/ecological enhancements.

A site visit had taken place prior to the commencement of the Planning Committee, for Members as there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection and the proposal was particularly contentious, and the aspects being raised could only be viewed on site.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from Caythorpe Parish Council and Lowdham Parish Council.

Councillor Ivan Kerry Chair-elect, Caythorpe Parish Council, spoke against the application.

Mr George Machin agent for the applicant, spoke in support of the application.

Councillor Roger Jackson Local Ward Member, Dover Beck, spoke against the application.

Members considered the application and felt that the glass structure and car parking was inappropriate development in the green belt as there were no very special circumstances demonstrated. The Environment Agency had submitted their advice that the development should not happen at this location as the site was in flood zone 3B. Another Member commented on the application being retrospective and the Environment Agency being clear in their response regarding the flood zone, however local people had not seen flooding on that location in the past. The pub was considered attractive with a garden available for families. A Member commented on the noise pollution and felt that the proposals would intensify that problem. It was also noted that the majority of letters of support were from outside Caythorpe, whilst concerns raised had been received from local residents. Members commented that they would not want the pub to close as this was a good community facility. The Planning Committee Chair commented that the reason for refusal was flooding and asked that the issue of the green belt be included as an additional reason for refusal.

AGREED (unanimously) that Planning Permission be refused for the reasons contained within the report, with the additional wording, inappropriate development in the green belt.

Councillor S Saddington left the meeting at this point.

Having declared a disclosable pecuniary interest on the following two items, Councillor L Dales left the meeting at this point.

130 EXCEPTED APPLICATIONS UNDER THE PROTOCOL FOR PLANNING COMMITTEE

The Committee considered the report of the Director – Planning & Growth, which sought Planning Committee approval for additional wording for insertion into the Protocol for Planning Committee to provide clarification on existing provisions for dealing with Officer, Member and Council applications.

Additional wording for insertion to the Protocol for Planning Committee:

“6.6 For the avoidance of doubt, Member, Officer and Council applications which are Excepted Applications from the referrals process (paragraph 8.2 of this Protocol) should be dealt with under delegated powers by officers and a report for noting will be presented to the Planning Committee for transparency.”

AGREED that the additional wording at 6.6 of the appendix contained within the report and as above, for insertion to the Protocol for Planning Committee, be approved.

131 EXCEPTED APPLICATION REPORT

The Committee considered the report of the Director – Planning & Growth, which

informed the Committee of a Lawful Development Certificate and Section 211 Notice (works to trees in a conservation area) submitted by a Member which were excepted application types which did not require a decision by the Planning Committee.

The Local Planning Authority (LPA) had received a Section 211 Notice (25/00497/TWCA) and a Certificate of Lawfulness (25/00152/LDCP) for a property in South Scarle. The applicant was related to a District Councillor. The tree works involved minor management works to silver birch, cherry, leylandii and holly trees. The Certificate asked whether planning permission was required to install solar panels on the roof of the house.

Trees in a conservation area that were not protected by a Tree Preservation Order (TPO) were protected by the provisions in section 211 of the Town and Country Planning Act 1990. Those provisions required people to notify the LPA, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the LPA gave consent. That notice period gave the authority an opportunity to consider whether to make an Order on the tree. Where tree works were minor and affecting trees which were not prominent within a conservation area, as was the case here, the LPA would not normally issue a TPO.

The General Permitted Development Order allowed for renewable energy on domestic properties without planning permission, even in conservation areas. Class A of Part 14 allowed for this. This includes solar panels, ground source heat pumps, wind turbines, air source heat pumps and more. You do not need to submit for planning permission as Class A was your permission. You can simply go ahead subject to one or two restrictions for solar panels. If you are in a conservation area for example, you cannot install PVs on a wall facing a highway or on a flat roof without first obtaining prior approval. In this case, officers had determined that planning permission was not required. A Lawful Development Certificate was the only legal means of confirming whether a particular proposal was lawful.

AGREED that the report be noted.

Councillor L Dales returned to the meeting at this point.

132 APPEALS LODGED

AGREED that the report be noted.

133 APPEALS DETERMINED

The Business Manager – Planning Development informed the Planning Committee that an additional appeal had been received after the publication of the agenda. There would be a Public Inquiry regarding the Kelham application, which would take place 21 October 2025 at 10am and would include six sitting days over a two-week

period.

AGREED that the report be noted.

134 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Chair indicated that the meeting duration had expired therefore a motion was moved by the Chair and seconded by the Vice-Chair to continue the meeting for a further hour.

The Committee considered the report of the Business Manager – Planning Development updating Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.

The report provided Members with examples of cases that had been resolved, both through negotiation and via the service of notices and provided detailed and explanations of notices that had been issued during the period covered 1 January 2025 – 31 March 2025.

The Business Manager – Planning Development provided an update regarding Gypsy, Roma and Traveller (GRT) encampments that had settled over the Bank Holiday, including one in Weston on the 18 April 2025. An enforcement notice had been served on 24 April and an injunction secured on 25 April 2025, which would expire December 2026. The other site was located in Balderton and had ten pitches.

A Member commented that there had been no feedback regarding the Development Plan review which had been submitted to the Planning Inspectorate and was concerned that this left the Council vulnerable. There was also no Planning enforcement cover over a weekend, it was suggested that a seven-day week be introduced regarding this. The Planning Chair confirmed that he would address the Development Plan with the relevant Portfolio Holder.

AGREED that the contents of the report and the ongoing work of the planning enforcement team be noted.

Meeting closed at 7.42 pm.

Chair



Report to Planning Committee 5 June 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Harry White, Planner/Conservation Planner

Report Summary			
Application No.	25/00133/FUL		
Proposal	Siting of portable classroom to create 1 additional learning environment		
Location	Little Elms Pre School The School Building Main Street Oxton Southwell NG25 0SA		
Applicant	Little Elms Pre-School (Oxton) Limited - Mrs Sarah Vanner	Agent	N/A
Web Link	25/00133/FUL Siting of portable classroom to create 1 additional learning environment Little Elms Pre School The School Building Main Street Oxton Southwell NG25 0SA		
Registered	29.01.2025	Target Date Extension of time	26.03.2025 06.06.2025
Recommendation	That planning permission is APPROVED, subject to conditions set out in Section 10		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Roger Jackson, due to an over-intensification of the site and adverse highways impact.

1.0 The Site

- 1.1 The application site relates to the former village school, now in use as Little Elms Pre-school. The building is set back behind the road behind an area of hardstanding. The former school is an attractive Victorian building dating to 1870 and is constructed in red brick and clay plain tile roof.
- 1.2 The site is accessed by a dropped kerb and gated access onto Main Street, a 30mph classified C-road. The gateway to St Peter and St Paul's Church (Grade I listed) is

located roughly opposite the site, as is The Garden House, part of Oxton Hall Park, which are Grade II Listed Buildings. The school building at the application site makes a positive contribution to the character and appearance of the Oxton Conservation Area.

- 1.3 The application site is enclosed by brick walls of roughly 1.2m to 1.8m in height and is surrounded by residential development. There is a slight change in land levels across the site, with the school building elevated from Main Street. The application site is located within Flood Zone 1, the lowest risk of main river flooding. The roadside area has a high chance of surface water flooding, however, the school site has a very low risk.
- 1.4 The pre-school provides care for children aged 6 months to 5 years and currently have 55 children places at their facility and employ the equivalent of 11 full time staff.
- 1.5 The site has the following constraints:
 - Green Belt
 - Conservation Area
 - Setting of Listed Buildings



2.0 Relevant Planning History

- 2.1. 9279765 - CHANGE USE FROM HEADMASTER'S RESIDENCE AT REAR OF SCHOOL TO EDUCATIONAL USE – Permission 04.09.1979



3.0 The Proposal

- 3.1 The application seeks permission for the siting of a portable classroom to create 1 additional classroom at Little Elms Pre-School in Oxton, which would allow current child places to increase from 55 to 72. The building would measure roughly 11m in length by 3.8m in width, and would have a height of roughly 2.8m. The proposed structure would be located to the north of the main schoolhouse. The proposal would include replacing the existing timber fence in a more forward position flush with the front elevation of the school building, to allow the new structure to be placed to the rear of this fence. Examples of the typical appearance of the proposed building are shown below.



Cedar
standard
finish



Nut brown finish

Walnut finish



These are the potential finishes I can add onto the portable cabin if necessary. I'm happy to be advised as to which would be the most appropriate.





3.2 Documents assessed in this appraisal:

- Application Form
- Site Location Plan and Block Plan
- Proposed Floor Plan
- Proposed Elevations
- Parking Plan
- Car parking requirement with arrival and departure timings
- Heritage Statement
- Greenbelt Assessment
- Supporting information – received 19 February 2025
- Nottinghamshire County Council Sufficiency Data Prepared for Gunthorpe C of E Primary School (Dover Beck & Lowdham Ward Areas)

4.0 **Departure/Public Advertisement Procedure**

4.1 Occupiers of 6 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 31st January 2025

5.0 **Planning Policy Framework**

The Development Plan

5.1. **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 4B– Green Belt Development
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 11 – Rural Accessibility
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

5.2. **Allocations & Development Management DPD (2013)**

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development

- 5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and has just completed its Examination In Public during November 2024. The Inspector's report is awaited. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies (apart from DM12) emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore currently limited. As such, the application has been assessed in-line with all policies from the adopted Development Plan.

5.4. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (as amended Feb 2025)
 Planning Practice Guidance (online resource)
 National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Nottinghamshire Highway Design Guide 2021

6.0 **Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1. Nottinghamshire County Council (Highways) – Have previously raised concerns, however following the submission of additional parking information now have no objection subject to planning conditions.
- 6.2. Historic England – Have delegated to the Council's specialist conservation and archaeological advisers.

Town/Parish Council

- 6.3. Oxtun Parish Council - raised concerns for flooding, overlooking/loss of privacy,

highways impact, design, noise, overdevelopment. The Parish Council appreciates that the nursery is an asset to the village. Ultimately the Parish Council do not support the application.

Representations/Non-Statutory Consultation

- 6.4. NSDC, Conservation – It is considered that the building would cause less than substantial harm to the character and appearance of the conservation area, contrary to s.72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, and s.16 of the NPPF (2024), and Policies CP14 and DM9 of the local development framework. The set back location from the road and distance to listed buildings opposite is not considered to cause harm to their setting.
- 6.5. Comments have been received from 27 third parties/local residents (22 raise concerns and 5 support) that can be summarised as follows:
- Harm to Conservation Area and heritage assets;
 - Poor design;
 - Adverse Highways Impact (insufficient parking on site causing illegal parking on road and pavements, causing visibility issues);
 - Harm to amenity of neighbouring occupants (size/noise/unsightly outlook);
 - Additional water consumption;
 - Flooding and drainage;
 - Need for nursery spaces;
 - Air pollution and contribution to climate change;
 - Support for more spaces at nursery;
 - Support for local business and job creation; and
 - Negative impact on trying to sell their property.

7.0 Appraisal

- 7.1. The key issues are:

- Principle of Development
- Impact upon the Green Belt
- Impact on the character and appearance of the Conservation Area and other Heritage Assets
- Impact on Amenity
- Impact on the Highway
- Impact on Ecology and Trees
- Other matters

- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of

development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

- 7.3. As the application concerns designated heritage assets of the setting of a listed building and the conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.4. The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

- 7.5. The site is located within the village of Oxton, and is within the Nottingham-Derby Green Belt, where new development is strictly controlled through the NPPF (2024) and Spatial Policy 4B of the Core Strategy (2019). Spatial Policy 4B sets out that other development not identified by this policy will be judged according to national green Belt policy.
- 7.6. Spatial Policy 8 supports the enhancement of existing community facilities where they meet the needs of communities, both within the District and beyond. The proposed development is to enhance an existing community facility to meet early years educational needs within the Dover Beck & Lowdham Ward area.

Impact upon the Green Belt

- 7.7. Spatial Policy 4B of the Core Strategy (2019) sets out that this type of development, as it is not otherwise stated in this policy, shall be judged according to national Green Belt policy.
- 7.8. Chapter 13 of the NPPF (2024) sets out that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. The Green Belt serves five purposes; firstly, to check the unrestricted sprawl of large built-up areas; secondly, to prevent neighbouring towns merging into one another; thirdly, to assist in safeguarding the countryside from encroachment; fourthly, to preserve the setting and special character of historic towns; finally, to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

- 7.9. Paragraph 153 of the NPPF (2024) sets out that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Footnote 55 then adds 'other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.' The Framework defines 'previously developed land' as including 'land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.'
- 7.10. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Development in the Green Belt is inappropriate unless one of the eight criteria set out within paragraph 154 of the NPPF (2024) applies. Criterion e) allows for limited infilling in villages (neither the terms 'limited' or 'infilling' are defined, although the latter is generally considered to represent built form between existing built form). Criterion g) allows for limited infilling of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt. However as referred to above, footnote 55, already states that development on previously developed land is not inappropriate.
- 7.11. The proposed development would be located on an area of tarmac hardstanding and is therefore considered to be previously developed land. As such, there is no need in this case to assess the proposal under paragraph 154 as it no longer represents inappropriate development, but appropriate development under Footnote 55.
- 7.12. However, if assessment under paragraph 154 were considered to be appropriate, the proposed building would be located between the main school building and the dwelling at High Trees, and so would be considered to represent infilling in the village on previously developed land and therefore an exception under criterion e) and/or g) in any event.
- 7.13. Consequently, it is considered that the proposed development would not represent inappropriate development under footnote 55 and would therefore not cause any harm to the openness of the Green Belt and would also, if required be acceptable through exceptions e) and g) of paragraph 154 of the NPPF (2024), as the development would be limited infilling in a village on previously developed land, and which would not cause harm to the openness of the Green Belt.

Impact on the character and appearance of the Conservation Area and other Heritage Assets

- 7.14. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

- 7.15. Core Policy 14 'Historic Environment' of the Newark and Sherwood Core Strategy DPD (2019) requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance; and the preservation and enhancement of the special character of Conservation Areas including that character identified through Conservation Area Character Appraisals which form the basis for their management. In accordance with Core Policy 14, development proposals should take account of the distinctive character and setting of individual conservation areas including open space and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing as set out in Policy DM9 'Protecting of the Historic Environment' of the Allocations & Development Management DPD (2013)
- 7.16. Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD (2013) requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments."
- 7.17. Section 12 of the NPPF (2024) refers to achieving well designed places. Paragraph 131 states that good design is a key aspect of sustainable development by creating better places in which to live and work and helps make development acceptable to local communities. Paragraph 139 advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.
- 7.18. The application site is located in the Oxton Conservation Area, designated in 1992 for its ancient connections to the forest, medieval origins as a manor, linear settlement pattern, and collection of 18th and 19th century vernacular houses, farmhouses constructed in red brick with pantile and tiles roof. The grade I listed church of St Peter and St Paul has medieval origins and is a prominent feature within the Conservation Area.
- 7.19. The proposed Portakabin would be positioned to the north of the main school building, and set back by roughly 24m from Main Street, so would lack prominence to the street scene of Main Street. The open layout at the front of the site would allow for the Portakabin to be seen from Main Street, albeit behind the repositioned close boarded timber fencing, this visual impact can be softened further by landscaping to the side of the building to be required by planning condition.
- 7.20. The proposed palette of materials has not been agreed, but three have been presented including cedar, nut brown, and walnut, three shades of brown. It is considered that the darker walnut finish would appear recessive within the shadow of the main school building and within the context of large conifers at the neighbouring site. The palette of materials is to be agreed by planning condition to ensure a high-quality appearance.
- 7.21. The proposed development would have a distinctly modern appearance, which would not reflect the local vernacular of the conservation area. This is ultimately considered to result in a degree of harm, in this case low to moderate harm within the wider 'less

than substantial' scale. Where there is harm, this must be given significant weight and placed in the balance against the public benefits of the proposal. As the proposed development is for the expansion of a local educational facility providing education to under 5s, there are considered to be public benefits for the provision of early years school places in an area where additional places would be beneficial as there is less than 20% vacancy within the area. Furthermore, the proposed expansion would provide two new jobs, which is another socio-economic benefit of the proposals.

- 7.22. Portacabins are by their nature temporary structures, therefore it is considered to be reasonable to ensure that the Portakabin is a temporary feature for 5 years so as to preserve the long-term character and appearance of the Conservation Area. Furthermore, the appearance of temporary structures can deteriorate more rapidly than permanent buildings, so this is considered to be reasonable in the interests of visual amenity.
- 7.23. With regard to the setting of the nearby listed buildings, it is due to the proposed separation distance, presence of the road, and set back from the highway that the setting of the listed buildings opposite the site would not be harmed.
- 7.24. Consequently, whilst the development would result in a low-moderate level of less than substantial harm to the character and appearance of the Oxtown Conservation Area, this harm can be further mitigated through additional landscaping and an appropriate palette of materials, thereby tempering the harm closer to the lower level. The restriction of the development to 5 years would also ensure the appearance of the conservation area would be preserved, especially in the medium to long-term.

Impact upon Residential Amenity

- 7.25. Policy DM5 of the Allocations & Development Management DPD (2013) states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.
- 7.26. The proposed development would have a height of roughly 2.8m and would sit between the school building and High Trees, a modern two storey detached dwellinghouse. The two plots are separated by a 1.8m high brick wall as well as a mix of mature hedgerows and trees in excess of 3.0m in height. There are no primary windows to habitable rooms on the side (south) elevation of High Trees, there is a window to a utility room and a door to the kitchen at ground floor, and an obscure glazed bathroom window at first floor. The ground floor window to the utility sits forward of the proposed portacabin, so would still benefit from views to the church and sunlight from the south and east. The proposed building would have a height roughly 1.0m higher than the existing boundary wall, however this would sit alongside a 3.0m high conifer hedgerow which provides visual screening and a certain amount of existing overshadowing to the neighbouring dwelling, which would not be materially enhanced by the proposed development. With regard to noise impacts, the increase of 17 pre-school places is not considered to materially increase noise to the neighbouring occupants as outdoor time for the children is staggered, and the level of background noise from children is to be expected at a location neighbouring a school site. Consequently, it is considered that the proposed development would not result

in a significant adverse impact to the residential amenity of this neighbouring property.

- 7.27. The neighbouring occupants at Kingswood are positioned at a higher ground level from the application site and are separated from the proposed development by an existing outbuilding of similar height to the proposed structure, as well as a 3.5m high laurel hedge. Consequently, considering the presence of substantial intervening structures, it is considered that the amenity of these neighbouring occupants would not be adversely affected.
- 7.28. With regard to the neighbouring occupants to the south, those at Church View would be positioned the other side of the main school building, so would not feel any impacts with regard to their amenity.
- 7.29. Overall, it is therefore considered that the development accords with DM5 of the Allocations & Development Management Policies DPD (2013) and the provisions of the NPPF (2024) with regard to residential amenity.

Impact upon Highway Safety

- 7.30. Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the Allocations & Development Management Policies DPD (2013) requires the provision of safe access to new development and appropriate parking provision.
- 7.31. The site is served by an existing access from Main Street, a classified C road subject to a 30mph speed limit. The site is not linked to any road traffic incidents in recent years, and visibility splays of 43m can be achieved from the site in line with standing advice.
- 7.32. The proposed development would result in an increase in the intensity of the use of the site due to the increase in classroom space and child numbers from 55 to 72. The pre-school operates a staggered timetable with arrivals staggered between 08:30 and 09:15, and departures at 13:00, and 15:00 to 17:00, with a total of up to 72 children on site at any one time. The parking arrangement would remain largely unchanged, by providing visitor parking on the hardstanding at the front of the building, and staff parking up the level. The main body of the tarmac apron measures roughly 30m in width, and 15m in depth, and the upper section measures roughly 30m by 5m. Therefore, it can provide 16 parking spaces on the lower level and 4 on the upper level, which would exceed the Nottinghamshire Highways Design Guide minimum recommended parking requirements for a day nursery of 1 space per 2 members of staff, plus 1 space per 6 children. Additionally, it is understood that the village hall would be able to provide additional off-site parking for users of the day-nursery. However, this is located outside the red-line of the site, and would require a separate legal agreement, which is not considered to be reasonable or necessary for the development. Nevertheless, it is considered to be reasonable to restrict the total child places to 72 to avoid the use exceeding the parking provision, and to have the parking

spaces demarcated at the front of the site. Bicycle parking and EV charging facilities can be required by planning condition.

- 7.33. Following further clarification on parking matters, the previous concerns of the Highway Authority have been addressed, subject to conditions on any permission granted. Paragraph 116 of the NPPF (2024) sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, it is considered that the provision of parking on site would be sufficient to prevent an unacceptable impact on highway safety, and the impacts of the additional classroom building and intensity of the use of the old school site would not be severe.
- 7.34. Therefore, based on the assessment above, it is therefore considered that the proposal would be in accordance with Spatial Policy 7 of the Amended Core Strategy (2019), Policy DM5 of the Allocations & Development Management Policies DPD (2013) and paragraph 116 of the NPPF (2024).

Impact upon Ecology and Trees

- 7.35. Core Policy 12 of the Core Strategy (2019) and Policy DM7 of the Allocations & Development Management Policies (2013) promote the conservation and enhancement of the district's biodiversity assets. The NPPF (2024) also seeks to minimise impacts on biodiversity and provide net gains where possible.
- 7.36. The proposed development would be undertaken on land currently surfaced with tarmacadam, and there would be no vegetated habitats affected by the development. Furthermore, the development would not affect any existing trees due to its siting on hardstanding and method of construction avoiding works within the root protection areas of any trees.
- 7.37. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Other Matters

- 7.38. Flooding has been raised as a concern for the proposed development. The site is located within flood zone 1, at the lowest risk of fluvial flooding, and the old school site is at very low risk of surface water flooding. The development would not be sited in an area to put more people at risk of flooding, and would sit over an existing sealed surface, so would not materially increase runoff rates compared to the existing scenario.
- 7.39. With regard to drainage, the existing school facilities would be used, and there would not be any further significant inputs to the drainage network from the proposed development. The increase in number of staff and students would likely result in additional water use at the site, however the use is not particularly water dependant and the increase in water use is not considered to be significant.
- 7.40. With regard to impacts to local air pollution and climate change, Oxtun is not located

within an air quality management area and as a rural part of the District the issues regarding air quality are less pervasive. Monitoring locations are identified throughout the District, primarily in urban or highly trafficked areas including Newark, Ollerton, Balderton and Farndon. Newark and Sherwood District Council's Environmental Health team promotes anti-vehicle idling at school pick up locations. Currently this is just being done as an education program for drivers and is not being formally enforced. There are however plans for a pilot project for later in the year which will involve local councillors, the communications team and 3-4 schools with the focus being on engagement with schools and pupils to drive change. If successful and depending on resources, this could be expanded to more schools in the future. Furthermore, the accessibility of the school for those living in Oxtun also allows the ability to access the site by walking/wheeling/cycling.

- 7.41. One resident has raised concerns regarding the impact of the development on house prices. This is not a material planning consideration that can be given any weight in the determination of this application.
- 7.42. **Community Infrastructure Levy (CIL)** - The proposed type of development is not CIL liable.
- 7.43. **Biodiversity Net Gain (BNG)** - In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as development falling below the de-minimis threshold of 25sqm of habitat. As the site is located on an area of existing tarmac hardstanding, and no pre-development works have been carried out, the development would not affect any vegetated habitats, and so BNG is not required.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Legal Implications - LEG2425/2458

- 8.2. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

- 9.1. The concerns raised by the Parish Council and the representations of all opinions received are noted and have been taken into account in the consideration of this recommendation put to Members.
- 9.2. The proposed development on previously developed land is not, by definition under footnote 55, considered to be inappropriate development in the Green Belt, would not result in any harm to openness and is therefore not contrary to the guidance set out within the National Planning Policy Framework. The proposed introduction of a temporary classroom building, together with additional mitigation works, would result in a low level of less than substantial harm to the character and appearance of Oxton Conservation Area. However, in accordance with the guidance in the Framework, this identified harm needs to be weighed against the public benefits of the proposal which would provide for 17 additional pre-school places for families within the local area, as well as providing two new jobs, which are both socio-economic benefits of the proposal which provide moderately positive benefits. In this case, the public benefits are considered to outweigh the heritage harm identified.
- 9.3. There are not considered to be any other unacceptable adverse impacts to residential amenity, highway safety, biodiversity/trees, flood risk, or air pollution/climate change. Consequently, it is considered that the development is in accordance with the policies of the local development framework and the guidance within the NPPF (2024).

10.0 Conditions

- 01 The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall be carried out and retained in complete accordance with the following approved plans and documents:

- Application Form
- Site Location Plan and Block Plan
- Proposed Floor Plan
- Proposed Elevations
- Heritage Statement
- Greenbelt Assessment
- Supporting information – received 19 February 2025
- Nottinghamshire County Council Sufficiency Data Prepared for Gunthorpe C of E Primary School (Dover Beck & Lowdham Ward Areas)

Reason: So as to define this permission.

- 03 The building hereby permitted shall be removed and the land restored to its former condition on or before 31 July 2030 in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the conservation area in accordance with Policy DM9 of the Allocations and Development Management Policies DPD (2013) and Core Policy 14 of the Core Strategy (2019).

- 04 The materials and finish of the hereby approved temporary building are to be submitted to and agreed in writing with the Local Planning Authority, prior to the installation of the building on the site. The building installed shall be in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the Conservation Area in accordance with Policy DM9 of the Allocations and Development Management Policies DPD (2013) and Core Policy 14 of the Amended Core Strategy (2019).

- 05 Prior to the development being brought into use details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Means of enclosure;
 - full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The approved means of enclosure shall be fully implemented prior to the development being first brought into use. The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: In the interests of visual amenity in accordance with Policy DM9 of the Allocations and Development Management Policies DPD (2013) and Core Policy 14 of the Amended Core Strategy (2019).

- 06 Prior to the hereby approved temporary classroom being brought into use the parking/turning/servicing areas shall be provided and surfaced in a hard-bound material, with the parking bays clearly delineated, in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The demarcated parking/turning/servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the

parking/turning/loading and unloading of vehicles and shall be retained for the lifetime of the development.

Reason: In the interests of highway safety.

- 07 Prior to the hereby approved temporary classroom being brought into use provision within the site for secure, covered cycle parking, secure cycle equipment storage, and electric vehicle charging facilities shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be retained for the lifetime of the development.

Reason: In the interest of furthering travel by sustainable modes.

- 08 The total number of child places provided at the site shown outlined in red on the submitted site location plan shall be limited to no more than 72 at any one time.

Reason: In the interests of highway safety.

- 09 The maximum number of staff employed at the site outlined in red on the submitted site location plan shall be restricted to no more than the equivalent of 13 full time staff.

Reason: To ensure that the site has sufficient car parking provision in the interest of highway safety.

Informatives

- 01 This application has been the subject of discussions during the planning process and has been approved following those discussions. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- 02 The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated.

- 03 From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition “the biodiversity gain condition” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan;
- OR
- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

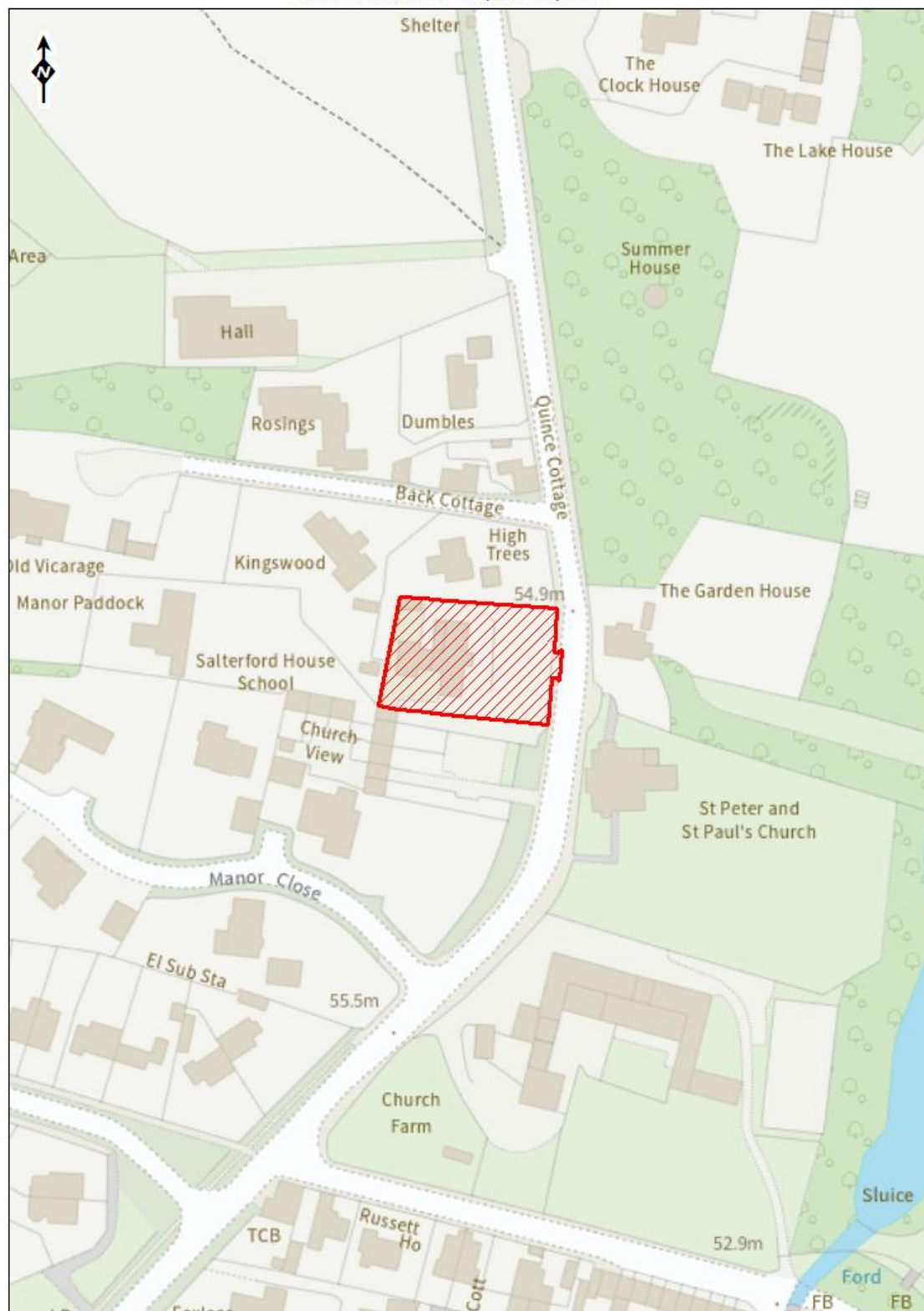
Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply – The proposal falls below the ‘de-minimis’ thresholds.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 25/00133/FUL



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Report to Planning Committee 5th June 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Kirsty Catlow – Planning Officer

Report Summary			
Application No.	25/00131/S73		
Proposal	Application for variation of conditions 01 and 05 to make temporary and personal permission permanent attached to planning permission 21/02492/S73; Change of use of former abattoir site and paddock to gypsy and traveller caravan site.		
Location	Park View Caravan Park, Tolney Lane, Newark-On-Trent		
Applicant	Mssrs D & W Bower	Agent	Dr Angus Murdoch
Web Link	25/00131/S73 Application for variation of conditions 01 and 05 to make temporary and personal permission permanent attached to planning permission 21/02492/S73; Change of use of former abattoir site and paddock to gypsy and traveller caravan site. Park View Caravan Park Tolney Lane Newark On Trent		
Registered	28.01.2025	Target Date	25.03.2025
		Extension of Time	16.05.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the conditions, including the variation of Condition 01 (as opposed to its removal) and Condition 05.		

This S73 planning application is being referred to Planning Committee for determination as the previous application was dealt with by Planning Committee, and the recommendation is one of approval (subject to conditions), contrary to a response received from the Environment Agency (a Statutory Consultee).

The Site

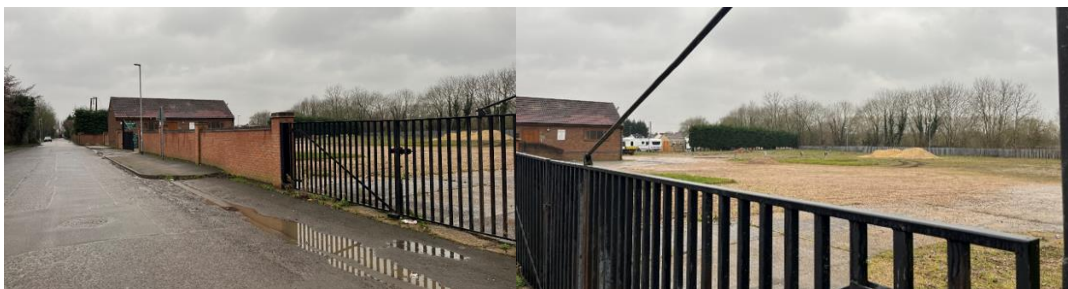
- 1.1 The application site is located on the northern side of Tolney Lane at its eastern end, just beyond the public car park. The site lies within the Newark Urban Area, as defined within the Allocations and Development Management DPD. The site is closely located to the town and its centre. The site is located within Zone 3b on the

Environment Agency Flood Maps and as such forms part of the functional floodplain. The site is also located within Newark's designated Conservation Area.



Original location plan submitted under 18/01430/FUL

- 1.2 The north of the site abuts the main railway line linking Nottingham and Lincoln. Open amenity land exists to the south, on the opposite side of Tolney Lane, adjacent to the River Trent. To the east is a local authority operated public car park, while finally to the west an open field/paddock beyond which is another Gypsy and Traveller site.



- 1.3 Comprising just under 0.6ha the site includes a single storey former abattoir building, with its gable end oriented to face and front Tolney Lane. The site is relatively flat and is in temporary use as a gypsy and traveller caravan site for up to 15 caravans. Access to the site is taken at two points off Tolney Lane, although previously approved plans show one central access point serving 14 pitches, with one secondary access off the Lane serving a single pitch.



Original site layout plan submitted under 18/01430/FUL

- 1.4 The southern boundary is walled with robust metal gates, at a height of approx. 1.6m. Palisade fencing forms the rear boundary, with trees situated beyond, outside the application site. Other boundary treatments comprise vertical timber boarding along the north-east boundary and timber post and rail fencing along the south-west boundary.



Aerial view of the application site taken from Google maps

- 1.5 There are numerous sites off Tolney Lane which accommodate a large gypsy and traveller community, comprising of approx. 300 pitches.

2.0 Relevant Planning History

- 2.1. **21/02492/S73** - Variation of condition 1 attached to planning permission 18/01430/FUL to make the temporary permission permanent (Change of use of former abattoir site and paddock to gypsy and traveller caravan site). Granted, subject to condition 1, which the current application seeks to vary, and which reads as follows:

'The use hereby permitted shall be carried on only by the following and their resident dependents:

o Mr. Harold William Bower and/or Mrs. Donna Bower - wife of Mr. H.W. Bower

o Mr. David Bower and/or Mrs. Deborah Bower

o Mrs. Elizabeth Salmon and/or Mr. Paul Salmon

And shall be for a limited period being the period up to 31 January 2025, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 31 January 2025, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 5 hereof.

Reason: In the recognition of the current need for gypsy and traveller sites within the District and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10 of the Newark and Sherwood Amended Core Strategy (March 2019).'

Condition 5 of this approval, which the current application also seeks to vary, read as follows:

'The Site Restoration Scheme (Drawing No: 01565/2) dated 01.03.2019 submitted and approved under Reference 19/00433/DISCON shall be carried out and completed in accordance with the timetable set out within this approved scheme.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).'

- 2.2. **20/02394/S73** - Variation of condition 1 attached to planning permission 18/01430/FUL to make the temporary permission permanent, refused 29.04.2021 for the following reason:

"The application use falls within a 'highly vulnerable' flood risk vulnerability category that is inappropriate to the Flood Zone in which the application is located (Flood Zone 3b - functional floodplain). Tables 1 and 3 of the PPG make it clear that this type of development is not compatible to this Flood Zone and therefore should 'not be

permitted.'

The purpose of granting temporary consent was to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The temporary consent still has seven months to run (up to 30th November 2021) and the Authority is pro-actively pursuing the identification of suitable sites to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area through the Development Plan process.

Whilst the proposal would assist in the supply of pitches position it is not considered that this is sufficient to outweigh the severe flood risk and warrant the granting of permanent consent. To allow permanent occupation of a site at such high risk of flooding would therefore be contrary to Core Policy 5 and 10 of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM5 of the Allocations and Development Management DPD 2013 together with the aims of the NPPF and PPG, which are material planning considerations."

- 2.3. **18/01430/FUL** - Change of use of former abattoir site and paddock to gypsy and traveller site – Approved 05.12.2018, subject to a number of conditions including condition 1 which read:-

"The use hereby permitted shall be carried on only by the following and their resident dependents:

- Mr. Harold William Bower and/or Mrs. Donna Bower – wife of Mr. H.W. Bower*
- Mr. David Bower and/or Mrs. Deborah Bower*
- Mrs. Elizabeth Salmon and/or Mr. Paul Salmon*

And shall be for a limited period being the period up to 30 November 2021, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 November 2021, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 5 hereof.

Reason: In the recognition of the current need for gypsy and traveller sites within the district and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10."

- 2.4. **17/00949/FUL** - Application to remove conditions 1 and 5 of planning consent 15/00354/FUL to make the personal and temporary permission, permanent and general (re-submission of 16/1879/FUL), refused 07.11.2017 for the following reason:

"The application site lies within Flood Zone 3b where the NPPF states that inappropriate development should be avoided by directing it towards areas at lower risk of flooding. When temporary permission was first granted on this site there were no available Gypsy & Traveller sites in areas at lower risk of flooding. Whilst the Local Planning Authority cannot currently demonstrate a five year supply of pitches, the

shortfall of 2 pitches is not considered significant or severe. The purpose of granting temporary consent was to cater for the applicants immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The temporary consent still has almost a year to run (up to 30th September 2018) and the Authority is pro-actively pursuing the identification of a suitable site to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area. Although there would be some social, economic and environmental factors which would weigh in favour of the proposal it is not considered that these, in combination with the supply position, are sufficient to outweigh the severe flood risk and warrant the granting of permanent consent. To allow permanent occupation of a site at such high risk of flooding would therefore be contrary to the aims of the NPPF and put occupiers of the site and members of the emergency services at unnecessary risk."

- 2.5. **16/01879/FUL** - Application to remove conditions 1 and 5 of planning consent 15/00354/FUL to make the personal and temporary permission permanent and general – Application refused 04.01.2017 on grounds of flood risk.
- 2.6. **15/00354/FUL** - Variation of Conditions 6(i) and Condition 5(i) of Planning Permission 14/01106/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Approved 15.05.2015 to extend the time scales within which to comply with conditions.
- 2.7. **14/01106/FUL** - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Approved 02.09.2014 on a temporary basis until 30 September 2018 and on a personal basis with named occupiers.
- 2.8. **13/01167/FUL** - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Refused 14.11.2013. Appeal Withdrawn.
- 2.9. **11/01509/FUL** - Change of use of former abattoir site and paddock to form site for touring caravans – Refused 24.01.2012. Appeal Dismissed.

3.0 The Proposal

- 3.1 Planning permission is sought to vary Conditions 01 and 05 attached to the current permission under reference 21/02492/S73, to allow the temporary gypsy and traveller use of the site to become permanent.
- 3.2 No Planning Statement or supporting information has been submitted with the application. The original application, approved under 18/01430/FUL, was accompanied by the following documents:
 - Location Plan Scale 1:1250 received 24 July 2018
 - Site Plan (Drawing No: 20/48/2009) dated 28 June 2013
 - Topographical Survey dated 11 November 2009
 - Flood Risk Assessment dated May 2018
- 3.3 For the avoidance of doubt, the agent has been requested to provide an up-to-date list of all current occupiers of the site. The agent has confirmed in writing that the

occupiers of the site have not changed since the previous application was permitted.

4.0 Departure/Public Advertisement Procedure

4.1 A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 10.02.2025.

5.0 Planning Policy Framework

The Development Plan

5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 4 - Gypsies & Travellers – New Pitch Provision

Core Policy 5 - Criteria for Considering Sites for Gypsy & Travellers and Travelling Show People

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 13 - Landscape Character

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

5.2. Allocations & Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

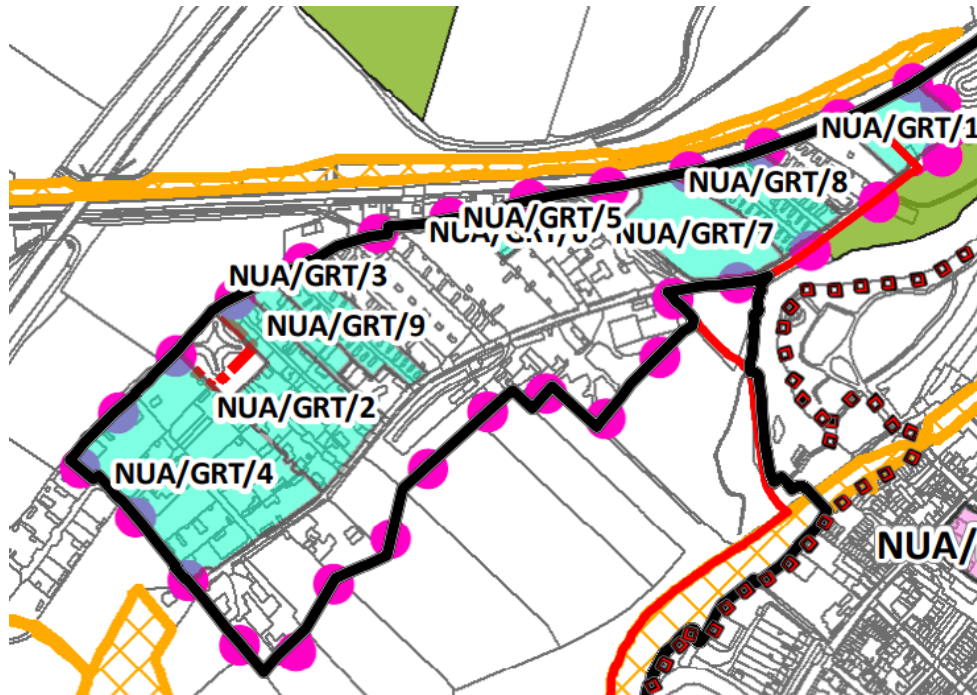
DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and was examined in public in November. However, the outcome of the examination is not yet published and whilst the plan is at an advanced stage of preparation, there are unresolved objections to amended versions of the above policies and new content around Gypsy and Traveller provision emerging through that process. Therefore, the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. It is however considered necessary to draw Members' attention to the fact that within the emerging DPD, Policy GR2 (Additional Provision on Existing Sites) identifies the application site as NUA/GRT/1 – Park View, Tolney Lane, which, if adopted, would be allocated for 13 pitches for Gypsy Roma Travellers. The site also falls within the wider Policy GRT5 (Tolney Lane Policy Area) designation, which, if adopted would bring the area into the Urban Boundary for the Newark Urban Area, support additional pitch provision on existing sites, in association with the delivery of flood alleviation

improvements to Tolney Lane. The proposed allocations are shown on the map below. The NUA/GRT/1 allocation under Policy GRT2 is located to the north east of the map shaded in cyan, and the wider Tolney Lane Policy Area under Policy GRT5 is outlined in pink dots:-



5.5. Following the close of the hearing sessions, as part of the examination of the Submission Amended Allocations & Development Management DPD, the plan Inspector issued a number of questions around Tolney Lane, the Tolney Lane Flood Alleviation Scheme and delivery in this location. The Council has responded to these questions and is currently awaiting further instruction from the Inspector.

5.6. Other Material Planning Considerations

- National Planning Policy Framework 2024 (as amended in 2025)
- Planning Practice Guidance (online resource)

The Court of Appeal recently considered the status of, and relationship between, Planning Practice Guidance (PPG) and the National Planning Policy Framework (NPPF) in *Mead Realisations Ltd v Secretary of State for Housing Communities and Local Government and another* [2025] EWCA Civ 32. The Court held that the NPPF and PPG are of the same status, and subsequently the PPG can amend the policy guidance contained within the NPPF. Both the guidance in the PPG and the policies in the NPPF are capable of being material considerations in decision-making, and the weight to be given to them is a matter for the decision-maker.

- Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the Act places a duty on Local Planning Authorities, when considering development on land within Conservation Areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- Planning Policy for Traveller Sites – December 2024

When determining planning applications for traveller sites, the Planning Policy for Traveller Sites states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. It goes on to state that applications should be assessed and determined in accordance with the presumption in favour of sustainable development, in accordance with the guidance contained within the NPPF and this planning policy for traveller sites.

This document states that the following issues should be considered, amongst other relevant matters:

- a. Existing level of local provision and need for sites;
- b. The availability (or lack) of alternative accommodation for the applicants;
- c. Other personal circumstances of the applicant;
- d. Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- e. Applications should be determined for sites from any travellers and not just those with local connections.

The document goes on to state that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and sites in rural areas should respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure. When considering applications, Local Planning Authorities should attach weight to the following matters:

- Effective use of previously developed (brownfield), untidy or derelict land
- Sites being well planned or soft landscaped
- Promoting healthy lifestyles
- Not enclosing sites with high walls or fencing, giving the impression its occupants are isolated from the rest of the community.

In terms of housing land supply, Para 28 advises that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning

objections to particular proposals using planning conditions or planning obligations including:

- limiting which parts of a site may be used for any business operations
- specifying the number of days the site can be occupied by more than the allowed number of caravans
- limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

Annex 1 of this policy provides a definition of “gypsies and travellers” which reads:-

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organized group of travelling show people or circus people travelling together as such.”

- Newark and Sherwood Gypsy and Traveller Accommodation Assessment 2020
- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

This document states: *“New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that “people should be able to evacuate by their own means” without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services.”*

“New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely reach the development during flood conditions. It should not be assumed that emergency services will have the resource to carry out air and water resources during significant flooding incidents; therefore safe access and egress routes are essential.....

The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe...”

6.0 Consultations and Representations

Please Note: Some comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1. **Environment Agency – Object**, due to the flood risk posed to the site, and recommend the LPA refuse the application on this basis.

Town/Parish Council

- 6.2. **Newark Town Council – Object**, due to the high level of risk of flooding at the site.

Representations/Non-Statutory Consultation

- 6.3. **NSDC Planning Policy Team** (comments in full)

Context

The site was originally granted temporary personal consent in September 2014, via 14/01106/FUL. Subsequently there have been a number of applications which have sought permanent consent through the variation of relevant conditions- and which have been resisted on the grounds of flood risk. Consequently, the situation is one where temporary consent has continued to be permitted on a personal basis. This is within a context where the District Council has been seeking to progress provision for Gypsy and Traveller accommodation through its Plan Review process. The most recent temporary consent was granted through 21/02492/S73, which expired on 31st January 2025.

Plan Review Update

Since the last temporary consent was granted, the Authority has continued to progress the review of its Allocations & Development Management DPD. Submission of the Draft Amended DPD to the Secretary of State occurred in January 2024 and the Hearing Sessions as part of the Examination in Public were concluded on the 12th November. Further correspondence from the Plan Inspector has now been received, including questions to the Council around Tolney Lane, the Tolney Land Flood Alleviation Scheme and delivery in this location. Further correspondence from the Plan Inspector was received, including questions to the Council around Tolney Lane, the Tolney Land Flood Alleviation Scheme and delivery in this location. The Council has responded to these questions and now awaits further instruction from the Inspector.

This represents an advanced stage in the plan-making process, and the Council continues to be of the view that it has submitted what it considers to be a sound, robust and comprehensive strategy to address Traveller accommodation requirements over the plan period.

This incorporates a range of site allocations in the Newark and Ollerton Areas, and the designation of a 'Policy Area' to provide for the future management of the Tolney Lane area. Taken alongside completions and commitments post-2019 these new site allocations will allow for the minimum requirements of the Planning Policy for Traveller Sites (PPTS) to be exceeded, and a five-year land supply established. Through the Policy Area – those parts of Tolney Lane at least flood risk and sites where additional pitch allocations have been identified would be brought inside the Urban

Boundary. There would be a presumption against further outward expansion beyond this boundary. Central to the Strategy is the design and delivery of a 'Flood Alleviation Scheme' (FAS) for Tolney Lane – intended to increase the flood resiliency of the single point of access/egress up to a 1% AEP flood event and provide site-level reductions in flood risk along its length.

The application site is proposed for allocation within the Submission Amended Allocations & Development Management DPD and has been identified for 13 pitches (addressing the full need shown for the site through the Gypsy and Traveller Accommodation Assessment). The Sequential Test undertaken for the submitted Plan identified the site to (based on the data used at that point) sit entirely within the functional flood plan (Zone 3b) and was at further indirect risk due to the single point of access/egress to Tolney Lane also sitting within the same Zone. Due to a combination of the lack of suitable land at lesser risk elsewhere, and the benefits from the proposed Flood Alleviation Scheme (FAS) it was considered that the allocation of the land would pass the Test. With the FAS both directly reducing the level of flood risk to the site itself and delivering broader improvements to the flood resiliency of the area by addressing the vulnerability of the Tolney Lane access/egress. Clearly, delivery of the FAS was fundamental to the reaching of this conclusion.

As part of the Plan Review process the Council has entered into a Statement of Common Ground with the Environment Agency. Through which the Agency welcome the principle of the FAS and its ability to deliver significant betterment. Further agreement was reached over the benefits from taking a plan-led approach to development in the area and allowing for its regularisation. Both parties seek an end to the cycle of Environment Agency objections to proposed new pitches in locations at greatest flood risk, with temporary permissions then being granted at appeal due to a lack of alternative provision in more suitable locations.

Traveller Accommodation Need and Supply

The Gypsy and Traveller Accommodation Assessment (GTAA) for Newark & Sherwood identifies a total need for 169 pitches for Gypsies and Travellers for the period 2019 – 2034. This comprises need from Travellers who met the 2015 PPTS planning definition of a Traveller (118 pitches); from households that did not meet the 2015 PPTS planning definition of a Traveller (30 pitches); and from undetermined households where it was not possible to complete an interview with residents (21 pitches). Since the GTAA was published in February 2020 there have been changes made to the PPTS as a result of the Lisa Smith Court of Appeal Judgement, relating to the planning definition of a Traveller for planning purposes.

The Council's consultants Opinion Research Services (ORS) have carefully considered the implications on the assessment of need in the GTAA, reviewing the outcomes of household interviews. Concluding that 134 pitches of the overall 169 pitch requirement reflects the needs of Traveller households meeting the revised definition in Annex 1. Whilst the Council recognises 169 pitches as its overall pitch target, it is the lower 134 pitch need which provides the relevant local target for calculation of the five-year land supply – in line with the PPTS. This need has been broken down into 5 year periods, and there is an adjusted requirement for the current five-year period

(2024-2029) of 100 pitches (taking account of completed pitches and the residual unmet requirement from the previous five-year period).

It remains necessary to forecast delivery from proposed site allocations to identify a five-year land supply. Paragraph 48 in the NPPF details the tests applicable to emerging policy in order to determine how much weight it can be afforded within the Development Management process. Until such time as the Inspector issues their report it will not be clear how the emerging Traveller strategy performs against tests b and c. These concern the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the Framework. Accordingly, an up-to-date assessment of supply without forecast delivery from site allocations is provided below.

First Five-Year Period (2019-24)	
Five Year Pitch Requirement	85
Completed Pitches within period	3
Residual Requirement	82
Second Five Year Period (2024 - 29)	
Five Year Pitch Requirement	24
Residual Requirement 2019-24	82
Completed Pitches within period	6
Adjusted Requirement	100
Annualised Requirement	20
Supply	
Pitch Supply from Unimplemented Permissions	37
Pitch Supply from Allocated Sites	0
Total Supply	37
No Years Supply	
Against Requirement	$37/20=1.85$

Despite a number of permissions having been granted the Authority remains in a position where it lacks sufficient identifiable and deliverable sites to address either its overall pitch requirements, or to demonstrate a five-year land supply (being currently able to show a 1.85 year supply).

Accompanying the publication of the new NPPF of the 12th December was an updated PPTS – this makes clear at paragraph 28 that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, then the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Consequently, the ‘tilted balance’ towards decision-making which this requires has become engaged. This means that;

Where the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- j. *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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

Flood Risk

The site remains at substantial flood risk – directly in having previously been identified as being wholly within Flood Zone 3b (Functional Floodplain), and with the single access/egress to the area also being within the same zone. However, at the time of writing the Agency has not signed off the District Council’s latest Strategic Flood Risk Assessment for use beyond the Plan Review process – and so there is no up-to-date local definition of the Functional Flood Plain. Under the new Environment Agency flood mapping, released through NAFRA2, it is my understanding that the flood risk information for the 1 in 30 year defended flood event ought to be used in such circumstances. With the mapping for this event being a starting point for identifying where functional floodplain may be present, and additional site-level work being necessary from an applicant to refine the understanding of risk. However, the mapping for this event is not yet available and indeed it is noted that an up-to-date Flood Risk Assessment has not been provided as part of the application. Under the latest (NAFRA2) EA flood mapping the site is shown as being in Flood Zone 3.

Applying the Sequential Test there is a lack of reasonably available and suitable land at lesser risk elsewhere, and so the proposal would pass the Test on this basis. The Planning Practice Guidance states that the Sequential Test should be applied prior to having regard to Table 2 ‘Flood Risk Vulnerability and Flood Zone Incompatibility’ of its Flood Risk section. Though it should be noted that Table 2 deems a highly vulnerable use (such as that proposed here) to be incompatible with either Flood Zone 3a or 3b, and details it should not be permitted.

Through the *Mead Realisations Ltd v Secretary of State for Housing Communities and Local Government and another [2025] EWCA Civ 32* judgement the PPG was found to hold the same legal status as the NPPF, in that they are both statements of national policy issued by the Secretary of State. Both the guidance in the PPG and the policies in the NPPF are capable of being material considerations in decision-making, and the weight to be given to them is a matter for the decision-maker. This provides a helpful steer over the status of Table 2 in the Flood Risk section of the PPG.

With regards to the Exception Test, I’m content that regarding its first part- there would be wider sustainability benefits to the community via the contribution towards meeting the identified accommodation needs of Travellers. However, I note the objection from the Environment Agency over the second part of the Test. Given the failure to pass both parts of the test, and in-line with national policy, the proposal ought to be refused.

Conclusion

There is a significant unmet need for Traveller accommodation – with the Council in the position where it cannot currently identify sufficient land to meet either its overall requirements or demonstrate a five-year land supply. This results in the ‘tilted balance’ outlined at paragraph 11(d) of the NPPF becoming engaged. Part 1 of the paragraph identifies a range of areas where the application of policy in the Framework for their protection provides a strong reason for refusing the development proposed, this includes ‘areas at flood risk’. The application site is at a high level of flood risk – being located within Flood Zone 3 (and potentially the functional floodplain) and with a single point of access/egress at the same level of risk. Whilst the proposal can be considered to have passed the Sequential Test, it has not demonstrated satisfaction of the Exceptions Test. Under Part 1 of paragraph 11 d) national policy concerning the Exceptions Test would in my view provide a ‘strong reason’ for refusing the proposal.

Were one to conclude differently and take the view that the Exceptions Test fell short of providing that required ‘strong reason’, then the decision-maker would proceed onto part 2. Through which, permission ought to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Clearly there remains the need to continue to also have regard to parts of the Development Plan which are up-to-date and in your judgement relevant to the determination of the proposal.

It is recognised that the proposal would make a contribution towards pitch supply, and there is a lack of reasonably available and suitable land at lesser flood risk elsewhere. The site is also proposed for allocation through the Submission Amended Allocations & Development Management DPD, and the Council has proposed the delivery of the Flood Alleviation Scheme-delivering flood risk reduction and resiliency benefits to the site. However, this emerging strategy is not at a stage where meaningful weight can be afforded to it yet – and there remains a difference in position over the phasing of pitch delivery between the District Council and Environment Agency which requires resolution.

Accordingly, at the current time I am unconvinced that the granting of permanent pitches within Flood Zone 3 would be consistent with the purpose of the presumption to promote ‘sustainable development’, and it would fail to direct the proposed development to a sustainable location. The highly vulnerable use is incompatible with the level of flood risk the application site is subject to, with the PPG setting out that it should not be permitted. Furthermore, there has also been a failure to demonstrate the Exceptions Test as passed. Consequently, the adverse impact of granting permanent consent would in my view significantly and demonstrably outweigh the benefits – when assessed against the policies in the Framework and up-to-date parts of the Development Plan.

Whilst there are factors which weigh heavily in the favour of granting consent these would fall short of outweighing the significant flood risk concerns, to the extent that

the granting of permanent consent would currently be justified – even with paragraph 11 d) of the NPPF engaged. However, I would raise no objection to a further short term temporary consent of up to a year, in order to allow the site allocation process to conclude and provide the applicants with certainty over that period. Though we would need to be in the position where the Exceptions Test had been fully passed, and the necessary details for the permission to be made personal provided. To be acceptable these individuals would need to meet the definition for planning purposes of Gypsy and Travellers provided in Annex 1 to the Planning Policy for Traveller Sites.

- 6.4. **NSDC Environmental Health (Public Protection) – No objections**, to the proposed variation to permanent consent although the applicant will be required to submit a Caravan Site Licence application if planning approval is given. Any such licence will mirror the planning approval in terms of any limitation on caravan numbers etc. If the planning approval does not specify numbers, then the licence conditions will take into account relevant model standards when determining the maximum caravans permitted on the site.
- 6.5. **NSDC Environmental Health (Contaminated Land) – No objections**, however the previous use of this site has been identified as an abattoir, this is a potentially contaminative use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.
- 6.6. **NSDC Emergency and CCTV Planning Co-ordinator – Objects**, whilst I have experience of flooding risk NCC and the EA are the subject experts, and I accept their position. Emergency Planners for the Local Resilience Forum for Nottingham and Nottinghamshire have agreed that the development of additional in areas at high risks of flooding should be resisted.
- 6.7. **No representations have been received from any third party/local resident.**

7.0 Comments of the Business Manager

- 7.1. The main considerations in the assessment of this application relates to the significant unmet need and the absence of a 5-year land supply for gypsy and traveller pitches, and flood risk.

Need

- 7.2. The Gypsy and Traveller Accommodation Assessment (GTAA) for Newark and Sherwood identifies a total need for 169 pitches for Gypsy and Travellers for the period 2019-2034. Since the GTAA was published in February 2020 there have been changes made to the PPTS as a result of Smith v Secretary of State for Levelling Up, Housing & Communities & Anor 9 [2022] EWCA Civ 1391], relating to the planning definition of a Traveller for planning purposes. Having reviewed the assessment of 'need' in light of this appeal judgment, it has been concluded that 134 pitches reflects the needs of Traveller households meeting the revised definition. Therefore, whilst the Council recognises 169 pitches as its overall pitch target, it is the lower 134 pitch

need which provides the relevant local target for calculation of the five-year land supply – in line with the PPTS. This need has been broken down into 5 year periods, and there is an adjusted requirement for the current five-year period (2024-2029) of 100 pitches (taking account of completed pitches and the residual unmet requirement from the previous five-year period).

- 7.3. It remains necessary to forecast delivery from proposed site allocations to identify a five-year land supply. Paragraph 48 in the NPPF sets out the tests applicable to emerging policy, in order to determine how much weight it can be afforded within the Development Management process. In this case, until such time as the Inspector issues their report on the emerging plan and the proposed site allocations, it is not clear how these allocations would impact the five-year land supply. An up-to-date assessment of supply is set out below, which excludes the forecast delivery from site allocations.

First Five-Year Period (2019-24)	
Five Year Pitch Requirement	85
Completed Pitches within period	3
Residual Requirement	82
Second Five Year Period (2024 - 29)	
Five Year Pitch Requirement	24
Residual Requirement 2019-24	82
Completed Pitches within period	6
Adjusted Requirement	100
Annualised Requirement	20
Supply	
Pitch Supply from Unimplemented Permissions	37
Pitch Supply from Allocated Sites	0
Total Supply	37
No Years Supply	
Against Requirement	37/20=1.85

- 7.4. Despite a number of permissions having been granted for gypsy and traveller sites, the Authority remains in a position where it lacks sufficient identifiable and deliverable sites to address either its overall pitch requirements, or to demonstrate a five-year land supply (being currently able to show a 1.85 year supply).
- 7.5. An updated PPTS was published on 12th December 2024, alongside the updated NPPF, which makes clear at paragraph 28 that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, then the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Consequently, the presumption in favour of sustainable development towards decision-making is engaged. This means that;

Where the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*

The application of the above paragraphs to this proposal are discussed further in the Conclusion and Planning Balance section below.

- 7.6. It is accepted that the Authority has a considerable shortfall in being able to demonstrate a five-year land supply, and a sizeable overall requirement which needs to be addressed. Both the extent of the pitch requirement and the lack of a five year land supply represent significant material considerations, which should weigh heavily in the favour of the granting of consent where proposals will contribute towards supply. Importantly, the GTAA assumed a net zero contribution from inward migration into the District - meaning that our pitch requirements are driven by locally identifiable need.
- 7.7. Accordingly, the granting of permanent permission would allow for the current planning definition need, picked up as part of the GTAA, to be met and contribute progress towards a five-year land supply. This weighs heavily in the favour of granting permanent permission, and robust and justifiable reasons are needed to depart from a permanent approval on this basis. In this case, Officers consider that given the potential risk to people and property, flood risk has the potential to form such a reason.

Flood Risk

- 7.8. The site remains at substantial flood risk, both directly through its location in Flood Zone 3b (functional floodplain), and indirectly as a result of the single point of access/egress to Tolney Lane also being within the same Flood Zone, and modelled to flood early in an event of a sufficient magnitude. Whilst there are proposals through the Publication of the Amended DPD, for the delivery of a 'Flood alleviation Scheme' (FAS) for Tolney Lane, which is intended to increase the flood resiliency of the single point of access/egress up to a 1% AEP flood event, and provide site level reductions in flood risk along its length, as outlined above, further instruction is awaited from the Plan Inspector over the delivery of the Tolney Lane Flood Alleviation Scheme and additional proposed pitch allocations in this location.
- 7.9. The final criterion of Core Policy 5 states that 'Proposals for new pitch development on Tolney Lane will be assessed by reference to the Sequential and Exception Tests as defined in the Planning Practice Guidance. These will normally be provided temporary planning permission.' The NPPF states that local planning authorities should minimise risk by directing development away from high-risk areas to those with the lowest

probability of flooding. National guidance/policy relating to flood risk since 2014 has introduced new guidance in relation to climate change that increases the bar in relation to the assessment of new development. Core Policy 10 and Policy DM5 also reflects the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding.

- 7.10. Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
- 7.11. Annex 3 (Flood risk vulnerability classification) of the Planning Practice Guidance states that caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” uses. Table 2 (Flood risk vulnerability and flood zone incompatibility) of the Practice Guidance states that within Flood Zone 3a or b, highly vulnerable classification development should not be permitted. The Planning Practice Guidance make it clear that this type of development is not compatible within this Flood Zone and should therefore not be permitted.
- 7.12. Park View forms part of a larger collection of sites along Tolney Lane accommodating some 317 individual pitches. The site occupies a location in the highest risk, within the functional floodplain (Flood Zone 3b), with a single point of access/egress (along Tolney Lane to the Great North Road) and which also lays within the functional floodplain. The modelling shows this access to flood before much of the land accommodating the gypsy and traveller pitches.
- 7.13. The Environment Agency (EA) objects to the proposal to allow the current temporary permission to be made permanent, on the grounds that the development is classed as Highly Vulnerable and this type of development is not compatible with this Flood Zone and should not be permitted.
- 7.14. Furthermore, the EA object because the application fails the second part of the flood risk exception test. The NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from application of the exception test. The NPPF makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment (FRA), that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall. In this instance no FRA has been provided with the application.
- 7.15. The Environment Agency also wish to highlight the risks to the site should a flood event occur, particularly having regard to the increased flood levels associated with climate change, particularly for permanent permissions. For example, comparison of their modelled data against recent topographical survey indicates likely maximum flood depths of 0.25m during the 5% Annual Exceedance Probability (AEP) event (the event used to determine the functional floodplain); 0.78m during the 1% AEP event; 1.08m during the 1% AEP event (including a 30% allowance for climate change); 1.24m

during the 1% AEP event (including a 50% allowance for climate change); and 1.32m during the 0.1% AEP event. Such flood depths constitute a risk to life for any future occupants of the development. Where a development relies on flood warning and evacuation, the preference is for dry access and egress routes to be provided, but in this particular location the access and egress route is the first area of the site to flood.

- 7.16. It is accepted that the granting of permanent pitches would pass the Sequential Test, as there are no reasonably available sites at lesser risk. No updated Flood Risk Assessment accompanies this application. The applicant is therefore relying on the Assessment submitted in support of the 2018 application. This FRA does not address the Exception Test or the technical ability of the site itself to be safe for its proposed use without increasing flooding elsewhere (and as such is inadequate) but instead relies wholly on the ability to evacuate the site on receipt of a Flood Alert warning from the EA prior to a flood event occurring. Notwithstanding the absence of mitigation measures on the site, this evacuation process is required as the only access/egress route along Tolney Lane also lays within the functional floodplain. It has already been acknowledged that this places additional pressures on emergency services during a flood event as stated by the Council's Emergency Planner in the Non-statutory Consultation section above, to check that the site has indeed been vacated, but this is still considered to be an acceptable mitigation on the basis that it would be for a finite period of time.
- 7.17. In relation to the first arm of the Test, whilst it is accepted that the development would provide some wider sustainability benefits to the community, in terms of the occupants of the site being able to access schools, hospitals and other services within the Newark Urban Area, this does not outweigh the severity of the harm caused to that same community by the high flood risk at the site.
- 7.18. Furthermore, both officers and the EA are clear that the proposal has not demonstrated compliance with the second arm of the Exception Test, which requires the development to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.19. In support of the application, the agent has referred to the fact that the site is considered to be suitable by the Local Planning Authority for Gypsy and Traveller accommodation, given that it is being promoted for allocation through the review of its Allocations & Development Management DPD. Whilst the review of this document is now at an advance stage since the previous temporary permission was granted, as outlined above, there remain outstanding issues to be resolved through the examination process, particularly in relation to the allocation of Tolney Lane, and the Tolney Lane Flood Alleviation Scheme.
- 7.20. Therefore, notwithstanding the passing of the Sequential Test, the use is considered highly vulnerable in flood risk terms and national policy is very clear that it should not be permitted in either Flood Zones 3a or 3b, and also fails to demonstrate compliance with the second part of the Exception Test.

- 7.21. It is therefore considered that the proposal continues to be contrary to the NPPF and PPG, Core Policies 5 and 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the guidance within the NPPF, PPG and PPTS.
- 7.22. Flood risk therefore continues to weigh significantly against the proposal for a permanent permission, and this is considered further within the Conclusion and Planning Balance set out below.

Other Matters

- 7.23. **Other material planning considerations** – Whilst the comments of the Council's Environmental Health officer are noted regarding land contamination, a condition to deal with this matter should have been imposed on the original grant of temporary permission and officers consider it would not be reasonable to add such a condition on to this permission at this stage. The impacts upon Newark Conservation Area, ecology, close to facilities and services within the Newark Urban Area, Gypsy and Traveller status, highway safety, residential amenity and visual amenity, remain unchanged from the previously considered application and as such do not require further consideration in this instance. The Gypsy and Traveller status of the occupants of the site have already been established through past applications. For information, the full officer report from the previous 2021 application can be viewed by clicking on the link attached to the Background Papers listed at the end of this report.
- 7.24. **Community Infrastructure Levy (CIL)** – The proposed development has been assessed, and it is the Council's view that CIL is not payable in this instance, as the mobile homes are classed as caravans, as opposed to buildings, and do not therefore create any additional floor space.
- 7.25. **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some exemptions to where BNG is applicable – these are set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024. This includes section 73 planning permissions where the original planning permission, to which the section 73 planning permission relates, was subject to exemption. The original FUL application was submitted and approved in 2014, prior to Biodiversity Net Gain becoming Mandatory. This application seeks permission to vary Condition 1 relating to the occupation of the site. As a result, the proposal would be exempt in terms of BNG, as the application merely seeks to amend an original planning application, which itself was exempt from mandatory BNG.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Legal Implications - LEG2425/6333

- 8.2. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application

Conclusion and Planning Balance

- 9.1 The objection of the Town Council has been duly noted and taken into account in the recommendation put before Members.
- 9.2 There is a significant unmet need for Traveller accommodation within Newark and Sherwood, with the Council in the position where it cannot currently identify sufficient land to meet either its overall requirements or demonstrate a five-year land supply. The current five-year supply currently stands at 1.85 years. This results in the presumption in favour of sustainable development, outlined at paragraph 11d) of the NPPF, becoming engaged.
- 9.3 However, Paragraph 11 (d) (i), at footnote 7, of the NPPF identifies policy exceptions within the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development proposed. One of the exceptions listed include 'areas at risk of flooding.' As such, part (d) (i) represents the relevant assessment and the application of the presumption in favour of sustainable development no longer takes precedence in decision-taking and the application of (d) (ii) also falls away.
- 9.4 The application site is at the highest risk of flooding, being located within the functional floodplain, with national policy requiring development to pass both the Sequential and Exceptions Test.
- 9.5 In terms of the Sequential Test, it is recognised that the proposal would make a contribution towards pitch supply, and there is currently a lack of reasonably available and suitable land at lesser flood risk elsewhere in the District. Consequently, the proposal has passed the Sequential Test.
- 9.6 However, it has not been demonstrated that the proposed development would pass the Exceptions Test. The granting of permanent pitches within the functional floodplain would not be consistent with the purpose of the presumption to promote 'sustainable development', and it would fail to direct the proposed development to a sustainable location. The highly vulnerable use is incompatible with the level of flood risk the application site is subject to and would not be adequately mitigated. As a result, under paragraph 11 (d) (i) of the NPPF, this would provide a 'strong reason' for refusing the proposal and the presumption in favour of sustainable development no longer overrides.

- 9.7 Whilst there are factors which weigh heavily in the favour of granting a permanent consent, these continue to fall short of outweighing the significant flood risk concerns, to the extent that the granting of permanent consent would be justified.
- 9.8 The plan-making process is now at an advanced stage, and there is the real prospect of site allocations at lesser flood risk being adopted in 2025, which would provide reasonably available and suitable land, at lesser flood risk than the application site.
- 9.9 The Environment Agency have advised that if, as the Local Planning Authority, NSDC is minded to approve the application on a permanent basis, they would consider instigating the 'call-in' direction, as they consider the risks to this site are too significant to allow permanent 'highly vulnerable' development to proceed, without further work to reduce flood risk to the site beforehand.
- 9.10 Whilst it is not considered appropriate to support the granting of a permanent consent on this site, it is considered reasonable to allow a further short term temporary consent of a year, in order to allow the site allocation process to conclude and provide the applicants with certainty over that period.
- 9.11 To allow a further temporary permission, Condition 1 would need to be varied as opposed to being removed. It is therefore recommended that the condition be varied to allow a further 12 months residential occupation.
- 9.12 In terms of the personal element of Condition 1, the application site remains within Flood Zone 3b and is only acceptable on a further temporary basis to provide the current occupiers some certainty over the next 12 months as to their living arrangements. For these reasons, it is considered necessary for the permission to remain personal to those currently residing on the site.
- 9.13 The Agent has confirmed that the occupiers of the site have not changed since the current temporary permission was granted, which will be repeated. Officers are satisfied that the current occupiers of the site meet the definition of a Traveller as set out in Annex 1 of the PPTS 2024.

Remaining Conditions

- 9.14 The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
- 9.15 Conditions 02 (maximum number of caravans on site), 03 (no commercial or industrial activities), 04 (no vehicles over 3.5 tonnes), 06 (Flood Warning Service), 07 (ancillary structures) and 09 (gates) are all considered to remain reasonable and necessary and will be repeated again.
- 9.16 The application also seeks to vary/remove condition 05 (site restoration) on the basis that the applicants are seeking a permanent permission on the site, however in order to protect the long term appearance of the area it will still be necessary to secure the

restoration of the site at the end of the temporary consent, and this condition remains necessary.

- 9.17 With regards to Condition 08 (reinstatement of footway and access works on Tolney Lane), having viewed the site, the works required by this condition do not appear to have been undertaken, therefore it will be necessary to repeat this condition, in the interests of highway safety.
- 9.18 In terms of Condition 10 (implementation of landscape scheme), again having visited the site, it does not appear that the landscaping scheme has been implemented, therefore, in the interests of visual amenity and bio-diversity, it is necessary to repeat this condition again.
- 9.19 It is therefore recommended that the application is approved, subject to the following conditions, including the variation of Condition 1, as opposed to its removal.

10.0 Conditions

01

The use hereby permitted shall be carried on only by the following and their resident dependents:

- Mr. Harold William Bower and/or Mrs. Donna Bower - wife of Mr. H.W. Bower
- Mr. David Bower and/or Mrs. Deborah Bower
- Mrs. Elizabeth Salmon and/or Mr. Paul Salmon

And shall be for a limited period being the period up to 30 June 2026, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 June 2026, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 5 hereof.

Reason: In the recognition of the current need for gypsy and traveller sites within the District and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10 of the Newark and Sherwood Amended Core Strategy (March 2019).

02

No more than 15 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which none shall be a static caravan, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

03

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

The Site Restoration Scheme (Drawing No: 01565/2) dated 01.03.2019 submitted and approved under Reference 19/00433/DISCON shall be carried out and completed in accordance with the timetable set out within this approved scheme.

Reason: In order to protect the long-term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of any failure to meet any one of the requirements set out in (i) to (vii) below:

- (i) Within 28 days of the date of this permission, each of the residents named in condition 1 hereof (hereafter referred to as the residents) shall (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by the Environment Agency); and (b) provide the local planning authority with confirmation from the Environment Agency that they have done so;
- (ii) Each of the residents shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the following: (a) the first and second anniversaries of the date of this permission; and (b) any written request from the local planning authority for such confirmation;

(iii) Each of the residents shall notify the Local Planning Authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details within 28 days of each of the following: (a) the date of this permission; (b) the first and second anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;

(iv) Throughout the life of this permission, no less than 3 of the residents shall be nominated as Flood Wardens for the site. Details of the first nominated Flood Wardens including names and telephone numbers shall be provided within 28 days of the date of this permission. Thereafter, the names and telephone numbers of the Flood Wardens shall be confirmed in writing to the local planning authority within 28 days of each of the following: (a) any change to the identity of any of the nominated Flood Wardens; (b) the first and second anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;

(v) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all of the residents will evacuate the site, bringing all caravans and vehicles with them;

(vi) Within 10 hours of a Flood Alert the Flood Wardens, or any one of them, will confirm to the local planning authority that all of the residents have evacuated the site; and

(vii) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

Prior to any installation, details of any ancillary structures including those that might be required to meet separate Caravan licensing legislation shall be submitted to and approved in writing by the Local Planning Authority. Once approved any such ancillary structures shall only be kept on the site in accordance with the approved details and once use of the proposed site ceases shall be removed in accordance with any scheme for the restoration agreed under Condition 5 of this consent.

Reason: In order to ensure any proposals are of an appropriate design in accordance with the aims of Core Policy 9 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

Within six months of the date of this permission the footway reinstatement and access works on Tolney Lane shall have been carried out in accordance with the Site Development Scheme & Landscape Plan (Drawing No: 01565/1) submitted and approved under Reference 19/00433/DISCON, to the specification and standards of the Highway Authority.

Reason: In the interests of pedestrian safety and convenience, and to promote sustainable travel in accordance with the aims of Spatial Policy 7 of the Newark and Sherwood Amended Core Strategy (2019).

09

The gates at the single vehicular access point shall either be removed or left open at all times. Alternatively, the gates shall be set back a minimum of 5 metres from the highway boundary, within six months of the date of this permission.

Reason: In the interests of highway safety.

10

The Site Development Scheme & Landscape Plan (Drawing No: 01565/1) submitted and approved under Reference 19/00433/DISCON shall be carried out within the first planting season after the date of this permission.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of Core Policies 5 and 12 of the Newark and Sherwood Amended Core Strategy (2019) and Policies DM5 and DM7 of the Allocations and Development Management DPD (2013).

Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable, subject to the variation of conditions, as opposed to the removal of conditions. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable in this instance, as the temporary accommodation is provided by caravans, and not buildings.

03

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan;
- OR
- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply – The application is a section 73 planning application, where the original planning application was exemption from BNG.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

[25/00131/S73 | Application for variation of conditions 01 and 05 to make temporary and personal permission permanent attached to planning permission 21/02492/S73; Change of use of former abattoir site and paddock to gypsy and traveller caravan site. | Park View Caravan Park Tolney Lane Newark On Trent](#)

Link to documents in connection with Planning Application 21/02492/S73

[21/02492/S73 | Variation of condition 1 attached to planning permission 18/01430/FUL to make the temporary permission permanent \(Change of use of former abattoir site and paddock to gypsy and traveller caravan site\) | Park View Caravan Park Tolney Lane Newark On Trent](#)

Link to documents in connection with Planning Application 18/01430/FUL

[18/01430/FUL | Change of use of former abattoir site and paddock to gypsy and traveller caravan site | Park View Caravan Park Tolney Lane Newark On Trent Nottinghamshire](#)



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Report to Planning Committee 5 June 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Dayo Adegaju, Planner

Report Summary			
Application Number	25/00599/PIP		
Proposal	Application for permission in principle for residential development for one dwelling		
Location	Land To The North Of Gander Hill Cottage Bathley Lane Norwell Newark On Trent NG23 6JU		
Applicant	Mr & Mrs Adam & Dianne Tomlinson	Agent	Mr Anthony Northcote Town-Planning.co.uk
Web Link	25/00599/PIP Application for permission in principle for residential development for one dwelling Land To The North Of Gander Hill Cottage Bathley Lane Norwell Newark On Trent NG23 6JU		
Registered	04.04.2025	Target Date	09.05.2025
		Extension of Time	10.06.2025
Recommendation	Grant Permission in Principle		

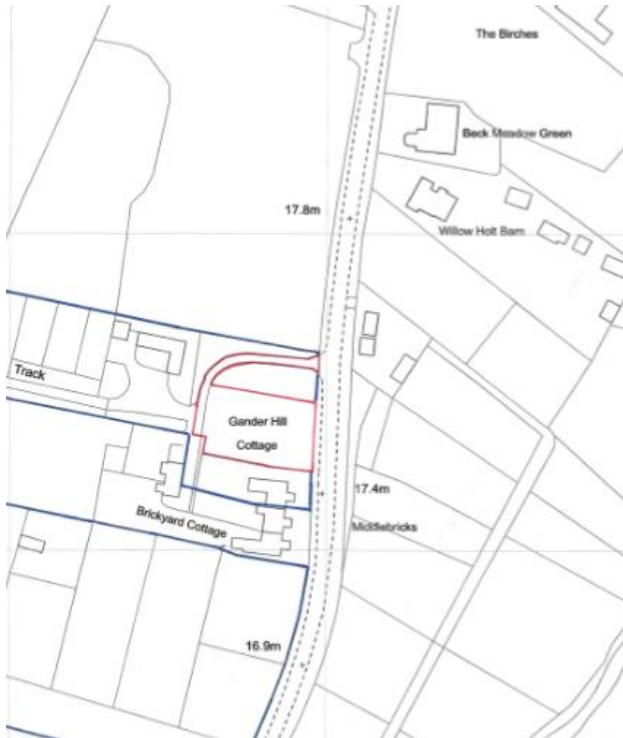
Procedural Matter

Departure from the Development Plan

This application is being referred to the Planning Committee for determination as the recommendation is contrary to the Development Plan (contrary to Policy DM8 – Development in the Open Countryside).

1.0 The Site

- 1.1 The application site, which is an open area of mown grassland enclosed by post and rail fencing, is located to the north of Gander Hill Cottage, approx. 200m to the south of the main built-up area of the village of Norwell, in the open countryside. It is on the west side of Bathley Lane and is bordered by open countryside to the north and east, three terraced residential dwellings to the south and a further dwelling to the south-west and stable building, to the west, beyond which is open countryside. There is an existing access (a private driveway) located to the north of the application site off Bathley Lane.



Site Location Plan



1.2 The site is beyond the boundary of Norwell Conservation Area (also approx. 200m to the north) and is not near to any listed buildings or any known site of archaeological significance. The site is located within Flood Zone 1 of the Environment Agency maps which means it is at low risk of main river flooding and at very low risk from surface water flooding. This section of Bathley Lane is a narrow rural lane with no public footpaths.

1.3 The site has the following constraints:

- Open countryside

2.0 Relevant Planning History

2.1 94/51324/FUL - ERECTION OF PAIR OF THREE BEDROOMED. Application Refused 1994. Appeal dismissed on grounds of being contrary to policy for the location of new housing development and being an intrusion into the open countryside.

2.2 51880287 - ERECT ONE PAIR SEMI-DETACHED HOUSES. Application Refused 1988.

3.0 The Proposal

3.1 The application is for permission in principle for the erection of one new dwelling on land to the north of Gander Hill Cottage Bathley Lane Norwell.

3.2 The proposed dwelling would share the use of an existing access off Bathley Lane through a shared private drive to the north of the site. As the application is for permission in principle, no elevation details or plans have been submitted at this stage – these details would be considered at the Technical Details Consent stage, if permission in principle is approved.

3.3 Documents assessed in this appraisal:

- Covering e-mail sent 3 April 2025
- Application Form received 3 April 2025
- Site Location Plan received 3 April 2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 4 properties have been individually notified by letter. A site notice has also been displayed on site.

4.2 Site visit undertaken on 14.04.2025.

5.0 Planning Policy Framework

The Development Plan

5.1 **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix
Core Policy 9 - Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

5.2 **Allocations & Development Management DPD (adopted 2013)**

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM12 – Presumption in Favour of Sustainable Development

- 5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and completed its Examination in November 2024. This is therefore at an advanced stage of preparation albeit the Inspector's report is still awaited. There are unresolved objections to the amended versions of all the above policies except for Policy DM12 emerging through that process, and so the level of weight to which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

Other Material Planning Considerations

- 5.4 National Planning Policy Framework 2024 (as amended Feb 2025)
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Landscape Character Assessment SPD 2013

6.0 **Consultations and Representations**

NB: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1 None.

Town/Parish Council

- 6.2 Norwell Parish Council - support the application.

Non-statutory Consultations and Representations

6.3 None.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are limited to the following (all other issues would be dealt with at Technical Details Stage, if permission in principle is approved):

- Location
- Land Use
- Amount of Development.

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

7.3 This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).

Location

7.4 Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial distribution of growth for the district. The focus for growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages'. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside will be assessed against Policy DM8 of the Allocations and Development Management DPD.

7.5 The site is located outside of the main built-up area of Nowell and therefore as a matter of principle is within open countryside. Policy DM8 strictly controls development within the open countryside and only supports new dwellings where:

- it can demonstrate a functional and financial need in relation to the operation being served;

- it represents a conversion of an existing building or replacement of an existing dwelling;
- it is tourist accommodation where it is necessary to meet identified tourism needs;
- or are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.

- 7.6 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. The exceptions largely reflect that of Policy DM8 with two additions, which are set out below. The NPPF includes where:
- there is an essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - the development would represent the optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
 - the development would re-use redundant or disused buildings and enhance its immediate setting;
 - the development would involve the subdivision of an existing residential building; or
 - the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

- 7.7 The only exception that could apply in this case is the last exception listed, however, the proposal has not been put forward on this basis and therefore there is no provision in Policy DM8 or the NPPF to support this development in this location. However, this aspect is considered in more detail in the discussion below on the presumption in favour of sustainable development.

Land Use

- 7.8 As above, Policy DM8 does not support the proposed use of the site for residential development. Nonetheless, it is acknowledged that the site sits immediately adjacent to the end of a terrace of three existing dwellings. As such, despite the conflict with Policy DM8 in terms of location in the countryside, the residential use would complement the land use of the immediate area.

Amount of Development

- 7.9 The application proposes one new dwelling. The site covers approximately 950 sqm (including the access). Core Policy 3 of the Amended Core Strategy provides that all housing developments should normally be no lower than an average density of 30 dwellings per hectare net and densities below this will need to be justified, taking into account individual site circumstances. Paragraph 129 of the NPPF states planning decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and health places.

- 7.10 A single dwelling on the site would equate to approximately 11 dwellings per hectare which is below the average density expected by Core Policy 3. Efficient use of land is also a material consideration here.
- 7.11 No indication is presented by this application that the proposal would be other than a single market dwelling and the type of accommodation remains unknown at this stage. The availability of land for new housing and the Council’s lack of a 5 year housing land supply is discussed further below. In relation to the part c) above and the availability of infrastructure and services, the village is served by Bus 335 service between Newark and Norwell, there is a village hall, a post office, a C of E Primary School, a church and a public house (The Plough). However, the site is approx. 200m from the boundary of the main built-up area of the village and there is no footway along this section of Bathley Lane that would link the new dwelling to these facilities. The application does not include such a footpath facility within its proposal and this therefore limits safe sustainable travel on foot to limit car use, although it would allow access by bicycle. Part d) of para 129 is also a consideration as given its rural countryside location, it may be justified in this case to seek to protect the lower density character of the area rather than make efficient use of land in this case.
- 7.12 It is also noted that the access would be a shared drive, which is private. The maximum number of dwellings that NCC Highways would usually support served by a private access is 5. It appears as though there are already 4 dwellings using this access. Therefore, a maximum number of 4 existing dwellings (plus the proposed dwelling) would be acceptable in principle and would be a consideration in an assessment of whether more than one dwelling could be accommodated on the site.
- 7.13 Overall, taking all considerations into account, the amount of proposed development (a single dwelling) is considered acceptable in principle. However, site specific matters including (but not limited to) scale, design, and layout would all be considered at Technical Details Stage.

Council’s Position on 5 Year Housing Land Supply and the Presumption in Favour of Sustainable Development

- 7.14 Due to the site’s location, the proposal would usually be refused as the principle of development is contrary to DM8. However, paragraph 11 of the NPPF (2024) sets out that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

7.15 Footnote 8 (in relation to out of date policies) states, 'this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

7.16 The Council's current position is that it can demonstrate a total housing land supply of 3.43 years. The Council cannot demonstrate a 5 year housing land supply and the Council's Development Plan is not up-to-date in relation to housing delivery for the purposes of decision making. Therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development becomes engaged. Under d) i) the application of NPPF policies that protect areas or assets of particular importance that would provide a strong reason for refusing the development have not been identified and therefore this part would not apply. Under d) ii), the application should only be refused where there would be adverse impacts that would significantly outweigh the benefits, having regard to the considerations listed. So, if the site is considered sustainable and the proposal would make effective use of the land, there would need to be significant adverse impacts to refuse the proposal.

7.17 In terms of a making effective use of land and the amount of development on this site, it could be considered that a single dwelling would represent an inefficient use of the land, however, this would need to be weighed against the sustainability of the location of the site, which is some 200m south of the services in the village with no safe sustainable travel on foot for any occupiers of the site.

7.18 On balance, therefore it is considered that the site is an acceptable location for a single dwelling only in this case.



Technical Details Consent

- 7.20 The Technical Details Consent application is required to be submitted within three years of the decision date of this permission in principle, if the application is approved. The Technical Details Consent would need to carefully consider the following criteria.

The Visual Amenities and Character of the Area

- 7.21 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.
- 7.22 Policy DM5 requires the local distinctiveness of the district's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.23 Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.

- 7.24 Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.25 There are no detailed drawings to assess at this stage. If approved, the proposal would need to take into account the surrounding vernacular and layout to ensure there would be no detrimental impact on the character of the area. It is considered that a new dwelling on this site could integrate well with the existing dwellings to the south (Gander Hill Cottage and Middlebricks) and would likely not result in an unacceptable cramped appearance.
- 7.26 The site is located within the 'Caunton Village Farmlands with Ancient Woodland Landscape Character Area (MN PZ 28)' where the landscape condition is defined as good, and the sensitivity is defined as moderate. The landscape action for this area is to conserve historic field pattern by containing any new development within historic enclosed boundaries. Given the site's close proximity to the cluster of existing dwellings and within existing defined boundaries, it is not likely that one dwelling would result in unacceptable harm to landscape character.
- 7.27 Norwell, which is the nearby village is within the conservation area, however, given the distance to the site and subject to design, it is considered that there would be no detrimental impact on the setting of Norwell Conservation Area.
- 7.28 With this in mind, it is considered that the proposed development could be achieved without harming the character of the area.

Residential Amenity

- 7.29 Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Furthermore, paragraph 135 of the NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.30 The nearest neighbour would be Gander Hill Cottage. Whilst no information has been provided on the design and elevations of the proposal, it is considered that the potential for overbearing and loss of privacy concerns could be removed at the technical details stage.
- 7.31 In terms of private amenity space for the proposed dwelling, it is considered that there would be sufficient space subject to the scale and design of the proposal.
- 7.32 Overall, given the size of the plot, it is considered that a new dwelling on this site could be achieved with adequate amenity levels for both future occupants and neighbouring occupants. Highway Safety

- 7.33 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.34 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.35 Access and parking details are not required at this stage; however, if permission in principle is approved, the proposal would need to adhere to the Council's adopted Parking SPD at the technical details stage. Looking at the submitted site location plan, the existing access for the adjacent cottages is located to the north of the site. It is assumed that this would be utilised for the proposed dwelling. As one dwelling would not generate a significant increase in vehicular movements using the access, it is considered likely that this arrangement would be acceptable if proposed at technical details stage.

Trees and Ecology

- 7.36 Policy DM5 of the Allocations and Development Management DPD states, 'in accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.' Paragraph 136 of the NPPF states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Policy DM5 and Core Policy 12 aim to conserve and enhance the biodiversity and geological diversity of the district.
- 7.37 There are no trees on the site that would likely be affected and the development would not entail demolition of an existing building, and as such it is unlikely that the proposal would result in unacceptable impacts to ecology that could not be mitigated.

Flood Risk

- 7.38 Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' Core Policy 10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.
- 7.39 Given the site is within a low risk of main river flooding and in a very low risk of surface water flooding, it is likely that the details submitted for such matters within any future Technical Details Consent submission are likely to be acceptable.

Biodiversity Net Gain

- 7.40 In England BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. Permission in principle is not planning permission, and if approved, requires the submission of a Technical Details Consent application to form a full permission. Biodiversity Net Gain would be applicable at this stage.

Community Infrastructure Levy (CIL) -

- 7.41 The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £70m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

8.0 Implications

- 8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2 Legal Implications - LEG2425/3997

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion and Recommendation

- 9.1 Further to the above assessment, it is considered that the location is suitable for residential development of one dwelling. Therefore, it is recommended that this permission in principle application is approved.

10.0 Conditions

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. It is possible for the Local Planning Authority to attach

planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.

Local planning authorities may agree planning obligations at the Technical Details Consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

Informatives

01

An application for the approval of Technical Details Consent must be submitted within 3 years from the date of this decision.

02

Biodiversity Net Gain

The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 5 June 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Abbie Arestis – Planner (Conservation)

Report Summary			
Application No.	25/00538/LBC		
Proposal	Upgrade 8no doors to FD60 fire doors - Provide bespoke security shutters to 2no doors - upgrade internal and external CCTV with additional cameras - provide additional external security lighting - provide improved means of escape from the Attic - conservation and repair of the front entrance.		
Location	National Civil War Centre & Palace Theatre, Newark Museum, 14 Appleton Gate, Newark On Trent NG24 1JY		
Applicant	Newark and Sherwood District Council - Mr Stuart Sheardown	Agent	Soul Architects Limited - Mr Carl Andrews
Web Link	25/00538/LBC Upgrade 8no doors to FD60 fire doors - Provide bespoke security shutters to 2no doors - upgrade internal and external CCTV with additional cameras - provide additional external security lighting - provide improved means of escape from the Attic - conservation and repair of the front entrance.		
Registered	26 March 2025	Target Date Extension of Time	21 May 2025 6 June 2025
Recommendation	That Listed Building Consent is <u>APPROVED</u> subject to the conditions detailed at Section 10.0		

This application is being referred to the Planning Committee for determination as the properties are in Newark & Sherwood District Council ownership.

1.0 The Site

1.1 The application site comprises two properties – National Civil War Centre and The Palace Theatre situated on Appleton Gate. The 2-storey and 3-storey buildings are

connected by a modern extension which provides interconnecting services. The National Civil War Centre is a Grade II* listed building and The Palace Theatre is Grade II listed, both are situated in Newark Conservation Area.

1.2 The site has the following constraints:

- Newark Conservation Area
- Listed Buildings (Grade II*, listing ref: 1288060 and Grade II, listing ref: 1215678)

2.0 Relevant Planning History

National Civil War Centre

- **25/00615/LBCLDC** (Certificate Issued) - Application for a certificate of lawfulness of proposed works to a listed building for the addition of smoke cloak, sounder and light unit to torc gallery.
- **PREAPP/00187/24** - Advice on Theatre Handrails, Museum doors and window security
- **13/00231/LBC** (Permitted) - Erection of single storey and three storey extension and internal and external alterations (re-submission of 11/01434/LBC).
- **11/01434/LBC & 11/01433/FUL** (Permitted) - Erection of single and three storey extension, internal and external alterations to form museum and associated education and community facilities.

The Palace Theatre

- **25/00242/LBCLDC** (Certificate Issued) - Certificate of Lawfulness of proposed works to a listed building to construct a floor to ceiling timber stud wall
- **23/02073/LBC** (Permitted) - Proposed addition of 4 poster boards on the theatre frontage
- **23/01551/LBC** (Permitted) - Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.
- **15/00167/LBC & 15/00166/FUL** (Permitted) - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities.

3.0 The Proposal

3.1 The application seeks listed building consent for upgrading 8 internal doors to FD60 fire doors, installing internal security shutters to 2 doors, additional security bars to the backs of 4 internal ground floor window shutters, and repair works to the stone pedimented door surround at the front entrance to the National Civil War Centre. The proposed works to The Palace Theatre would involve internal alterations to the attic. The proposal would also involve upgrading some of the internal and external CCTV cameras and providing additional cameras at the Civil War Centre and The Palace Theatre and the installation of additional external security lighting (to the rear and side elevations) at The Palace Theatre.

3.2 The submitted Heritage Impact Assessment provides clear and convincing justification

by stating that the works would allow and improve public access to valuable historic artifacts and collections that, as a result of the works, could be displayed safely and securely at the Civil War Centre. Newark and Sherwood District Council have undertaken a security audit of the property by specialist consultants to consider security requirements. This audit highlighted the need for improvements to fire safety and security aspects of the properties in order to safely allow displays of precious artifacts.

3.3 Documents assessed in this appraisal:

- Application Form – received 25th March 2025
- Heritage Impact Assessment – received 25th March 2025
- Plans (9376 01, 9376 02, 9376 03, 9376 04, 9376 06, 9376 07, 9376 50, 9376 54 – Attic & Main Entrance) – received 25th March 2025
- Plans (9376 51B, 9376 52B, 9376 53B) – received 18th May 2025
- Correspondence from agent – received 20th May and 21st May 2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 28 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 A site visit was undertaken on 30th April 2025.

5.0 Planning Policy Framework

5.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') provides a presumption in favour of the preservation of Listed Buildings and preservation or enhancement of the character and appearance of Conservation Areas.

5.2. The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take account of the following other material considerations:

- National Planning Policy Framework 2024 (as amended Feb 2025)
- Planning Practice Guidance (online resource)
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

5.3. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Core Policy 14 – Historic Environment

5.4. Allocations & Development Management DPD (2013)

DM9 – Protecting and Enhancing the Historic Environment

- 5.5. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and completed its Examination in November 2024. This is therefore at an advanced stage of preparation albeit the Inspector's report is still awaited. There are unresolved objections to the amended versions of policy DM9 emerging through that process, and so the level of weight to which that proposed new policy can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

6.0 Consultations and Representations

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1. Historic England have stated that advice should be sought from the Council's conservation adviser.

Town/Parish Council

- 6.2 Newark Town Council - No objection.

Non-Statutory Consultations

- 6.3 None.
- 6.4 No representations have been received from any third party or local resident.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issue is:
- Impact on the special historic and architectural interest of the listed buildings and the wider historic environment
- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

- 7.3. As the application concerns designated heritage assets comprising listed buildings, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 7.4. Core Policy 14 of the Amended Core Strategy states that the District Council will seek to secure the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy DM9 of the Allocations and Development Management DPD states that all development proposals concerning heritage assets will be expected to secure their continued protection and enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place. In Conservation Areas development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with CP14.
- 7.5. The importance of considering the impact of new development on the significance of heritage assets is expressed in Part 16 of the NPPF. Paragraph 8 of the Framework states that protecting and enhancing the historic environment is part of achieving sustainable development.

Summary of Significance of Heritage Asset(s)

- 7.6. The Grade II* listed Former Magnus School was previously a grammar school with an adjoining headmaster's house, but it has since been converted for use as the District Education Office and the National Civil War Centre in 2015.
- 7.7. The former grammar school sits behind the former headmaster's house and the 2-storey property was built c.1532. The building was constructed using coursed rubble and brick with ashlar dressings and a plain tile roof. Visible to the right of the headmaster's house is a 3-light mullioned window and single light window. Below the windows sits a reset chamfered segmental pointed street gateway, with a 2-leaf panelled door. The tablet above is inscribed and notes that it was founded in 1529 by Reverend Thomas Magnus. There is also a Tudor archway with hood mould, which is partially visible from the street.
- 7.8. The former headmaster's house was constructed c.1817 by John Sadler Shepherd. The former headmaster's house is comprised of 3 storeys and was built using brick with stone dressings and a slate roof. The property fronts onto the main street (Appleton

Gate). There are brick bands on the first and second floor, wooden eaves cornice, and a coped parapet. There are 6-over-6 glazing bar sash windows on the ground and first floors and 3-over-3 sash windows on the second floor. The windows located on the slightly protruding central bay are round headed and sit below a pediment. There is a central fielded 6-panel door with fanlight, with an open pediment on brackets rising from pilasters, which is constructed of stone.

- 7.9. The significance of the Former Magnus School buildings is derived from their age, architectural features and detailing, as well as their historic social use as a school and association with Reverend Thomas Magnus and John Sadler Shepherd.
- 7.10. The Palace Theatre (Grade II) was built in 1920 for Miss Emily Blagg, known for being a lady builder. The building was altered in the mid-20th century and was again altered and restored in 1988. The building is of 2-storeys and constructed of brick with a stucco front façade and stucco dressings. There are hipped and mansard slate roofs as well as artificial slate roofs. The main entrance has a dentilled cornice and 2 square piers. Round towers with cupolas and onion domes are situated on the 3 corners located at the front of the building, visible from the main street. The building houses a theatre and 2 shops, with wooden shopfronts set on the street. The significance of the building is derived from its architectural features and detailing, historic association with Emily Blagg, and its historic and continued use as a theatre.
- 7.11. The Former Magnus School and Palace Theatre are linked by a modern extension. There have been some alterations and refurbishments to the buildings, both internally and externally, notably since 2015. Both listed buildings make a positive contribution to the significance of Newark Conservation Area and are used by the local and wider community, the Civil War Centre being a regional/national attraction.

Impact on the special interest of the Listed Buildings

Fire Doors to Civil War Centre

- 7.12. The proposal would involve upgrading 8 of the existing internal fire doors to FD60 fire doors. The existing doors comprise 6 panelled doors, which would be replaced with doors that match the existing with traditional Georgian woodgraining. It is not clear whether the proposed doors would be hardwood, which would be recommended.
- 7.13. In all cases the existing doors appear to be relatively modern, including door furniture. It was identified in the pre-application (PREAPP/00187/24) that the doors proposed for replacement are not genuine Georgian doors and there is doubt as to whether these would be early 20th Century. As a result of no sign of any alteration or upgrades with regards to closers, hinges, smoke seals etc, this would suggest they are of a later 20th Century date.
- 7.14. The hallway and individual rooms have a strong polite Georgian character and therefore replacing them with doors to match the appearance of the existing would be necessary. It is proposed that the existing frames and doorstops will be modified to accommodate the increased door thickness, although the appearance will be the same. The existing architraves and linings are to be carefully removed and reinstated

to allow the installation of fire stopping materials. On completion the frame, linings and architraves will be decorated with the Envirograf system.

- 7.15. The modern enclosure surrounding the door noted on plans as DF03 is also proposed to be removed and rebuilt in order to provide 30-minute fire protection and to accommodate the new FD60 door.
- 7.16. The decorative architraves and key features would be retained and the existing doors are noted as not comprising of historic fabric. Therefore, the proposal for the fire doors would not result in any harm to special interest, subject to conditions of further details being provided regarding the materials and finish of the proposed doors.

Window Shutters to Civil War Centre

- 7.17. The proposal would be for 3 horizontal bespoke PPC steel bars to be placed across the internal back of the window shutters of 4 front ground floor windows fronting Appleton Gate. The bars would be fixed to the plaster reveal of each opening and coloured to match the existing shutters. While this would add additional clutter that would not be reflective of the polite Georgian architecture of the interior of the building, there would be minimal intervention to the historic fabric and the existing shutters in place are not historic. Therefore, there would be a negligible amount of harm caused to significance through these additions.

Security Shutters to Civil War Centre

- 7.18. The proposal would involve the installation of internal security shutters to 2 of the existing door openings. The door noted as DG03 on plans is an internal door located between Gallery 2 and the Temp Gallery. The shutter would be located on the Temp Gallery side and is proposed to be a roller shutter, of 'open brick' style design comprised of PCC aluminium, and mounted over the existing opening with a fixed track to either side. There will be a box fixed above the door which would house the rolled up shutter when not in use. While this would not reflect the character of the building, the box and fixings would be attached to the wall, not the architrave or frame, and the door does not have any decorative features which would be obscured by the installation. The use of powder coated paint to match the walls would also assist in its assimilation.
- 7.19. Although it would result in a rather bulky, modern feature, the opening is not prominent and it is considered with a condition that could control the design, enclosures and finishes, there would be minor harm caused to the special interest of the listed building.
- 7.20. The door noted as DG05 is the main front door to the former headmaster's house that fronts Appleton Gate. The proposal would be for an internal concertina security grill which would fold back to one side of the internal door opening. The fixings would be to the wall and comprise PCC aluminium. Although there is potential for this to be a bulky addition to the polite Georgian characteristics of the building, if pulled back to one side of the door, this would be less intrusive. Details of the design, fixtures to the wall and housing when not in use should be conditioned to mitigate the minor harm caused.

Front Entrance of Civil War Centre

- 7.21. The proposal includes repairs to the existing main front entrance and stone canopy. The proposal would involve carefully cutting out and replacing sections of the existing stone with new Lincolnshire Limestone to match the existing profiles.
- 7.22. It is acknowledged that the main canopy has deteriorated and eroded and would benefit from repair works on a like-for-like basis. To ensure that the details of the stone would be an appropriate match to the existing and understand how the repair works will be undertaken a condition requiring a schedule of works is recommended.

Attic of Palace Theatre

- 7.23. The proposal also includes internal alterations to improve means of escape from the attic. The existing vertical ladder, not deemed safe to use, would be replaced by a new internal stair, which would require widening the existing opening. The proposal would also involve inserting a new timber floor.
- 7.24. The existing means of escape from the Attic has been identified as not meeting current safety requirements in the Heritage Impact Assessment. It is acknowledged that this area of the Palace Theatre makes a limited contribution to its significance and has already been subject to modern interventions, including cement render. Therefore, the proposal would not be considered harmful to the special interest of the listed building provided that lime render is used.

CCTV and Lighting at both listed buildings

- 7.25. The proposal would involve installing additional internal and external CCTV cameras and the installation of new external security lighting.
- 7.26. There are already a significant number of CCTV cameras within the site. Some of the proposed cameras would replace the existing, and where new cameras are proposed their installation would result in limited harm to the historic fabric. One of the proposed cameras, within the foyer of the Palace Theatre, was proposed to sit below the decorative cornicing above the stairs. It has already been agreed with the agent that this will be moved to a new location where there is already 'clutter' present on the walls and this has been updated on plans. The proposed locations for external lighting would also result in minimal harm.
- 7.27. It was discussed on site that there is the potential for the exact location of the CCTV cameras and security lighting to be changed from those shown on the submitted plans. A suitably worded condition would allow for any changes required to be further considered and approved prior to their installation.

Public Benefits

- 7.28. As concluded above, the proposed works would result in the insertion of some modern features that would cause some minor harm, at the lower end of less than substantial harm, to the significance of the listed buildings. The submitted Heritage Impact Assessment provides clear and convincing justification by stating that the

works would allow and improve public access to valuable historic artifacts and collections that, as a result of the works, could be displayed safely and securely at the Civil War Centre. Newark and Sherwood District Council have undertaken a security audit of the property by specialist consultants to consider security requirements. This audit highlighted the need for improvements to fire safety and security aspects of the properties in order to safely allow displays of precious artifacts. This is considered to present a public benefit that, in accordance with paragraph 215 of the NPPF, can be weighed against the less than substantial heritage harm identified.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2. Legal Implications - LEG2425/2993

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

- 9.1. In summary, the proposed works would cause a minor degree of harm to the special interest of the Listed Buildings through the insertion of modern features which would impact the character of the Listed Buildings. In compliance with Section 16 of the Act, special regard should be given to the desirability of preserving the listed building. In this regard, weight is given to the fact that the proposed insertions are easily reversible.
- 9.2. With reference to the planning policy/guidance, the harm would be at the lower end of 'less than substantial harm' to the designated heritage assets (par.215 of NPPF and policy DM9 of the local development framework). There has been clear and convincing justification provided for this level of heritage harm (par.213 of NPPF) and there are accepted public benefits in allowing the safe and secure display of artifacts at the Civil War Centre that would be of significant public interest. It is therefore considered that the public benefits would outweigh the level of heritage harm identified in this case and as such, the proposed works would comply with Core Policy 14 of the Amended Core Strategy and Policy DM9 of the Allocations and Development Management DPD and the guidance within the NPPF, and it is therefore recommended that the works be approved, subject to conditions.

10.0 Conditions

01

The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works hereby approved, to insert fire doors, security shutters, CCTV and security lighting, improved means of access and repair of stone door surround, shall be carried out in accordance with the following approved plans and associated documents:

- Application Form – received 25th March 2025
- Heritage Impact Assessment – received 25th March 2025
- Plans (9376 01, 9376 02, 9376 03, 9376 04, 9376 06, 9376 07, 9376 50, 9376 54 – Attic & Main Entrance) – received 25th March 2025, as amended by Condition 07
- Plans (9376 51B, 9376 52B, 9376 53B) – received 18th May 2025, as amended by Condition 07
- Correspondence from agent – received 20th May and 21st May 2025

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

03

No new fire doors shall be installed until precise details (and samples upon request) of the FD60 fire doors (including materials and finishes) have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the Listed Building.

04

The window shutter bars hereby approved shall be painted to match the colour of the existing window shutter doors to which they are applied.

Reason: To preserve the special architectural and historic interest of the Listed Building.

05

Notwithstanding the details that have been submitted, neither of the two security door shutters hereby approved shall be installed until the precise details of their design, enclosures and finish have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the Listed Building.

06

No repair works to the stone pediment surround to the principal doorway of the former headmaster's house fronting Appleton Gate shall commence until a Schedule of Works, including stone samples, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the Listed Building.

07

Notwithstanding the submitted plans showing the CCTV cameras and external lighting which are not hereby approved, prior to any new installations being fixed to any part of the premises, the siting of each new unit shall be submitted to and approved in writing by the Local Planning Authority. The installations shall only be implemented in accordance with the approved locations.

Reason: To preserve the special architectural and historic interest of the Listed Building.

Informatives

01

The Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in this application. It should however be noted that:

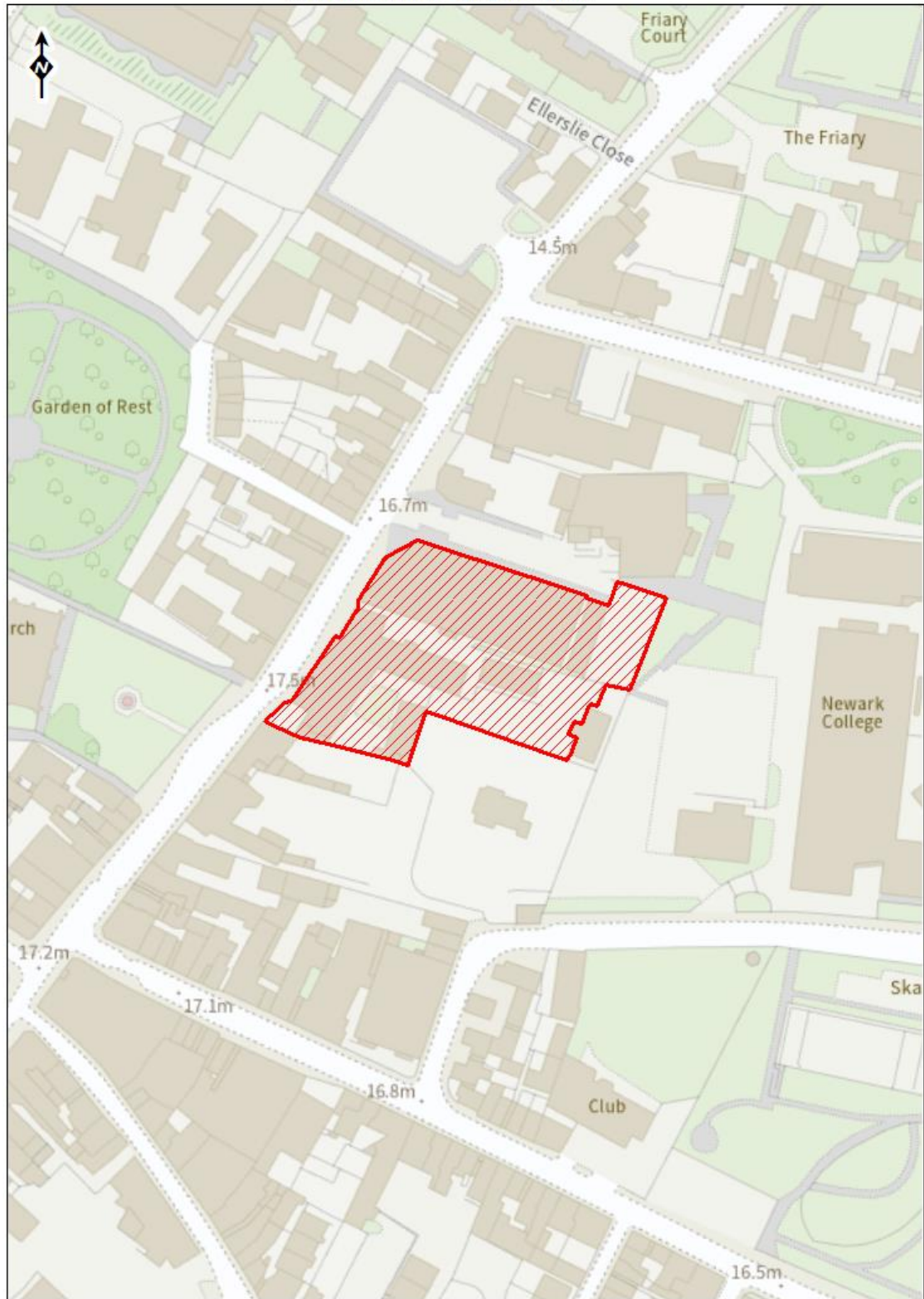
- a) You and your agent or any other person responsible for implementing this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter, as any unauthorised works undertaken could constitute a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and could be liable for enforcement action.
- b) The owner and/or developer is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning and listed building implications arising from those amendments may be properly considered.

Any damage caused by or during the course of the carrying out of the works hereby permitted should be made good within 3 months after they are complete. All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 5 June 2025

Chief Executive: John Robinson

Lead Officer: Nigel Hill – Business Manager Democratic Services on Ext: 5243

Report Summary	
Report Title	Annual Report detailing the exempt reports considered by the Planning Committee
Purpose of Report	To consider the list of the exempt business considered by the Planning Committee for the period 1 March 2024 to date and which if any, reports can be released into the public domain.
Recommendations	That the report be noted, with any items being released into the public domain if considered no longer exempt by report authors.

1.0 Background

- 1.1 The Councillors' Commission at its meeting held on 25 September 2014 proposed a number of changes to the Constitution, one of which being that 'the Committees undertake an annual review of their exempt items at their last meeting prior to the Annual Meeting in May', this was ratified by the Council on 14 October 2014.
- 1.2 Members will be aware that, they have the opportunity to request under the Access to Information Procedure Rules, that exempt information should be released into the public domain if there are substantive reasons to do so.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 Officers have been requested to consider if any reports could now be released into the public domain or if the information contained in these reports remains confidential.
- 2.2 The following table provides the exempt business considered by the Planning Committee for the period 1 March 2024 to date:

Date of Meeting	Agenda Item	Exempt Paragraph	Opinion of Report Author as to current status of the report
28 May 2024	Implications of new evidence on pending planning appeals in relation to applications: 22/00975/FULM - Construction of a solar farm, access and all associated works, equipment and necessary infrastructure at Land At Knapthorpe Lodge, Hockerton Road, Caunton, Newark On Trent, NG23 6AZ (Knapthorpe Lodge); and 22/00976/FULM - Construction of a solar farm, access and all associated works, equipment and necessary infrastructure at Field Reference Number 2227, Hockerton Road, Caunton (Muskham Wood)	3 & 5	Open
11 July 2024	Whether the Council wishes to defend the appeal which has been accepted by the Planning Inspectorate by way of a hearing for the refused application (against officer recommendation) by Members relating to: 22/02341/OUT – Holly Court Rolleston - Outline application for erection of two detached dwellings and the re-alignment of Rolleston Public Footpath no.5 with all matters reserved except access	3 & 5	Open

- 2.3 The reasons these items were both exempt originally was to ensure no prejudice to the Council's defence during appeal proceedings. Officers consider that both exempt items can be made public as the relevant appeal processes have been completed and decisions issued. Both decisions are beyond the timescales for judicial review furthermore.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Nil.

PLANNING COMMITTEE – 5 JUNE 2025

Appeals Lodged

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Development without delay.
- 2.0 Recommendation
- 2.1 That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 28 April 2025 and 27 May 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/25/3364181 23/01837/FULM	Land To The West Of Main Street Kelham	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.	Public Inquiry	refusal of a planning application
APP/B3030/W/25/3364873 24/01743/FUL	Cats Whiskers Cattery Rose Cottage Normanton Road Upton Newark On Trent NG25 0PU	Erection of dwelling following demolition of existing cattery buildings	Written Representation	refusal of a planning application
APP/B3030/C/25/3363851 23/00417/ENFB	Highfields Gonalston Lane Epperstone NG14 6AZ	Without planning permission, "development" consisting of the material change of use of the land to a dog exercise area	Written Representation	service of Enforcement Notice

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
24/01576/OUTM	Outline application for up to 9 detached, self-build dwellings with all matters reserved except access	Hearing –4-5 June 2025	Helen White
23/00013/ENFNOT	Appeal against Tree Replacement Notice	Hearing – date to be confirmed	Michael Read
23/01837/FULM	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.	Public Enquiry 22 – 30 October 2025	Craig Miles

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Appendix B: Appeals Determined (between 28 April and 27 May 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
24/01107/HOUSE	15 Station Road Sutton On Trent NG23 6QF	Single storey front extension	Delegated Officer	Not Applicable	Appeal Dismissed	2nd May 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SFD8RPLBGXO00						
23/00429/ENFC	46 Robin Hood Road Blidworth NG21 0ST	Without planning permission, operational development consisting of the erection of a single storey car port extension and timber fence/ means of enclosure adjacent to the highway forward of the principal elevation, (as shown within photograph 1 and photograph 2 and identified with an X on the Plan A).			Appeal Dismissed	9th May 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SFMTT9LB0FL00						

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development