



**Castle House
Great North Road
Newark
NG24 1BY**

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Tuesday, 28 July 2026

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

Members of the Committee:

**Councillor N Allen
Councillor A Brazier
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor M Home
Councillor K Melton**

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

MEETING:	Planning Committee
DATE:	Thursday, 6 August 2026 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
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. If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.	

AGENDA

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There were 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, 2 July 2026 at 4.00 pm.

PRESENT: Councillor D Moore (Chair for the duration of the meeting)

Councillor N Allen, Councillor L Dales, Councillor S Forde, Councillor M Home, Councillor K Melton, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor L Tift and Councillor T Wildgust

ALSO IN
ATTENDANCE: Councillor K Smith

APOLOGIES FOR
ABSENCE: Councillor A Freeman (Chair), Councillor A Brazier, Councillor C Brooks and Councillor M Spoors

14 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.

15 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales and K Melton declared an other registerable interest for any relevant items as appointed representatives on the Trent Valley Internal Drainage Board.

Councillor D Moore and Councillor S Saddington declared Personal interests regarding Agenda Item No. 7 – Land Adjacent The Elms, Cotham Lane, Hawton – 26/00545/PIP, Councillor D Moore was known to an objector whom his wife had been to a cookery lesson with and lived across the road from the application site. Councillor S Saddington was known to the applicant.

Councillor S Forde declared an other registerable interest regarding Agenda Item No. 5 – Land at London Road, Balderton – 26/00473/FUL, as he was a resident of Balderton and resides quarter of a mile from the application site.

The Director of Planning & Growth declared an other registerable interest on Agenda Item No. 9 – 32 Stodman Street, Newark – 26/00541/S73M, as he was acting on behalf of the applicant and developer and left the room when the application was considered.

16 MINUTES OF THE MEETING HELD ON 4 JUNE 2026

AGREED that the minutes from the meeting held on 4 June 2026 were agreed as a correct record and signed by the Chair.

The Committee considered the report of the Business Manager – Planning Development, which sought construction and operation of a micro energy storage project.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reason: the proposal was particularly contentious, and the aspects being raised could only be viewed on site.

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

A schedule of communication had been circulated prior to the meeting in accordance with the Planning Committee Protocol, to all Members which included comments from Balderton Parish Council.

Mr J Hague, objector, spoke against the application.

Councillor J Buxton, representing Balderton Parish Council spoke against the application.

Ms P Rees, applicant, spoke in support of the application.

Councillor J Hall, Local Ward Member, spoke against the application.

Members considered the application, and it was commented that there had not been any evaluation of the visual impact that this would cause. It was commented that this land was a green gateway and was a designated open space. Balderton had a short fall of over 200 acres of open space. The proposed units would equate to two, twenty-foot shipping containers which would be intrusive in size. The fire risks as mentioned by the objectors had not been considered in the Planning Officers report. It was commented that the Fire and Rescue Service had said that the developer should engage early when any fire started as the fire would emit toxic gas and the fire would not be extinguished using water. Fire safety needed to be much higher in priority as it was close to residential homes and the road. Tonal noise was considered worse for humans, and it was felt that the noise from this had not been taken into consideration. Given the hot summer temperatures being experienced the fans would be running faster, with local residents having their windows open and experiencing noise pollution. Members referred to the National Chief Fire document and commented that the proposal did fall under those guidelines for commercial industrial regulations. The guidelines also recommended a 25-30 metre distance from residential homes; the report had detailed 27-metres, which had been sited closer than the originally proposed 30-metres. The gardens to the residential homes were used by the homeowner and there would be no warning should the battery storage units caught fire. It was commented that an 800 kilowatt system would charge four vehicles, or keep the 4,000 homes in Balderton in power for 30 minutes. It was considered that this was not the correct location given the risk to the residents in that vicinity. Other Members commented that the containers were opposite a busy supermarket, bus stop and busy main road and considered this a fire safety hazard, emitting toxic gases. Members commented upon the battery storage site at Rainworth, which had been located at the old Rufford Colliery storage site, concerns had been raised regarding that site which was tucked away from residential

development. That site had caught fire and concerns had been raised from the Wildlife Trust regarding the wildlife habitation impact from the toxic fumes emitted.

A vote was taken, and the application was unanimously refused.

AGREED moved by Councillor S Forde and seconded by Councillor M Shakeshaft (unanimously) that contrary to Officer recommendation Planning Permission be refused, for the reasons: visual impact and safety.

The wording for the reason for refusal to be delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chair and Vice-Chair.

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

Councillor	Vote
N Allen	For
L Dales	For
S Forde	For
M Home	For
K Melton	For
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
L Tift	For
T Wildgust	For

18 LAND OFF KESTREL RISE, RAINWORTH - 25/00197/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought a proposed residential development.

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

A schedule of communication had been circulated prior to the meeting in accordance with the Planning Committee Protocol, to all Members which included comments from Rainworth Parish Council.

The application was previously presented to the 4 June 2026 Planning Committee due to a call-in request by Councillor Thompson on the grounds of conflict with the masterplan, an over-intensive form of development out of keeping with the surrounding built form, insufficient parking spaces, highways concerns regarding access and the impact upon wildlife and ecology.

The decision was deferred from the 4 July 2026 Planning Committee for two reasons:

- Incorporating a footpath connection to the open space to the north of the site

- Seeing if anything could be done to improve the parking situation for 6 of the plots

As such, an addendum report had been prepared following the deferral to address those two points.

Mr M Peet, objector, spoke against the application.

Councillor C Penny, representing Rainworth Parish Council, spoke against the application.

Mr G Sharman, the Agent spoke in support of the application.

Councillor T Thompson, Local Ward Member, spoke against the application.

Members considered the application, and it was commented that there should not be a compromise regarding car parking on a new build estate. The bus service did not have good transfer links; it was therefore deemed necessary to have a car to access surrounding areas. This would therefore be a large development with a lot of vehicular movement which was considered unacceptable. It was commented that the on street car-parking arrangements may cause aggravation for refuse vehicles, HGV's and emergency service vehicles. Members felt that this scheme was not acceptable and acknowledged that by removing some plots may have an impact on the affordable homes provided.

AGREED (with 5 votes For, 5 votes Against and 1 Abstention, and the Planning Committee Chair using his casting vote For approval) that Planning Permission be approved, subject to the updated conditions originally detailed in the report as contained in Appendix A of the report and as updated in paragraph 14 of the report, and subject to the completion of a S106 legal agreement.

19 LAND ADJACENT THE ELMS, COTHAM LANE, HAWTON NG24 3RL - 26/00545/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought an application for permission in principle for a residential development of a minimum of 3 dwellings and maximum of 6 dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons: that 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. There were specific site factors and/or significant policy or precedent implications that needed to be carefully addressed.

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

Members considered the application, and it was commented that Hawton was a small village and any development needed to be small and sympathetic. The second stage should deliver a good quality development. There was a bus service to the village which helped the village to be integrated. The development would help Hawton to grow and survive. The quantum, location and access were considered acceptable. Concern was raised regarding the bank of trees and whether some trees would be lost

when the driveway was constructed. Access onto the site was also raised although the development across from the site was considered more dangerous due to the road corner. The lack of footpaths into the village was also commented upon but could be addressed at the next phase.

AGREED (unanimously) that Permission in Principle be approved.

20 14 MARKET PLACE, NEWARK ON TRENT, NG24 1DU - 26/00648/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought to vary the use from class E to classes E and F – ground floor only.

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

Members considered the application acceptable.

AGREED (unanimously) that Planning Permission be approved, subject to the conditions contained within the report.

21 32 STODMAN STREET, NEWARK ON TRENT, NG24 1AW - 26/00541/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of condition 18 attached to planning permission 21/00699/FULM to vary the opening times of the ground floor units.

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

Members considered the application acceptable.

AGREED (unanimously) that Planning Permission be approved, subject to the conditions contained within the report.

22 LAND ADJACENT CHURCH VIEW FARM, SWINDERBY ROAD, SOUTH SCARLE, NG23 7JW - 26/00643/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of two dwellings with attached garages.

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

Mr C Almond, objector, spoke against the application.

Mr J Williams, Applicant, spoke in support of the application.

Mr D Duffield, representing South Scarle Parish Meeting, spoke against the application.

Members considered the application and it was commented that amendments had

been made to the previous application which had been refused, although the application was in an unsustainable village, residents would still need a car and the site was outside the village envelope and was in the open countryside. The titled balance had been taken into consideration, and it was felt that the application would not outweigh the damage that it would cause. It was considered that bungalows would have less impact on the edge of the village, although it was acknowledged that the roof line had been lowered on the application. It was considered an over-intensive development. Other Members considered the revised design acceptable and so close to the village, therefore not intrusive into the open countryside. It was noted by the Principal Planning Officer that Councillor Dales had requested that if the application was approved that an additional condition was included to restrict construction times, and that this had been agreed with the applicant and would be included in the recommendation.

AGREED (with 6 votes For, 4 votes Against and 1 Abstention) that:

- (a) Planning Permission be approved subject to the conditions contained within the report;
- (b) an additional condition to restrict construction times to:
 - 8am – 6pm – Monday -Friday
 - 8am – 2pm - Saturday
 - Sunday no construction, including Bank Holidays, additional condition to be worded by the Business Manager Planning Development; and
- (c) a Unilateral Undertaking to secure self-build exemption for BNG

23 APPEALS LODGED

The Principal Planning Officer informed the Planning Committee that applications 25/02031/FUL and 24/00024/ENFB were both written representations and not Hearings as stated in the report.

AGREED that the report be noted.

24 APPEALS DETERMINED

AGREED that the report be noted.

25 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of part 1 of Schedule 12A of the Act.

26 LAND ADJOINING CHESTNUT FARM, CORKHILL LANE, NORMANTON, NOTTS NG25 0PR

The Planning Committee considered the exempt report regarding land adjoining Chestnut Farm, Corkhill Lane, Normanton, Notts, NG25 0PR. This information was noted and Officers advised that Members would be kept updated on all aspects of the claim for Judicial Review.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

27 LAND TO EAST OF MOORHOUSE ROAD, EGMANTON

The Planning Committee considered the exempt report regarding land at east of Moorhouse Road, Egmanton. This information was noted and Officers advised that Members would be kept updated on all aspects of the claim for Judicial Review.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

Meeting closed at 6.44 pm.

Chair

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



Report to Planning Committee 6 August 2026
Business Manager Lead: Oliver Scott – Planning Development
Lead Officer: Dayo Adegaju, Planner

Report Summary			
Application No.	26/00759/PIP		
Proposal	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 1 dwelling.		
Location	Field Reference Number 6693 Brake Road Walesby		
Applicant	Mr & Mrs Pitchford	Agent	STAT Planning - Miss Poppy Hilton
Registered	26.05.2026	Target Date	30.06.2026 EOT until 13.08.2026
Recommendation	Grant Permission in Principle		

Link to Planning Application website:

[26/00759/PIP | Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 1 dwelling | Field Reference Number 6693 Brake Road Walesby](#)

Procedural Matters

Reason - 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 with an area of 0.13 hectares comprises of land located to the southeast of Brake Road. It falls within the open countryside which lies to the southwest of Walesby. The land is within the applicant's ownership extending from

Brake Road through to Retford Road. The site comprises predominantly grassland, alongside existing stables and ancillary storage buildings, reflecting its current equestrian use. Access is taken directly from Brake Road via an existing gated entrance. The immediate surroundings are characterised by equestrian and rural land uses, including equestrian paddocks with associated infrastructure such as stables and storage buildings.

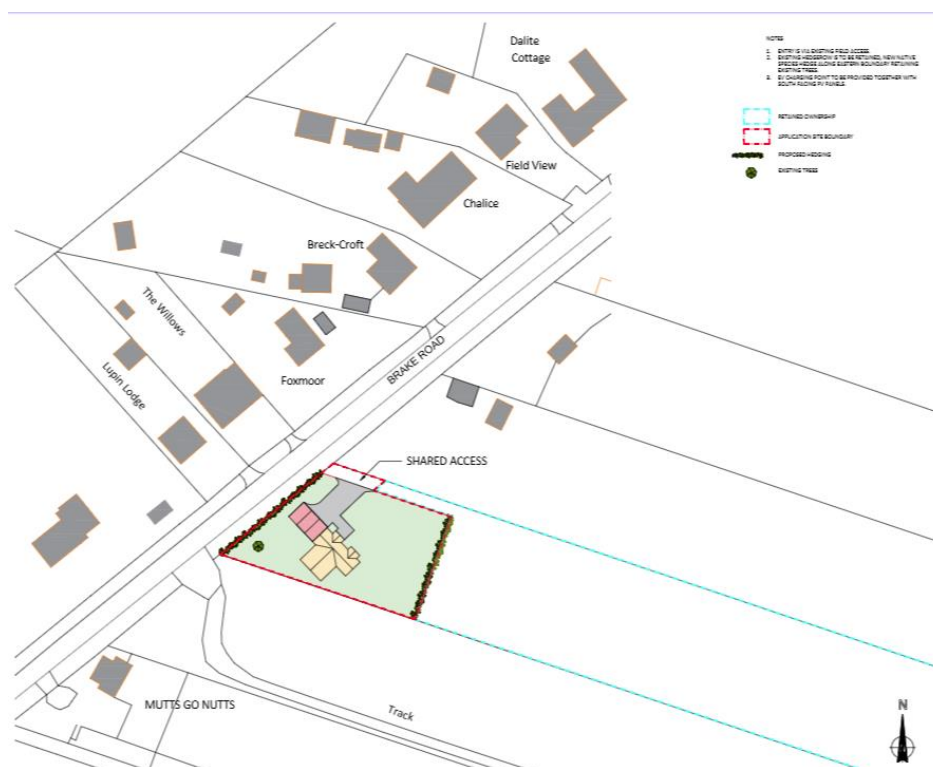
- 1.2 The site lies detached from the main built-up part of Walesby, albeit there are a number of properties fronting Brake Road opposite the application site. The small settlement of Walesby lies some 400 metres to the northeast of the site and is separated by the B6387 Retford Road.
- 1.3 On the opposite (north) side of Brake Road are a group of detached dwellings arranged in a linear form along Brake Road, with front gardens and larger rear garden areas. To the south, east and southwest of the site is open countryside, albeit the adjacent paddock to the south contains a single dwellinghouse, identified as Briar Rose Farm.
- 1.4 The site has no environmental designations.

2.0 Relevant Planning History

- 2.1. 17/00867/OUT – Erection of 1 No three-bedroom bungalow and detached garage. Application refused July 2017 on the grounds of its conflict with policy DM8.

3.0 The Proposal

- 3.1 The application is for a permission in principle to erect a single dwelling which is anticipated to comprise up to 4 bedrooms and no more than 2 storeys in height, together with associated private amenity space and off-street parking provision. To achieve this, existing stables and ancillary storage buildings on site would be demolished.
- 3.2 Access to the site would be taken from the existing point of access off Brake Road, which would be retained and upgraded to serve both the proposed dwelling and the applicant's retained land to the rear. See proposed layout plan below (indicative).



- 3.3 The application is to determine the principle of development only, regarding location, use, and amount of development. Detailed drawings would be required at Technical Details Stage if approved.

4.0 **Departure/Public Advertisement Procedure**

- 4.1 Occupiers of five properties have been individually notified by letter. A site notice has also been displayed near to the site.
- 4.2 Site visit undertaken on 15.06.2026.

5.0 **Planning Policy Framework**

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 9 -Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

5.2. **Allocations & Development Management DPD (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. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

5.4. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification.

5.5. Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

5.6. **Other Material Planning Considerations**

National Planning Policy Framework 2024

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

NSDC Landscape Character Assessment SPD (2013)

NSDC Housing Needs Survey 2020

6.0 Consultations and Representations

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

6.1. **NCC Highways** – *“At the full application stage, details of gate operation must be provided to ensure that vehicles can enter and exit the site without obstructing the public highway. The gate should be set back a minimum of 13 metres in accordance with Chapter 9 (paragraph 9.6.2) of the Nottinghamshire Highways Design Guide. In addition, the access may need improvement (refer to HDG Part 3 table 1.1) and should be surfaced in a bound material to prevent debris from being deposited onto the*

highway. Details will also be required to demonstrate that adequate turning space is available within the site to allow vehicles to enter and exit in a forward gear. As the access is shared, consideration should be taken into widening the site access to meet the standards for a shared residential access as set out in the Nottinghamshire Highways Design Guide."

- 6.2. **Walesby Parish Council** – Objection on the following grounds: site has restriction for use as arable land, open countryside location, increased strain on services, drains etc., precedent for similar schemes in a village lacking services and amenities.

Representations

- 6.3. No third party comments received to date.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

- 1. Principle of development (Location, Land Use and Amount of Development)**
- 2. All other issues would be considered as part of the Technical Details Consent application which would be required if permission in principle is approved.**

- 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. The application seeks 'Permission in Principle' for the residential development of land opposite The Willows Brake Road Walesby.
- 7.4. 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

- 7.5. 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.

- 7.6. The site is located outside of the main built-up area of Walesby, within the open countryside, albeit positioned adjacent to existing development along Brake Road. Therefore, the scheme will be assessed against policy DM8. The emerging policy DM8 strictly controls development within the open countryside and only supports new dwellings where they *'are of outstanding quality or innovative nature of design, reflecting the highest standards of architecture. Proposals will also need to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'* The proposal has not been put forward on this basis and therefore would usually be refused as a matter of principle.
- 7.7. However, paragraph 11 of the NPPF (2024) sets out that plans and decisions should apply a presumption in favour of sustainable development. According to paragraph 11 (d), in planning decision-taking, this means *'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 (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.'*
- 7.8. 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.'*
- 7.9. The Council's current position is that it can demonstrate a total housing land supply of 3.84 years. This means the Council cannot currently demonstrate a 5-year housing land supply. As such, to comply with paragraph 11 and footnote 8, the presumption in favour of sustainable development should be applied. The application should only be refused where there would be adverse impacts that would significantly outweigh the benefits.
- 7.10. Hence, the Council's Development Plan is not up to date in relation to housing delivery for the purposes of decision making. The district's housing targets have significantly increased, and this is a material consideration which carries significant weight. This means that 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.
- 7.11. Therefore, it should be determined if Walesby is a sustainable village for residential use. The village benefits from a range of local services and facilities, including a primary school, community centre, church, and public houses, alongside regular bus services connecting to Mansfield, Ollerton, Nottingham and Retford. The application site is also located 1.5 miles from Ollerton and Boughton, identified as a Service Centre within the Core Strategy. In addition, there is an existing footpath (i.e. pavement) on Brake Road which leads into Walesby. This provides a sustainable transport means to

access the local services within the village. The application site is therefore considered to be in a sustainable location.

- 7.12. With the tilted balance in mind therefore, the erection of a single dwelling in this location will be acceptable in principle.

Land Use and Amount of Development

- 7.13. The application site falls within the southeastern side of Brake Road and the established land use type on this side is equestrian, as stated in the supporting statement. Whilst appreciating that the northwestern side of Brake Road is predominantly residential, it is imperative to note that the application site falls within open fields used mostly for equestrian purpose. The only exception is the adjacent site to the south known as Briar Rose Farm which comprises of a dwelling sited far from the highway. See site location plan and google aerial image below.



- 7.14. Furthermore, it is also noted that the site currently comprises of existing stables and ancillary storage buildings. It is therefore regarded as previously developed land.
- 7.15. With all these in mind, it is considered that the principle of residential use in this location would be acceptable. This is however subject to considering the site-specific impacts such as the impacts upon amenity and highway safety, amongst other issues which would be assessed in detail at the technical details consent stage.
- 7.16. Looking at the amount of development, the site is approximately 0.13ha in size, and it shares its southern boundary with an existing dwelling (i.e. Briar Rose Farm). Core Policy 3 of the Amended Core Strategy provides that for other locations such as Walesby, the average density set is 30 dwellings per hectare. Development densities in all housing developments should normally be no lower than an average 30 dwellings per hectare net. Development densities below this will need to be justified, taking into account individual site circumstances.
- 7.17. One dwelling on the site would equate to approximately 8 dwellings per hectare. This

is below the average density expected for Walesby; however, it is considered that this density is a reflection of the immediate rural area of the site, thereby providing a good justification. Subject to final design and layout, the scheme would preserve the rural open character of the immediate surroundings.

- 7.18. Based on the foregoing, the principle of development in relation to land use and the amount of development would be acceptable.

Technical Details Consent

- 7.19. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved.

- 7.20. The site-specific impacts that would be assessed at this stage are discussed below.

Impact on the Visual Amenities 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(b) 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. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 13 also states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.
- 7.24. The application site is within the Sherwood Policy Zone (S PZ 27): Ollerton Estate Farmlands. The landscape condition and landscape sensitivity for this area are defined as 'moderate'. Specific actions in relation to built features within the Policy Zone are to 'conserve the historic character and setting of Walesby, with new development expected to respect the scale, design and materials used traditionally in the Policy Zone and be contained near to the existing settlements of Walesby and Ollerton.
- 7.25. No information has been provided on the design and appearance of the dwelling at this stage; this will be assessed at the technical details stage. However, it is considered likely that the proposed layout and access arrangement would not be detrimental to the character of the surrounding area.
- 7.26. If approved, the proposal would need to have regard for the scale, design and materials used by existing developments on the western part of Brake Road, as well as the wider rural character.

Impact upon Residential Amenity

- 7.27. Policy DM5(b) 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, the NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.28. Whilst it is not clear how this scheme would impact the amenities of neighbours or future occupiers at this stage; it is considered highly unlikely that a detrimental impact would occur considering the least separation distance (approx. 38m) to the nearest dwellings (i.e. Lupin Lodge and The Willows). It would also not likely result in unacceptable impact on the occupiers of Briar Rose Farm.
- 7.29. Looking at the amenities of future occupiers, it is considered that sufficient private amenity space would be provided, based on the submitted layout plan. It is understood that MUTTS GO NUTTS which is the field adjacent to Briar Rose Farm (to the south) is currently used for dog walking/exercise purposes. It is anticipated that this could result in noise disturbance from cars and the dogs, especially during peak periods. It is not also clear if the dog walking site has provision for visitors parking. More information on how these likely amenity impacts could be mitigated will be required at the technical details stage.
- 7.30. In terms of private amenity space for the proposed dwelling, an appraisal cannot be done at this stage due to limited information. However, given the size of the plot and the supporting indicative layout plan, it is considered that a new dwelling on this site could be achieved with adequate amenity level for the future occupants.

Impact upon Highway Safety

- 7.31. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5(b) of the DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.32. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 7.33. The proposed development would make use of the existing access off Brake Road. It would be retained and upgraded to serve both the proposed dwelling and the applicant's retained land to the rear. In terms of parking, the submitted layout plan shows provision of 3 parking spaces which appears to comply with the Council's Residential Cycle and Car Parking Standards and Design Guide SPD. Whilst noting that this plan is only indicative, it is noted that acceptable parking arrangement could be achieved given the size of the site.
- 7.34. Furthermore, NCC Highways have been consulted for comments. They advised that details of the gate operation must be provided should the application progress to the technical details stage. This is to ensure vehicles can enter and exit the site without obstructing the public highway. The Highways Officer gave other recommendations

such as improvement of the access, details of the turning area and widening of the access to ensure it accords with standards for a shared residential access set out in the Nottinghamshire Highways Design Guide.

- 7.35. Overall, given the scale of the proposal, it is not expected to result in higher vehicular traffic in the area. It is unlikely that the proposed development would adversely impact highway safety.

Impact upon Ecology & Trees

- 7.36. Policy DM7 and Core Policy 12 aim to conserve and enhance the biodiversity and geological diversity of the district.
- 7.37. The proposal would entail demolition of existing stables and storage buildings. As such, there could be impact on commuting bats. It would also lead to loss of existing grass area and low-level planting. Should the permission in principle be approved, an ecological survey (including a bat roost assessment and further surveys, if recommended) will be required at the technical details stage.
- 7.38. There would be no removal of trees. Any removal of existing hedgerow, likely required to facilitate improvements to the access, would be taken into account in relation to biodiversity net gain. Nonetheless, it is advised that existing hedgerow should be retained where possible.
- 7.39. **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 those with a site area of less than 0.2 hectares. This exemption takes effect for planning applications received on or after 6th August 2026. This scheme would likely fall within the scope of this exemption given that the site area is 0.13 hectares. However, a BNG exemption claim would need to be submitted with supporting information at the technical details stage should a permission in principle be approved.
- 7.40. In any case, please see local validation list for more details on BNG assessment.

Other Matters

- 7.41. Core Policy 3 states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. The most recent Housing Need survey (2020) undertaken for the district identifies a significant need in the Sherwood sub area for 3-bedroom market houses (45.2%) and 4 or more-bedroom market houses (27.9%) based on the supporting information, the proposed development is anticipated to comprise up to four

bedrooms, which means the scheme would contribute to the housing need of the sub area.

- 7.42. The grounds for objection by the Parish Council have been noted. These include arable restriction on the site, open countryside location, pressure on services and drains as well as precedent for such development within the village. The Parish Council also referenced the planning application (17/00867/OUT) a similar scheme which was historically refused on the site due to its conflict with policy DM8.
- 7.43. Starting with the historical application, it is pertinent to note that there has been a shift in policy direction following that refusal. As of today, the Council cannot demonstrate a 5-year housing land supply, thereby triggering the application of the tilted balance. In accordance with paragraph 11 of the NPPF, the proposal can only be refused if it results in adverse impacts that significantly outweigh the benefits. This is not the case in this instance, which means the presumption in favour of sustainable development (paragraph 11 of the NPPF) has tilted the planning balance in support of the proposal.
- 7.44. It is considered that the proposed development would be served by existing services in Walesby and the nearby sustainable locations of Mansfield, Ollerton and Nottingham. This therefore removes concerns for unwanted pressure on available services. Moreover, it is not considered that addition of a single dwelling would significantly impact services and drains. In any case, it is considered that drainage concerns could be addressed at the technical details stage as a drainage strategy would be required.
- 7.45. In terms of arable restriction, the agent confirmed there is no such restriction on the site. Should there be any restrictions however (such as covenants), this would be a separate legal matter and not a material planning consideration.
- 7.46. Looking at setting unwanted precedent, it is considered that planning applications are appraised on a case-by-case basis. As such, any future applications for similar schemes in the area will be assessed based on the merits of the applications.

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.

9.0 Planning Balance and Conclusion

- 9.1. In summary, the principle of residential development on the site is contrary to Policy DM8 due to the open countryside location, whereby new dwellings are not supported.
- 9.2. Despite the conflict with the development plan, it is noted that the Council cannot currently demonstrate a 5-year housing land supply and therefore this is a significant material consideration in the planning balance. The site is located 1.5 miles from

Ollerton and Boughton which is identified as a Service Centre within the Core Strategy. In addition, there is an existing footpath (i.e. pavement) on Brake Road which leads into Walesby. This provides a sustainable transport means to access the local services within the village. The application site is therefore considered to be in a sustainable location. It is also noted that the site is previously developed land, therefore developing the site would be an effective use of land. Applying the tilted balance set out in paragraph 11 of the NPPF, the contribution of additional housing would outweigh the impact on the open countryside (which otherwise would be contrary to Policy DM8).

- 9.3. Further to the above assessment (i.e. presumption in favour of sustainable development), it is considered that the location is suitable for residential development of one dwelling. Therefore, the principle of development is acceptable on location grounds.
- 9.4. In terms of the use, residential development would reflect the local land use pattern. In terms of the amount, one additional dwelling would be relatively small in scale and would not lead to overdevelopment of the area.
- 9.5. Therefore, subject to acceptable scale, design, materials, layout and shared access (to be assessed at Technical Details Stage), it is considered that a design could be achieved that would not have a detrimental impact on the visual and residential amenities, nor adversely impact highway safety.
- 9.6. For the reasons set out above it is recommended that the permission in principle is granted. It should be noted that there is no provision to attach conditions to a permission in principle, however conditions can be attached to any subsequent Technical Details Consent approval.

10.0 RECOMMENDATION

10.1 That Permission in Principle is granted.

Notes to Applicant

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.

Committee Plan - 26/00759/PIP



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Report to Planning Committee 6 August 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner (Conservation)

Report Summary			
Application No.	26/00503/LBC		
Proposal	A painted mural situated on one of the external walls to the courtyard		
Location	Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY		
Applicant	Newark and Sherwood District Council	Agent	Miss Jorja Le Gallienne C/O Newark Book Festival
Web Link	26/00503/LBC A painted mural situated on one of the external walls to the courtyard Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY		
Registered	20 April 2026	Target Date Extension of time	15 June 2026 7 August 2026
Recommendation	Approve, subject to conditions.		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the applicant is Newark and Sherwood District Council.

1.0 The Site

- 1.1 The application site is occupied by the Palace Theatre, a prominent Grade II listed building situated on Appleton Gate. It is physically connected by a modern extension to the National Civil War Centre (a Grade II* building comprising the former Tudor Hall and Headmaster's House of the Old Magnus School). To the rear of the single storey modern in-fill is a rear courtyard often accommodating tables and chairs providing an external seating area between the two buildings. The two buildings provide interconnecting services.

- 1.2 There are numerous 18th century Grade II listed buildings along Appleton Gate, both opposite the Theatre and on the same side of the road leading towards the town centre. The site is also within the designated Newark Conservation Area.

2.0 Relevant Planning History

- 2.1. Numerous applications have been submitted for new/upgrading/repair works and below are the list of applications submitted this year alone:
- 2.2. 26/00961/LBC - Proposed internal lighting works and associated electrical upgrades, pending consideration.
- 2.3. 26/00785/LBC - Proposed internal safety works consisting of:
- New Catwalks on Box Tops
 - New Catwalk Platform & Ladder to the stage left fly floor
 - Replacement Stage Safety Fire Curtain,
- pending consideration, included in this Committee agenda.
- 2.4. 26/00704/LBCLDC - Application for Certificate of Lawfulness for Proposed Works to a Listed Building to fit hooks to walls in order to drape ropes across, Certificate issued 22.06.2026
- 2.5. 25/02069/LBCLDC - Application for Certificate of Lawfulness for Proposed Works to a Listed Building for replacement of some of the existing ironmongery including push bars, escutcheon plates, locksmith, and door handles with new brass plated ironmongery, approved 30.01.2026.
- 2.6. 25/02009/LBCLDC - Certificate of Lawfulness for Proposed Works to a Listed Building for removal of existing thermostat and relocation of new thermostat to side of stage, approved 19.01.2026

3.0 The Proposal

- 3.1 The application seeks listed building consent for the painting of a mural onto part of the south-facing external wall of the Theatre immediately adjacent to the rear of the flat roofed in-fill modern extension that sits between the Theatre and the National Civil War Centre. The lower section of this wall sits below the fire escape staircase and is finished in a render and currently painted a magnolia colour. The north boundary of the external courtyard is formed by an external brick wall forming part of the Civil War Centre.





- 3.2 The mural would measure approx 4m wide by 2.2m high and would sit below the row of existing window cills and would appear as shown in the mock-up proposed design below. It has been designed to celebrate Newark Book Festival. The Assessment submitted states that it would enhance the cultural offer of the site as it would be appreciated by visitors to the 1920 café outdoor seating area and the many school and community groups who use this area to walk between the Learning and Community Spaces, café and Visitor Information Centre.



- 3.3 Documents assessed in this appraisal:

- Application Form
- Site Location Plan
- Photo of Affected Area
- Photograph of Design of Mural
- Photograph of Mural In Place
- Heritage Impact Assessment

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 22 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 27 April 2026.

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
 - Newark and Sherwood Amended Core Strategy (adopted 2019) – Core Policy 14: Historic Environment
 - Allocations and Development Management DPD (adopted 2013) – Policy DM9: Protecting and Enhancing the Historic Environment
 - Draft Amended Allocations and Development Management Plan DPD – Policy DM9: Protecting and Enhancing the Historic Environment

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. None.

Town/Parish Council

- 6.2. Newark Town Council – No objection.

Representations/Non-Statutory Consultation

- 6.3. No comments have been received from any third party/local resident.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issues are the impact on the special historic and architectural interest of the listed buildings and their setting and on 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 the designated heritage assets of a listed building, listed building setting and the conservation area, sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are 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."* 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. 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 Palace Theatre (Grade II) was built in 1920 for Miss Emily Blagg, a notable local builder. The building was altered in the mid-20th century and was again altered and restored in 1988. The building is 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 formerly 2 shops (evident from the timber shopfronts still facing the street frontage). 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.
- 7.7. The proposed mural would directly face onto the Grade II* listed Former Magnus School was previously a grammar school with an adjoining headmaster's house, but was previously converted for use as the District Education Office and in 2015 was formed into the National Civil War Centre.
- 7.8. 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.
- 7.9. 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.
- 7.10. 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.
- 7.11. The Palace Theatre, the Civil War Centre and the numerous other Grade II listed

buildings along Appleton Gate make a valued positive contribution to the character and appearance of Newark Conservation Area. The Theatre and Civil War Centre are valuable assets used by the local and wider community, the latter being a regional/national attraction.

Impact on the Special Interest of the Listed Buildings

- 7.12. The proposal mural would be in stark visual contrast to the existing plain magnolia painted wall with the book binders shown at an unusually large scale within an intimate small space. However, it is not overly prominent, it is relatively small scale for a mural being at ground floor level only, it would add visual and cultural interest and is unlikely to be viewed as particularly intrusive or an incongruous feature.
- 7.13. The wall represents the side elevation of the Theatre, tucked underneath an existing external modern metal fire escape staircase and to the rear of the single storey modern extension and therefore of limited significance in itself. Apart from being an important structural wall of the theatre building, it adds little to the overall architectural interest of the building, and the mural would respect the only architectural features of a row of blocked windows by commencing below the window cills. Furthermore, the mural represents a feature that is reversible and could be easily painted over in the event that it is no longer required. As such, it is considered that the proposal would not result in any harm to the historic and architectural special interest of the Palace Theatre.
- 7.14. In relation to the impact on the setting of the adjacent Grade II* listed, although relatively close to it and facing onto it, the mural would face a blank historic brick wall with no openings within it. As such, it is not considered that the mural would result in harm to the setting or significance of these high grade listed buildings.
- 7.15. Most of the large windows within the single storey modern extension are obscurely glazed and as such, the proposed mural would not be seen from the frontage of Appleton Gate and therefore would have no impact on the setting of surrounding listed buildings along the street and would preserve the character and appearance of Newark Conservation Area.

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 - LEG2627/8687

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 compliance with Section 16 of the Act, special regard should be given to the desirability of preserving the listed building. Although the proposed mural represents a modern intervention, it is considered that it would result in no harm and would preserve the special historic and architectural interest of the Palace Theatre Listed Building, it would result in no harm to the setting and significance of the adjacent Grade II* Listed Buildings and it would preserve setting and significance of nearby Grade II Listed Buildings as well as the character and appearance of Newark Conservation Area.
- 9.2. The proposed works would also 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, for a painted mural situated on one of the external walls to the courtyard, shall be carried out in accordance with the following approved plans and associated documents:

- Application Form
- Site Location Plan
- Photograph of Design of Mural
- Photograph of Mural In Place
- Heritage Impact Assessment

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.

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.

02

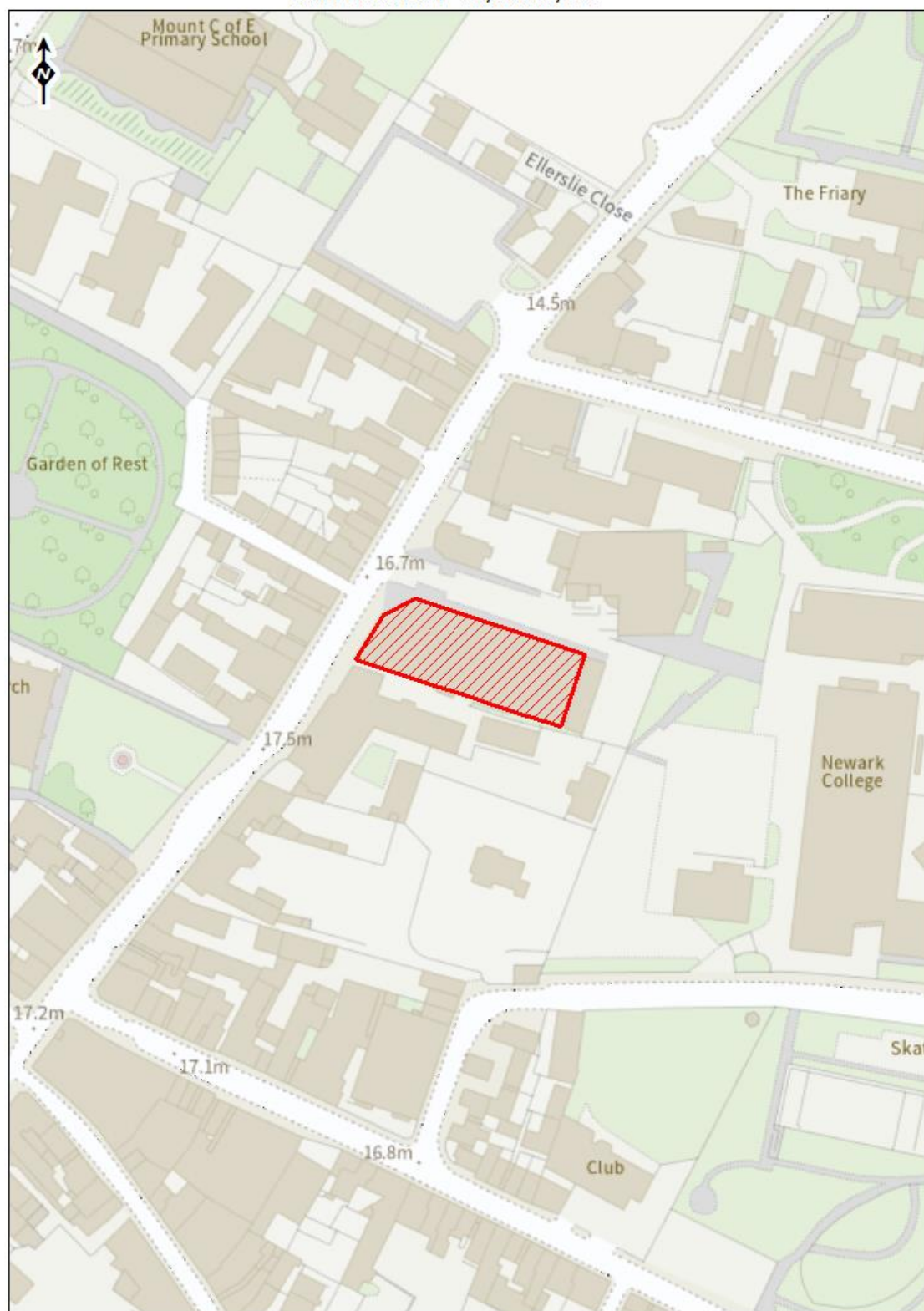
Any damage caused by or during the course of the carrying out of the works hereby permitted should be made good within 3 months after they are complete. All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent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

Committee Plan - 26/00503/LBC



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Report to Planning Committee 6 August 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner (Conservation)

Report Summary			
Application No.	26/00785/LBC		
Proposal	Proposed internal safety works consisting of: - New Catwalks on Box Tops - New Catwalk Platform & Ladder to the stage left fly floor - Replacement Stage Safety Fire Curtain		
Location	Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY		
Applicant	Mr Stuart Sheardown - Newark and Sherwood District Council	Agent	Miss Yasmin Kelly – Studio-G Associates Ltd
Web Link	26/00785/LBC Proposed internal safety works consisting of: - New Catwalks on Box Tops - New Catwalk Platform & Ladder to the stage left fly floor - Replacement Stage Safety Fire Curtain Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY		
Registered	28 May 2026	Target Date Extension of time	23 July 2026 7 August 2026
Recommendation	Approve, subject to conditions.		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the applicant is Newark and Sherwood District Council.

1.0 The Site

- 1.1 The application site is occupied by the Palace Theatre, a prominent Grade II listed building situated on Appleton Gate. It is physically connected by a modern extension to the National Civil War Centre (a Grade II* building comprising the former Tudor Hall and Headmaster's House of the Old Magnus School). The two buildings provide interconnecting services.

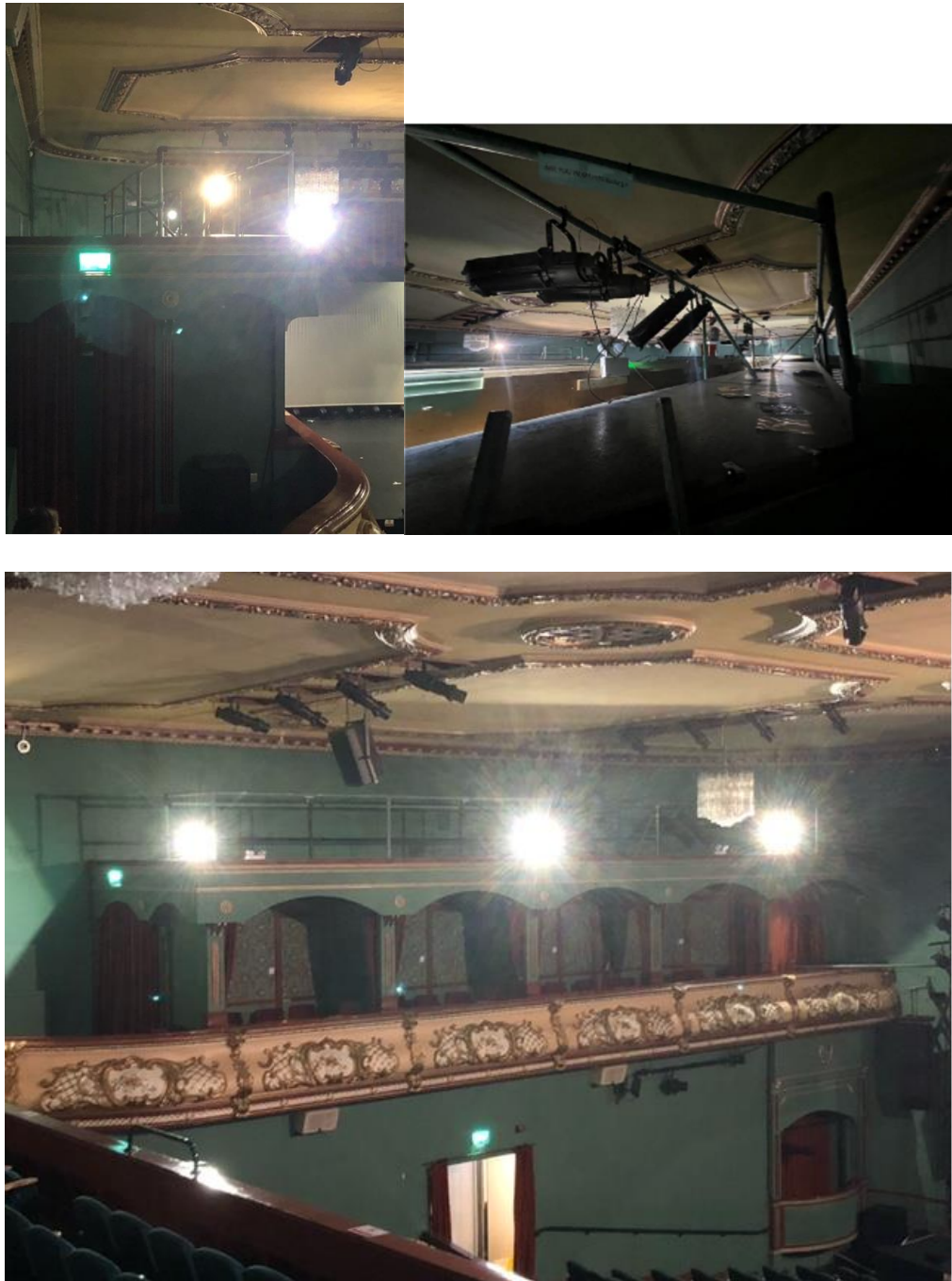
- 1.2 There are numerous 18th century Grade II listed buildings along Appleton Gate, both opposite the Theatre and on the same side of the road leading towards the town centre. The site is also within the designated Newark Conservation Area.

2.0 Relevant Planning History

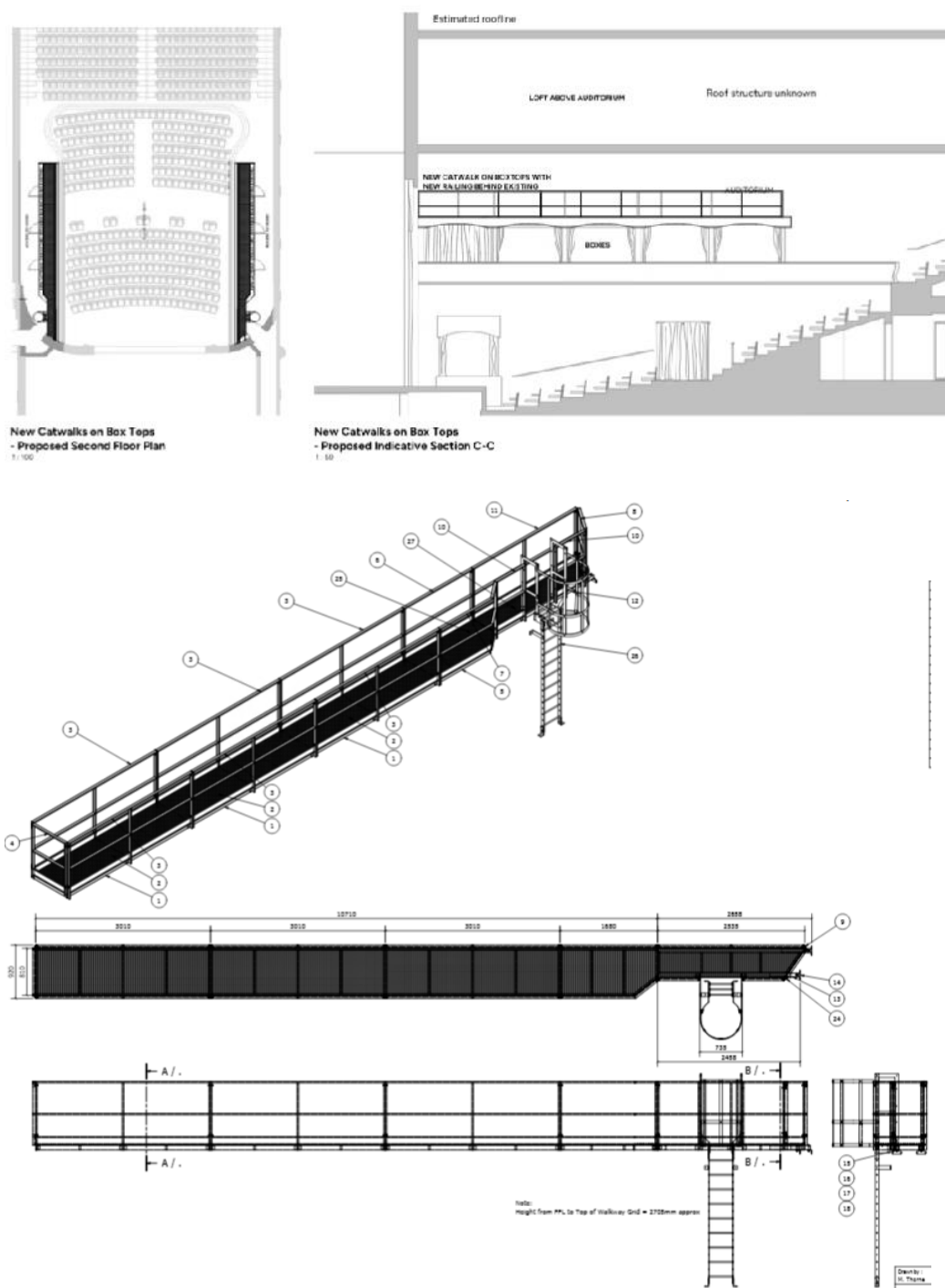
- 2.1. Numerous applications have been submitted for new/upgrading/repair works and below are the list of applications submitted this year alone:
- 2.2. 26/00961/LBC - Proposed internal lighting works and associated electrical upgrades, pending consideration.
- 2.3. 26/00503/LBC - A painted mural situated on one of the external walls to the courtyard, pending consideration, included within this Committee agenda.
- 2.4. 26/00704/LBCLDC - Application for Certificate of Lawfulness for Proposed Works to a Listed Building to fit hooks to walls in order to drape ropes across, Certificate issued 22.06.2026
- 2.5. 25/02069/LBCLDC - Application for Certificate of Lawfulness for Proposed Works to a Listed Building for replacement of some of the existing ironmongery including push bars, escutcheon plates, locksmith, and door handles with new brass plated ironmongery, approved 30.01.2026.
- 2.6. 25/02009/LBCLDC - Certificate of Lawfulness for Proposed Works to a Listed Building for removal of existing thermostat and relocation of new thermostat to side of stage, approved 19.01.2026

3.0 The Proposal

- 3.1 The application seeks listed building consent for a number of internal safety works at the theatre comprising the following:
- New catwalks on box tops. On each side balcony at upper floor level of the theatre are five private boxes. On top of these boxes and running along their length are already modern industrial looking railings and the proposal is to retain the existing and insert within it, a new catwalk, with metal walkway, railings front and back with mid rails and toe boards and fixed metal ladder to be finished in matt black. The catwalk is also extended slightly to serve existing lighting rigging areas. Presently there are movable ladder arrangements. These areas are only accessed by technical staff in order to control the spot lighting onto the stage. The railings would be partially visible within the main auditorium above the boxes and the ladder would be hidden behind an existing screen.

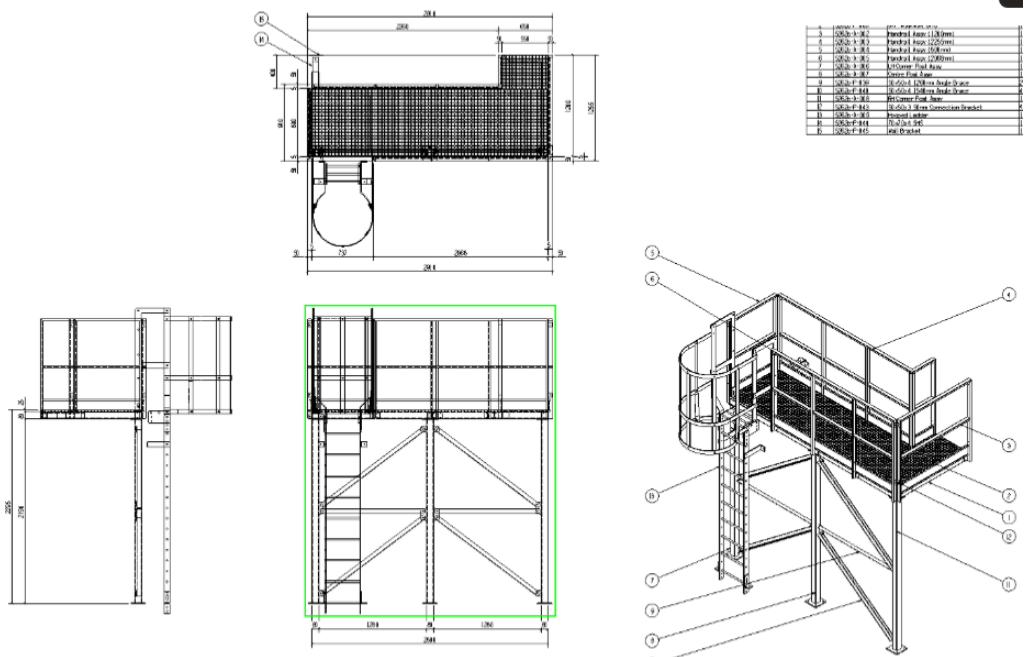
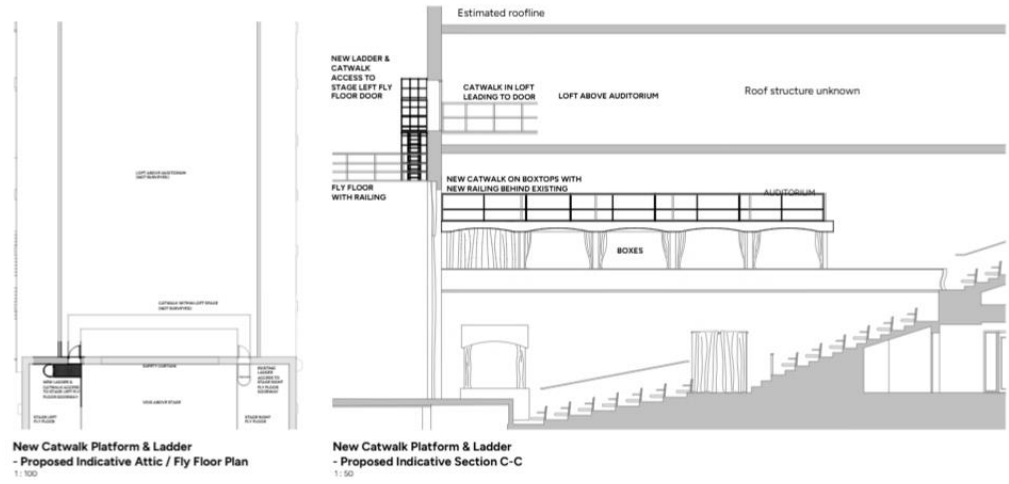


Photographs of existing catwalks above boxes.



Drawings of new catwalks to be positioned above boxes.

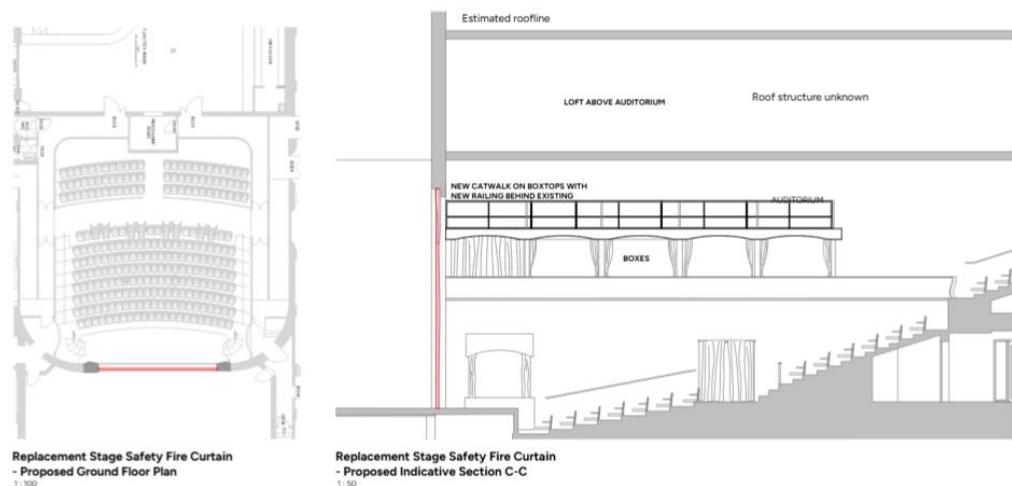
- Provide a new metal catwalk platform and ladder to the stage left fly floor behind the proscenium, to provide access to the existing roof level access door. There is already a ladder to the stage right fly floor. This is backstage and would not be visible to the public.



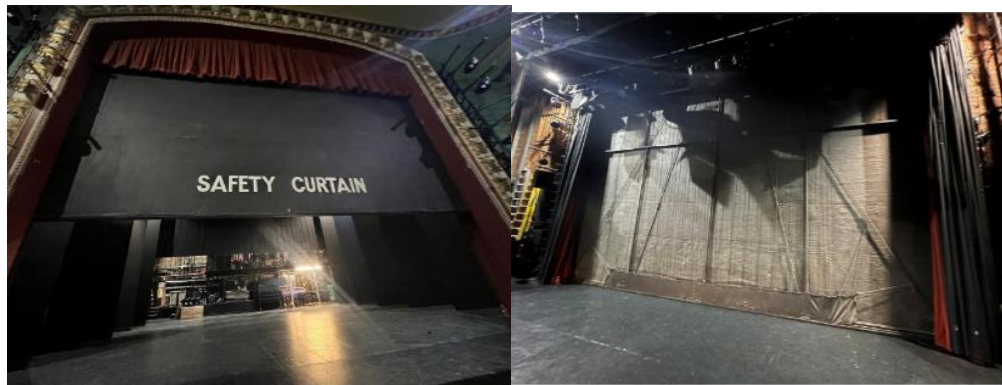


The above left photograph shows the existing door that the new catwalk/ladder would serve and the top right is a photograph of the existing ladder on the right hand side fly floor.

- Replace the stage safety fire curtain and associated lifting equipment and replace with new. The replacement curtain would replicate the existing appearance and finish as viewed from the auditorium.



The above drawing shows position of stage safety curtain in red.



Photograph of existing stage safety curtain, front and rear.

3.2 Documents assessed in this appraisal:

- Application Form
- Site Location Plan
- OS and Block Plan (Drawing No: 26013/SGA/00/SL/DR/A/EX101 Rev P1)
- Existing Basement Floor Plan (Drawing No: 26013/SGA/20/BG/DR/A/EX200 Rev P1)
- Existing Ground Floor Plan (Drawing No: 26013/SGA/00/SL/DR/A/EX201 Rev P1)
- Existing First Floor Plan (Drawing No: 26013/SGA/20/01/DR/A/EX202 Rev P1)
- Existing Second Floor Plan (Drawing No: 26013/SGA/20/02/DR/A/EX203 Rev P1)
- Existing Roof Floor Plan (Drawing No: 26013/SGA/20/03/DR/A/EX204 Rev P1)
- Existing Elevations and Sections 1 of 3 (Drawing No: 26013/SGA/21/XX/DR/A/EX300 Rev P1)
- Existing Elevations and Sections 2 of 3 (Drawing No: 26013/SGA/21/XX/DR/A/EX301 Rev P1)
- Existing Elevations and Sections 3 of 3 (Drawing No: 26013/SGA/21/XX/DR/A/EX302 Rev P1)
- Box Walkway Assembly (Stage Left) (Drawing No: 5262a-A013)
- Box Walkway (Stage Right) (Drawing No: 5262a-A001)
- Access Walkway Assembly (Drawing No: 5262b)
- New Catwalk Platform & Ladder to the stage left fly floor (Drawing No: 26013/SGA/20/ZZ/DR/A/30201 Rev P1)
- New Catwalks on Box Tops (Drawing No: 26013/SGA/20/ZZ/DR/A/30200 Rev P2)
- Replacement Stage Safety Fire Curtain (Drawing No: 2601/SGA/20/ZZ/DR/A/30202 Rev P1)
- Heritage Impact Assessment (inc. Design and Access Statement)

4.0 **Departure/Public Advertisement Procedure**

- 4.1 Occupiers of 21 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 8 June 2026.

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
 - Newark and Sherwood Amended Core Strategy (adopted 2019) – Core Policy 14: Historic Environment
 - Allocations and Development Management DPD (adopted 2013) – Policy DM9: Protecting and Enhancing the Historic Environment
 - Draft Amended Allocations and Development Management Plan DPD – Policy DM9: Protecting and Enhancing the Historic Environment

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. None.

Town/Parish Council

- 6.2. Newark Town Council – No objection.

Representations/Non-Statutory Consultation

- 6.3. Theatres Trust – the theatre is an important cultural facility for the town and its wider catchment. They welcome the number of applications and continued focus and investment in the theatre, its facilities and its up-keep. With regard to the box catwalk structures, ladders and access to the fly floor, although modern interventions these are likely to be acceptable as they relate to improving safety compliance around lighting and backstage technical infrastructure access. This provides for better safety and working conditions for technical staff. For the replacement safety curtain and new lifting equipment will meet current safety standards and replicate the appearance of the existing. The submission states the curtain is approaching the end of its life

although there is no indication about its significance and if it is significant whether other options have been explored to retain the curtain, if original.

- 6.4. No comments have been received from any local resident.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issue is the impact on the special historic and architectural interest of the listed building.
- 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 the designated heritage asset of a listed building, 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.
- 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 Palace Theatre (Grade II) was built in 1920 for Miss Emily Blagg, a well-known local builder. The building was altered in the mid-20th century and was again altered and restored in 1988. The building is 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 formerly 2 shops (evident from the timber shopfronts still facing the street frontage). 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.
- 7.7. The Palace Theatre makes a positive contribution to the character and appearance of Newark Conservation Area and is a valued attraction used by the local and wider community.

Impact on the Special Interest of the Listed Building

- 7.8. The proposed new catwalks would add modern visual clutter to the rigging already in place above the boxes. The works would unlikely be visible to the majority of the seats within the auditorium but it would be seen as the seats get higher to the rear and from the boxes on the opposite sides. The small extension of the catwalk closest to the stage on each side would increase the visual impact of the modern frame but into an area where there already modern lighting rigging. It is not currently clear how the structures would be fixed in place and additional clarification has been sought on this and will be reported to Members at Committee. Mitigations include positioned within existing rigging, designed to remain visually lightweight and finished in matt black and required to provide improved safe access for technical staff to the theatre rigging and maintenance of it.
- 7.9. The position of the new fixed ladders would be located to the rear of a walled screen at the far end (nearest the stage) of the accessway to the boxes within a largely existing operational area, which would be predominantly hidden from public view. Only the very top of the ladder (including the safety hoop) where it appears above the existing wall screen and joins the catwalk is likely to be visible from some limited areas of the auditorium. A lockable access hatch would prevent unauthorised access. Removal of the existing unsafe temporary ladder arrangement and works to prevent unauthorised public access will help address important health and safety risks.
- 7.10. The new catwalk platform and ladder to the stage left fly floor is confined to the backstage operational area behind the proscenium and would result in limited intervention into historic fabric. The proposal addresses existing unsafe access arrangements to roof level and improves staff safety and operational compliance.
- 7.11. The removal of the existing fire curtain and lifting equipment constitute alteration to long standing theatre operational fabric, however, the existing equipment is reaching the end of its operational life and contain asbestos based materials. Visually there would be little change as the curtain itself would be appear identical to the existing

one and would preserve the established character of the stage opening. The replacement significantly improves fire safety, operational reliability and future maintenance capability as well as modern compliant safety systems.

- 7.12. The proposals comprise internal safety improvements intended to support the continued safe operation and long-term use of the theatre whilst seeking to preserve its historic and architectural significance. Whilst designed for health and safety in mind, rather than being visually attractive, where works are visible within the auditorium, the proposals have remained largely visually recessive and subordinate and mitigated through the use of appropriate finishes, positioning and matching appearance. The locations of fixings need to be carefully considered within the auditorium and are therefore proposed to be conditioned.
- 7.13. As such, it is considered that the proposals, which could be fairly easily reversed, would not result in any harm to the overall historic and architectural special interest of the Palace Theatre and ensures continued safe and viable operation of the listed theatre building for ongoing public use.

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 - LEG2627/1492

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 compliance with Section 16 of the Act, special regard should be given to the desirability of preserving the listed building. Although the proposed works represent modern interventions, it is considered that they would result in no harm and would preserve the special historic and architectural interest of the Palace Theatre Listed Building.
- 9.2. The proposed works would also 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, for proposed internal safety works, shall be carried out in accordance with the following approved plans and associated documents:

- Application Form
- Site Location Plan
- OS and Block Plan (Drawing No: 26013/SGA/00/SL/DR/A/EX101 Rev P1)
- Box Walkway Assembly (Stage Left) (Drawing No: 5262a-A013)
- Box Walkway (Stage Right) (Drawing No: 5262a-A001)
- Access Walkway Assembly (Drawing No: 5262b)
- New Catwalk Platform & Ladder to the stage left fly floor (Drawing No: 26013/SGA/20/ZZ/DR/A/30201 Rev P1)
- New Catwalks on Box Tops (Drawing No: 26013/SGA/20/ZZ/DR/A/30200 Rev P2)
- Replacement Stage Safety Fire Curtain (Drawing No: 2601/SGA/20/ZZ/DR/A/30202 Rev P1)
- Heritage Impact Assessment (inc. Design and Access Statement)

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

Prior to the installation of the new catwalks above the boxes within the auditorium, hereby approved, full details of the number, positioning and method of fixings shall be submitted to and approved in writing by the Local Planning Authority. The catwalks shall be installed using only the agreed details.

Reason: To preserve the architectural special 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.

02

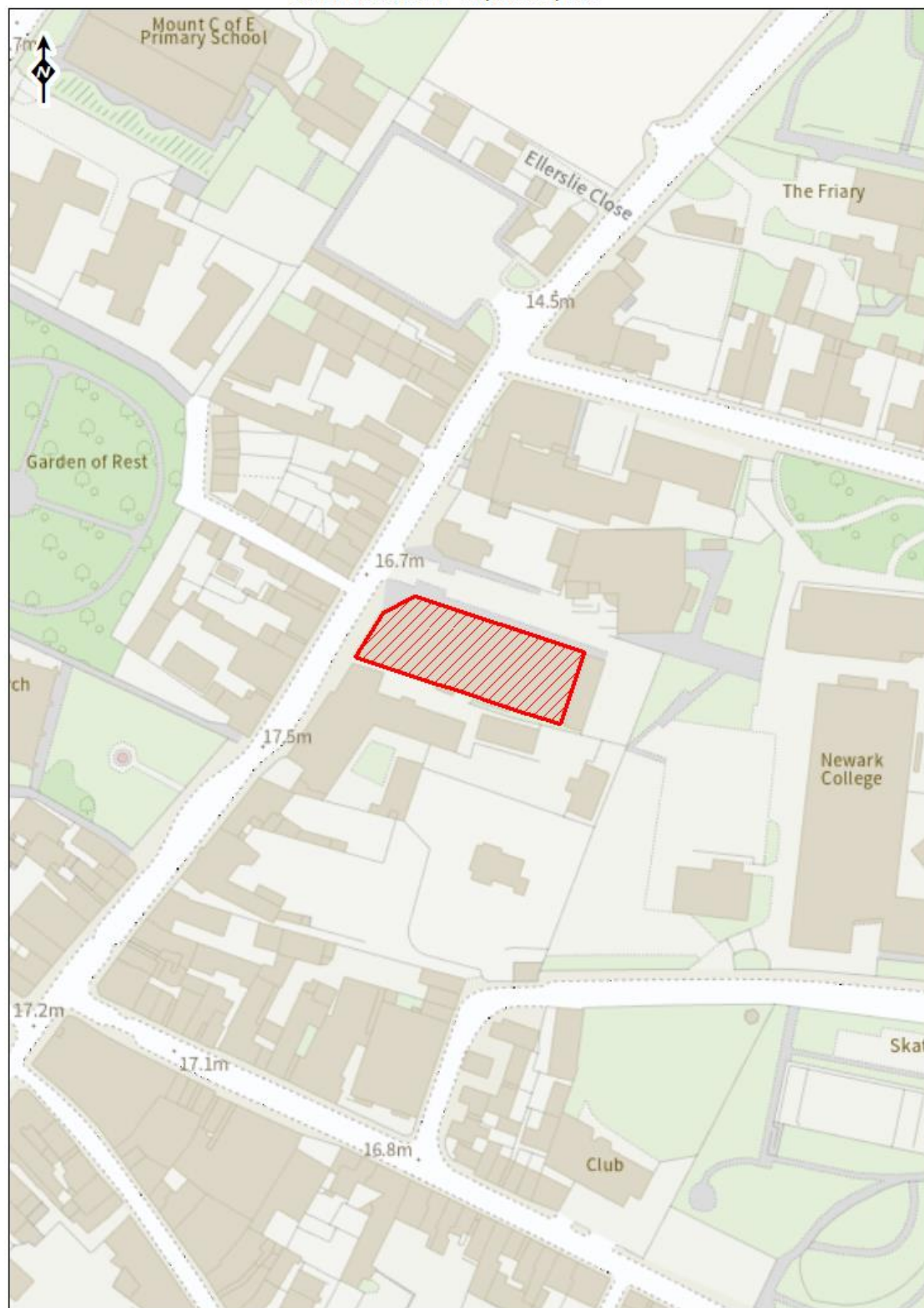
Any damage caused by or during the course of the carrying out of the works hereby permitted should be made good within 3 months after they are complete. All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent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

Committee Plan - 26/00785/LBC



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PLANNING COMMITTEE – 6 AUGUST 2026

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

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 22 June and 27 July 2026)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
6011763 25/02103/CPRIOR	North Farm Gypsy Lane Bleasby NG14 7GG	Application to determine if prior approval is required for Change of use of existing (former) agricultural buildings to create 4 dwellinghouses and associated domestic curtilage under Schedule 2 Part 3 Class Q	Written Representation	refusal of a planning application
6011878 25/01952/FUL	Land To The Rear Of Mill Lane Caunton	Erection of Four Bungalows	Written Representation	refusal of a planning application
6012034 25/00933/HOUSE	2 Villa Real Cottages Mansfield Road Edwinstowe NG21 9HE	Erection of double garage with workshop.	Fast Track Appeal	refusal of a planning application
6012706 26/00481/HOUSE	81 Marlestone Lane Middlebeck Newark On Trent NG24 3WD	Extend the existing fence boundary to the hedge line to increase garden space.	Fast Track Appeal	refusal of a planning application
6013000 23/02274/OUTM	Land On West Side Of Newark Road Ollerton	Outline Planning Application for up to 184 Dwellings (All Matters Reserved apart from Access)	Hearing	refusal of a planning application

6010444 25/02031/FUL	Flaggs Farm Caunton Road Norwell Newark On Trent NG23 6LB	Change of use of two former farm storage buildings to storage (Use Class B8).	Written Representation	refusal of a planning application
6010451 24/00024/ENFB	Flaggs Farm Caunton Road Norwell Newark On Trent NG23 6LB	Without planning permission, the material change of use of two buildings, labelled as Store Shed no.3 and Store Shed no.4 on the attached Plan A, from agricultural use to use for B8 Storage and Distribution.	Written Representation	service of Enforcement Notice
6011713 26/00015/ENFC	9 Trinity Road Newark On Trent NG24 4EN	Without planning permission, the erection of a detached outbuilding as shown in Image 1	Written Representation	service of Enforcement Notice
6012341 25/00286/ENFC	Lodge Farm Lowdham Road Gunthorpe NG14 7ES	Without planning permission, development consisting of a material change of use to residential use and operational development consisting of the conversion of the building to a dwelling (as shown within photographs 1, 2, and 3 and outlined in solid red on Plan A).	Written Representation	service of Enforcement Notice
6012342 25/00286/ENFC	Lodge Farm Lowdham Road Gunthorpe NG14 7ES	Without planning permission, development consisting of a material change of use to residential use and operational development consisting of the conversion of the building to a dwelling (as shown within photographs 1, 2, and 3 and outlined in solid red on Plan A).	Written Representation	service of Enforcement Notice

Future Hearings and Inquiries

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
23/02274/OUTM	Outline Planning Application for up to 184 Dwellings (All Matters Reserved apart from Access)	Hearing	Planning Committee

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

PLANNING COMMITTEE – 6 AUGUST 2026

Appendix B: Appeals Determined (between 22 June and 27 July 2026)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
24/00209/ENFB	Pinfold Cottage High Street Girton Newark On Trent NG23 7JA	Without planning permission, operational development consisting of the construction of a bund on the Land, as shown partly on Photographs 1 and 2 attached to this Notice.			Appeal Withdrawn	8th July 2026
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=SWYX2SLB0DF01						
24/00372/ENFC	Lilac Farm Cottage Water Lane Oxton NG25 0SH	Without planning permission, operational development consisting of the erection of a brick wall enclosing the Southern garden of the property (as shown by the red markers within photographs 1 and 2; and highlighted in red on the site location plan)			Appeal Allowed	15th July 2026
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=T3PLZ6LB0FL00						
26/00068/HOUSE	Shawfield Main Street Bleasby NG14 7FU	Part-demolition and rebuilding of dwelling, single storey extension, roof re-construction to a slightly higher ridge height, introduction of dormer windows and external alterations (part retrospective).	Planning Committee	Committee Overturn	Appeal Allowed	10th July 2026
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=T8WLC4LBIM100						

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

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



Report to Planning Committee 6 August 2026

Director lead: Matt Lamb, Planning and Growth

Lead officer: Lee Robinson, Planning Technical Support Manager – Planning Development, x5821

Report Summary	
Report Title	Development Management Performance Report
Purpose of Report	This report relates to the performance of the Planning Development Business Unit over the six-month period January to June 2026.
Recommendations	For noting.

1.0 Background

- 1.1 The Government encourages Development Management services to regularly review their performance and challenge themselves to improve the service they provide. Similar advice is given by the Planning Advisory Service (PAS).
- 1.2 The Council's Planning Development Business Unit undertakes a range of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, tree applications, pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.
- 1.3 The Government currently measures Development Management performance in terms of speed and quality of decision-making. The minimum threshold for speed of determining Major applications is 60% of decisions in time and for non-Majors it is 70% of decisions in time. For quality of decision-making, it is a maximum of 10% of decisions overturned at appeal – Majors and non-Majors are assessed separately. From January 2025, the Ministry of Housing, Communities and Local Government (MHCLG) measure performance related to speed on an annual basis (October to September) whilst quality will be measured over a two-year period.
- 1.4 The Council looks at performance in other ways, including average number of days taken to deal with applications. The department's business plan allows for higher targets on Majors (90%) and non-Majors (93%).

- 1.5 Regarding performance for planning enforcement area in line with our Planning Enforcement Plan (PEP), this is reported separately - please refer to 'Quarterly planning enforcement activity update report'.

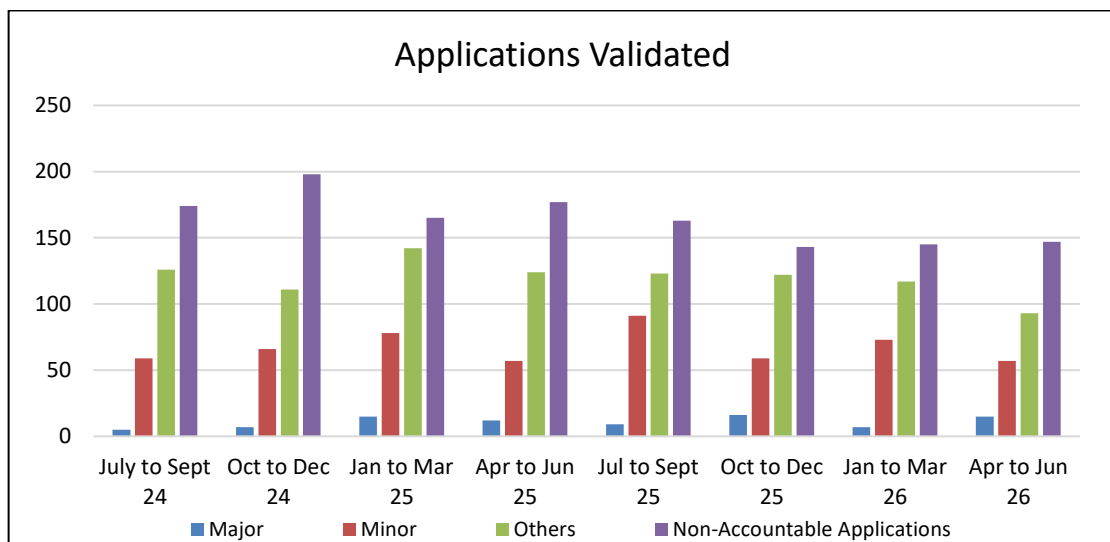
2.0 Performance

- 2.1 The table and graph below show the number of applications that have been received as valid each quarter from April 2024 to June 2026. They are presented in-line with the Council's reporting to Government.

Category	Apr to Jun 24	Jul to Sept 24	Oct to Dec 24	Jan to Mar 25	Apr to Jun 25	Jul to Sept 25	Oct to Dec 25	Jan to Mar 26	Apr to Jun 26
Major	6	5	7	15	12	9	15	7	15
Minor	52	59	66	78	57	91	59	73	57
Others	134	174	111	142	124	123	123	117	93
All other*	402	390	407	369	350	380	317	336	348
Total	594	580	591	604	543	603	514	533	513

**Includes: Non – accountable applications, applications/S211 notices regarding protected trees and trees in a conservation area and pre-application advice.*

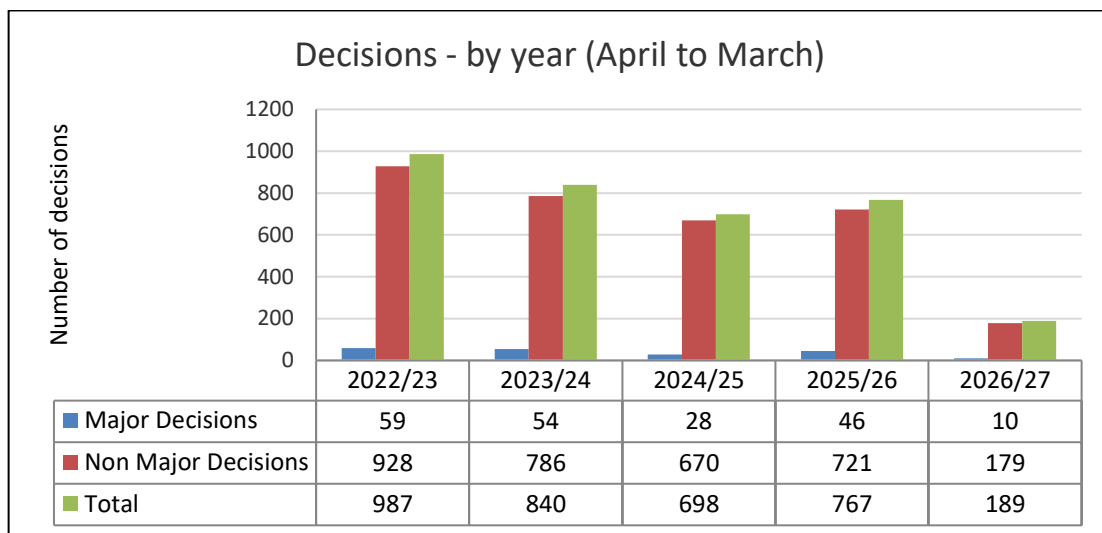
- 2.2 Between January and June 2026, a total of 1,046 applications were validated. This represents a reduction of 101 applications when compared with the same period in 2025, when 1,147 applications were validated. The decrease continues the lower level of activity seen in October to December 2025, although the overall position remains broadly consistent with the wider national trend of reduced planning application numbers.
- 2.3 The reduction was not consistent across all categories. Between January and June 2026, 22 major applications were validated, compared with 27 in the same period in 2025 and 11 between April and September 2024. Major application activity was particularly strong in April to June 2026, with 15 received, matching the highest quarterly figure in the reporting period. This is positive for income, as major applications attract higher fees, but they are usually more complex and often involve extended negotiations, biodiversity net gain matters and legal agreements.



- 2.4 Minor applications totalled 130 between January and June 2026, compared with 135 for the same period in 2025. This represents a small reduction and suggests that minor application volumes have remained relatively stable overall, despite quarterly variation. Other applications reduced more noticeably, from 266 in January to June 2025 to 210 in January to June 2026. The 'All other' category remained comparatively stable, with 684 applications validated in January to June 2026 compared with 719 in the same period in 2025.
- 2.5 Overall, application validated for January to June 2026 were lower than the equivalent period in 2025, but the profile of work has changed. The increase in major applications is likely to place greater pressure on officer capacity because of the complexity and resource requirements associated with these cases. At the same time, the fall in other application categories may partly offset this in terms of volume, although not necessarily in terms of workload complexity.
- 2.6 Overall, 2025/26 showed an increase compared with 2024/25, with total decisions rising by nearly 10% (from 698 in 2024/25 to 767 in 2025/26). The increase was driven by both:
- Major decisions up from 28 to 46.
 - Non-major decisions up from 670 to 721.

It is important to note, nationally, between January to March 2026, district level planning authorities in England decided 68,400 applications for planning permission, down 4% from the same quarter a year. Further information can be found on the following website:: <https://www.gov.uk/government/statistics/planning-applications-in-england-april-to-june-2025/planning-applications-in-england-april-to-june-2025-statistical-release>

- 2.7 Based on the current 2026/27 position (April 2026 to June 2026), performance appears broadly stable and is following close to the 2025/26 level, although a simple projection suggests the year-end total may be slightly lower (756) if the current rate continues.



2.8 Assessing local planning authorities' performance was introduced in the Growth and Infrastructure Act 2013. Planning performance is considered annually based on a defined previous 24-month assessment period that separately measures the speed and quality of decision-making. Speed of decision-making is measured by the proportion of applications that are decided within the statutory determination period (8 weeks for non-major applications or 13 weeks for major applications), or an agreed extended period of time. The authority needs to achieve 60% for majors and 70% for non-majors. Quality of decision-making is measured by the proportion of total decisions, or non-determinations, that are allowed at appeal. Quality is set at 10%, this being the threshold for appeal overturns. Government is considering reducing this to 5%.

2.9 For authorities who under-perform against their national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration. Housing and planning minister Matthew Pennycook has written to nine councils notifying them that they have been designated from 15 June. Each council has been designated for the quality of its decision-making in respect of applications for planning permission for major development. The councils are: Hertsmere Borough Council; Staffordshire Moorlands District Council; Rossendale Borough Council; Wychavon District Council; Cherwell District Council; Epping Forest District Council; South Tyneside Council; Malvern Hills District Council; and Dacorum Borough Council.

Year	Q1 Apr to Jun	Q2 Jul to Sept	Q3 Oct to Dec	Q4 Jan to Mar
Majors – target 60% in 13 weeks (including extension of time).				
2026/27	100%			
2025/26	87%	100%	100%	93%
2024/25	100%	86%	91%	33%
Non-Majors – target 70% in 8 weeks (including extension of time).				
2026/27	89%			

2025/26	94%	86%	92%	92%
2024/25	92%	94%	92%	94%

2.10 Decision-making performance remained strong during the first half of 2026 and continued to exceed Government targets for both major and non-major applications.

- Major applications achieved an average performance of 96.5% between January and June 2026 (93% in Q4 2025/26 and 100% in Q1 2026/27), a substantial improvement on the equivalent period in 2024/25 when performance fell to 33% in Q4.
- Non-major applications achieved an average performance of 90.5% between January and June 2026 (92% in Q4 2025/26 and 89% in Q1 2026/27) While this is slightly lower than the 92% recorded in October to December 2025, it remains comfortably above the national target of 70% and broadly consistent with performance over recent years.

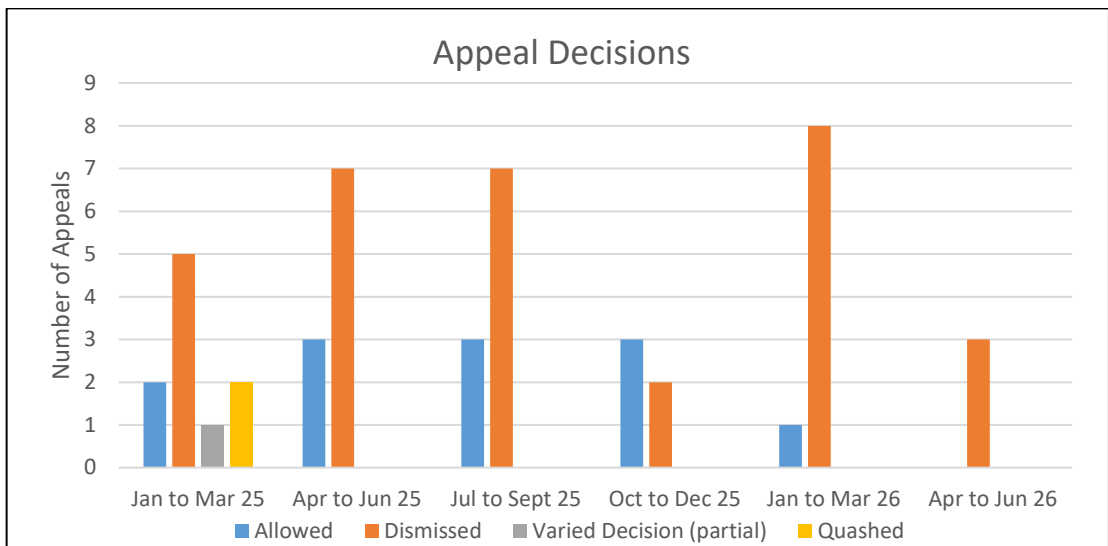
Appeals

2.11 There is a right of appeal against most local authority decisions on planning permission and other planning decisions, such as advertisement consent, listed building consent, prior approval of permitted development rights, and enforcement notices. The table and graph below highlight the number of appeals and whether they were allowed or dismissed. In general, appeals are determined on the same basis as the original application. The decision will be made considering national and local policies, and the broader circumstances in place at the time of the decision.

2.12 The appeal will be determined as if the application for permission had been made to the Secretary of State in the first instance. This means that the Inspector (or the Secretary of State) will come to their own view on the merits of the application. The Inspector will consider the weight to be given to the relevant planning considerations and come to a decision to allow or refuse the appeal. As Inspectors are making the decision as if for the first time, they may refuse the permission on different grounds to the local planning authority. Where an appeal is made against the grant of permission with conditions, the Inspector will make a decision in regard to both the granting of the permission and the imposition of conditions. Appeals are regularly reported to the Committee.

Appeal decisions and year	Jan to Mar 2025	Apr to Jun 2025	Jul to Sept 2025	Oct to Dec 2025	Jan to Mar 2026	Apr to Jun 2026
Allowed	2	3	3	3	1	0
Dismissed	6	7	7	2	8	3
Total determined	8	10	10	5	9	3

LPA success rate	80%	70%	70%	40%	89%	100%
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2.13 Appeal performance improved during the first half of 2026 when compared with the corresponding period in 2025. A total of 12 appeals were determined between January and June 2026, compared with 18 in the same period of 2025. The Council successfully defended 11 of the 12 appeals determined, resulting in an overall success rate of approximately 92%, compared with 72% during January to June 2025. Only one appeal was allowed during the reporting period, compared with five in the corresponding period of the previous year. These results indicate a strong improvement in appeal outcomes and demonstrate continued robustness in the Council's decision-making.

2.14 As previously reported, given the 5-year housing land supply shortfall, we are anticipating an increase in challenges to refusals for greenfield sites at the edges of settlements. We have already seen a couple of examples of this.

Trees

2.15 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, 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 local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.

2.16 Below is the Council's performance on s211 Notices (TWCA) over the last 12 months.

S211 decisions and year	Jan to Mar 2025	Apr to Jun 2025	Jul to Sept 2025	Oct to Dec 2025	Jan to Mar 2026	Apr to Jun 2026
Total S211 decided	108	77	109	128	100	84

Agreed within 6 weeks	108	77	107	128	100	84
% agreed within 6 weeks	100%	100%	98%	100%	100%	100%
No of S211 notices where decision to serve TPO	0	1	1	0	1	0

- 2.17 When determining applications for consent under a Tree Preservation Order, the authority may: grant consent unconditionally; grant consent subject to such conditions as it thinks fit; refuse consent. The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others. The Council's performance on TPO applications is set out below.

TPO decisions and year	Jan to Mar 2025	Apr to Jun 2025	Jul to Sept 2025	Oct to Dec 2025	Jan to Mar 2027	Apr to Jun 2026
Total TPO applications decided	18	13	28	22	16	10
Agreed within 8 weeks or EOT	18	13	27	21	16	10
% within 8 weeks or EOT	100%	100%	96%	95%	100%	100%

- 2.18 Performance for tree-related work remained strong throughout the period reported. All S211 notifications shown in the monitoring table were determined within six weeks, maintaining a 100% performance position. TPO application performance also remained high, with almost all applications determined within the eight-week period or agreed extension of time. This reflects the continued commitment of technical support officers and the specialist arboricultural support provided by AWA Tree Consultants during the Trees and Landscape Officer vacancy.

3.0 Staffing and resources

- 3.1 As previously reported, the past year has been extremely challenging. To support the team, we have continued to use planning consultancy support to help manage planning application workloads. This has included ongoing support from a Major

Projects Officer, who has provided advice on several Nationally Significant Infrastructure Projects (NSIPs) and other large-scale proposals. Following the PAS review, previously reported recommendations have led to the successful recruitment of several posts, including an additional Principal Planner, a Trainee Planner (Enforcement) and a Technical Support Lead Officer. This has reduced the need for consultancy support, although some ad hoc external assistance is still expected for NSIP and large-scale project follow-up work. The business unit also continues to use external conservation and heritage support to help manage demand for planning-related consultee responses

- 3.2 Although performance is excellent, the vacant post of Trees and Landscape Officer continues to have a significant impact on the workload of technical support colleagues and necessitate external assistance. However, I am pleased to report that the post is currently out to advert. The closing date is towards the end of August 2026, and further updates will be provided regarding the outcome.
- 3.3 Government planning reforms suggest renewed focus on performance metrics and locally set fees. As previously reported, recent communication to government, we emphasised that the speed of decision-making should not be considered the sole indicator of quality, although it remains a key area for development. We will continue to prioritise effective pre-application advice and enhanced communication moving forward.
- 3.4 Although outside the scope of the recent PAS review, salary benchmarking may be considered as a future area of work to support staff retention.
- 3.5 The service is awaiting further Government announcements on the proposed reforms set out in the draft National Planning Policy Framework (NPPF) consultation document published in December 2025.

4.0 Implications

In preparing this report and its recommendations, officers have considered the relevant implications, including data protection, digital and cyber security, equality and diversity, finance, human resources, human rights, legal, safeguarding and sustainability matters. Where appropriate, these implications have been referenced and supported by expert comment.

5.0 Legal Implications

- 5.1 This report is for noting only.

6.0 Conclusions

- 6.1 Overall, the business unit has maintained strong performance during January to June 2026. Whilst it is acknowledged application volumes were lower than the corresponding period in 2025, decision-making performance remained well above national targets, appeal outcomes improved significantly, and tree-related services continued to achieve high levels of performance. These results demonstrate the team's continued commitment, resilience and professionalism in delivering a high-

quality service despite ongoing workload and resource pressures. Finally, whilst current performance remains positive, there are ongoing pressures that may affect performance levels in the future, including, increasing complexity of planning applications, and the potential impact of proposed planning reforms. Performance will therefore continue to be closely monitored and reported.



Report to Planning: 6 August 2026
 Business Manager Lead: Oliver Scott - Planning Development
 Lead Officer: Richard Marshall - Senior Planner (Enforcement)
Richard.marshall@newark-sherwooddc.gov.uk

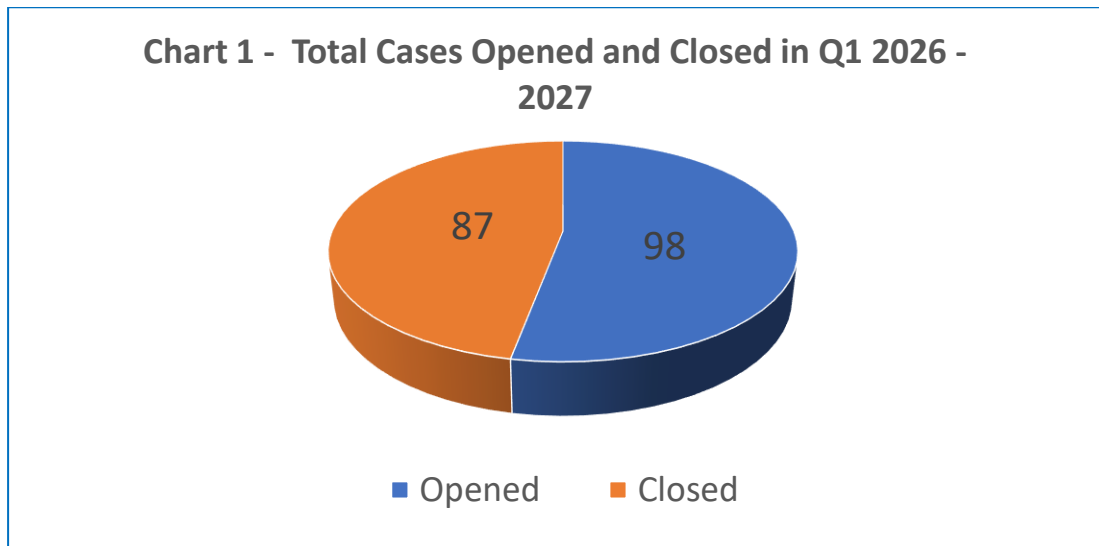
Report Summary	
Report Title	Quarterly planning enforcement activity update report
Purpose of Report	To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year. To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.
Period covered	Q1 2026/2027 – 1 st April 2026 to 30 th June 2026
Recommendation	For noting. The service assists in the delivery of Community Plan Objectives: • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

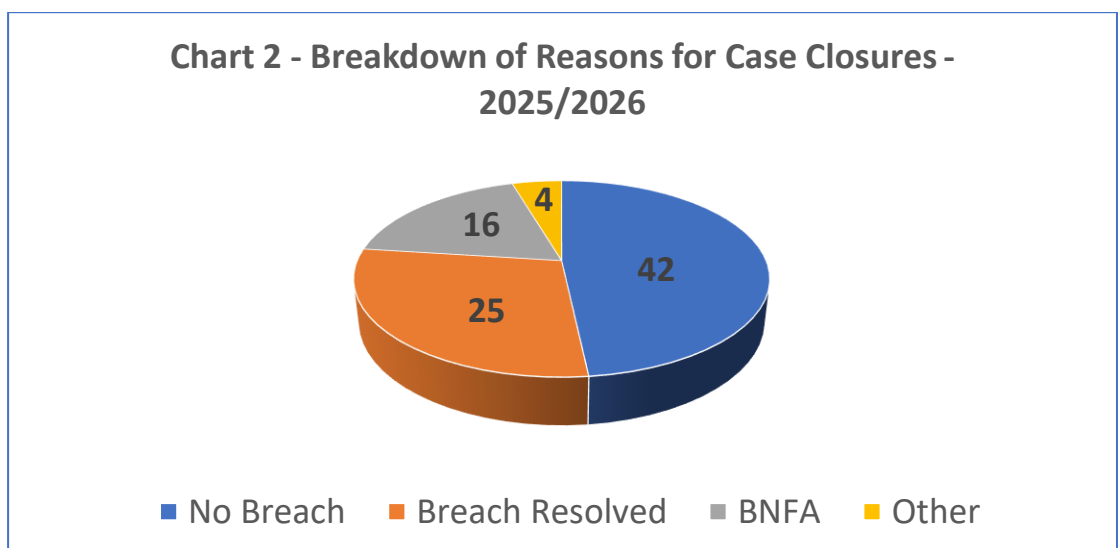
- 1.1 This report relates to the fourth quarter (Q1) of 2026 – 2027 from 1st April 2026 – 30th June 2026 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q1 in terms of numbers of cases received, the reasons for cases being closed and response times.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued) in the quarter.
- 1.4 Schedule C provides examples of cases where officers have managed to resolve the breaches through dialogue and negotiation during the quarter.
- 1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows considerable success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

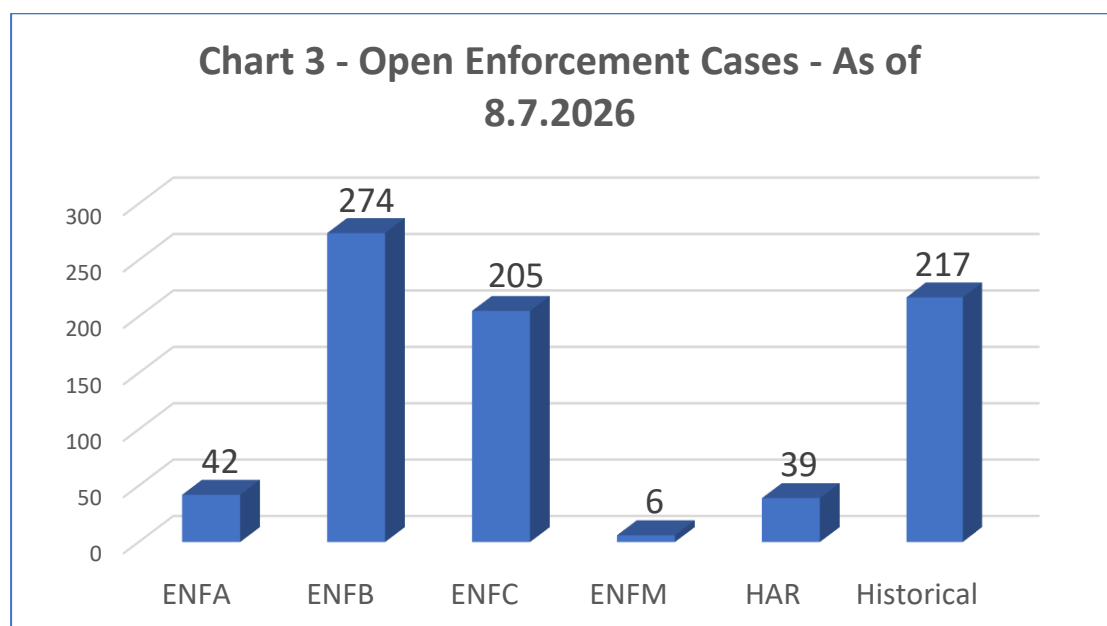
- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q1. Members will note that the number of new cases opened (98) remains relatively consistent quarter to quarter and almost identical when compared with the same period (Q1) in 2025/26, which totalled 97 new cases. Cases closed are also near identical when comparing Q1 with Q1 of 2025/2026 – 87 versus 88.



- 2.2 **Chart 2** sets out the reasons why cases have been resolved in Q1. The chart shows that, as is always the case, the majority of cases (42%) that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team's remit). These 'No Breach' cases generally represent around 50% of cases each quarter. To reinforce this, since January 2022, the overall percentage of 'No Breach' sits at 47%.
- 2.3 We continue to assert the importance of investigating these cases 'No Breach' cases so there is a record of the complaint and any associated action.

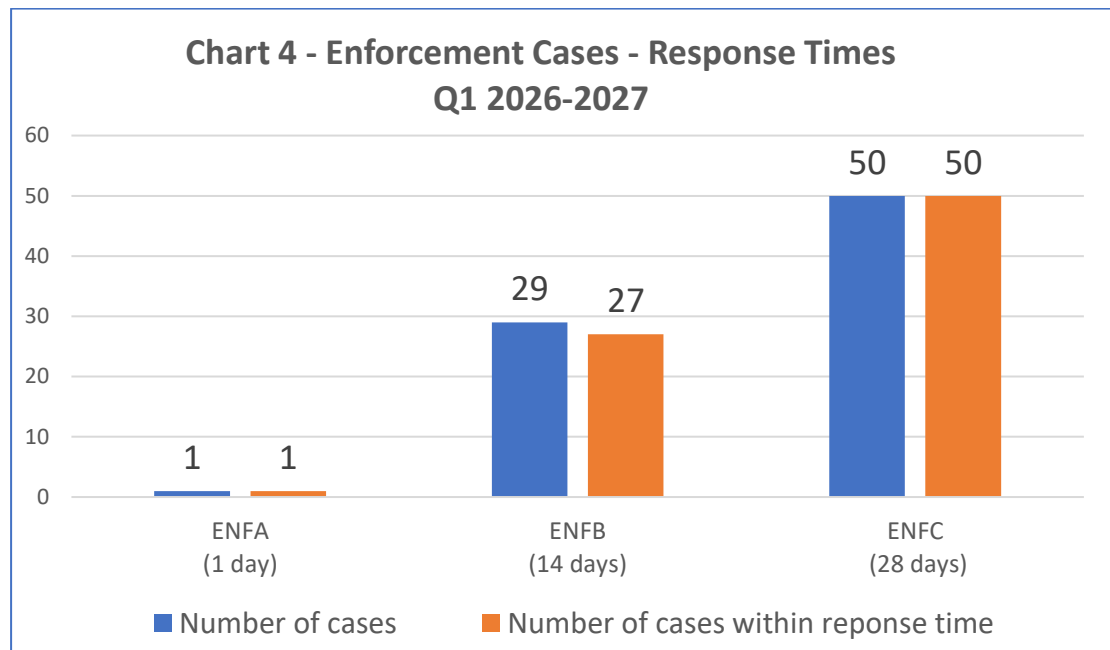


- 2.4 **Chart 3** aims to provide some context to the workload of the planning enforcement team by giving an illustration of the number of open cases.
- 2.5 The total number of cases open as of this 'snapshot' taken from 8th July 2026 is **783**. Firstly, it must be noted that concerted efforts have been made over the last year to reduce this overall number with resource being allocated to focus on some of the 'historical' cases. For context, the total number of open cases in September 2025 was **889**. An overall reduction in 106 in this time.
- 2.6 The categories shown below in Chart 3 are as follows (with a reminder of reason for the A, B & C categorisation including in brackets):
- a) ENFA – High Priority Case (where there is an immediate risk or irreparable damage resulting from unauthorised works)
 - b) ENFB – Medium Priority Case (will not normally require immediate action to prevent serious harm)
 - c) ENFC – Low Priority Case (minor breaches of planning control)
 - d) ENFM – Enforcement Monitoring Cases. Generally used to monitor a development – such as a new large-scale housing development.
 - e) HAR – Heritage at Risk. These cases are a combined effort between the NSDC Conservation Team and Enforcement.
 - f) Historical – These are cases that were opened prior to the ENFA, ENFB and ENFC system. A majority of these were cases that were transferred into the current system and left 'open' even though in many cases the investigations were completed many years ago. There is an ongoing project is to double-check these 'open' cases to close wherever possible.



- 2.7 We will provide this data and information on a quarterly basis going forward within the Planning Enforcement update committee reports.

- 2.8 **Chart 4** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council's Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that 98% of enforcement cases have been actioned during Q1 within the target period that is set out within the PEP.



- 2.9 **Table 1** sets out the number of Notices issued and appeal activity during Q1 of 2026 – 2027.

	APRIL 2026	MAY 2026	JUNE 2026
Notices Issued	1	2	3
Notices Complied With	0	0	0
Appeals Lodged	0	0	2
Appeals Determined	1	0	0

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 24/00024/ENFB
Site Address: Flaggs Farm, Norwell
Alleged Breach: Unauthorised use of agricultural buildings for use as commercial storage of white goods
Action To Date: PCN; Enforcement Notice Issued

Background:

- 3.1.1 Flaggs Farm has an extensive recent planning history including consents for the erection of agricultural buildings and changes of use and has previously been investigated by the planning enforcement team.
- 3.1.2 The first occasions was in 2024 when it was noted that 2 of the agricultural buildings (buildings 1 & 2) were being used for Use Class B8 (Storage and Distribution). The enforcement investigation resulted in the submission of an application for planning permission (24/01810/FUL) which was initially recommended for approval by officers and then subsequently refused by Planning Committee. The decision was the subject of an appeal which was subsequently upheld by the Planning Inspectorate who granted consent the change of use from agriculture to B8 Storage and distribution.
- 3.1.3 During the course of this application, it became apparent that in addition to buildings 1 & 2, buildings 3 & 4 were also being used for Class B8 storage. Investigations were undertaken, including issuing a PCN, which resulted in the submission of a retrospective application to retain the use for Class B8. The application, 25/02031/FUL, was subsequently refused in April 2026.
- 3.1.4 The application was refused as it was considered that due to its rural location, the site is served by a highway that is not suitable to accommodate the increase in traffic movements associated with the additional storage and distribution warehousing.
- 3.1.5 Due to the application being refused, a planning enforcement notice was issued concurrently. The notice requires the use of the site for Use Class B8 to cease.
- 3.1.6 Both the planning enforcement notice, and refusal of planning permission are now the subject of an appeal to the planning inspectorate.

Site Visit Photo



3.2 EXAMPLE 2

Enforcement Ref: 25/00286/ENFC
Site Address: Lodge Farm, Gunthorpe
Alleged Breach: Alleged conversion of building to form two new dwellings
Action To Date: Enforcement Notice Issued

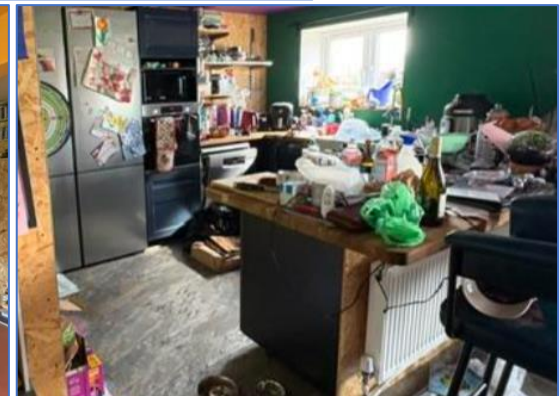
Background:

- 3.2.1 This case arose during 24/00336/ENFC which investigated two unauthorised dwellinghouses; both of which were identified as immune to enforcement action through the passage of time under Section 171B of the TCPA (1990).
- 3.2.2 However, whilst investigating these matters, it was also identified that two more dwellings had been formed within a large building (containing three unauthorised dwellings in total; one of which was investigated within 24/00336/ENFC and as discussed had become immune as per 25/01177/LDCE).
- 3.2.3 The owners sought to retain the two outstanding unauthorised dwellings within 25/01539/FUL - Conversion of barn to two dwellings (retrospective) – which was refused due to flood risk 12.12.2025. Following this refusal the owners sought a further application after discussions with the Environment Agency led to considerations that the development may be acceptable subject to condition.
- 3.2.4 A further application was sought under 26/00400/FUL - Conversion of barn to two dwellings – which was again refused owing to flood risk on 12.06.2026; whilst the

Environment Agency considered conditions may make the development acceptable, these conditions were not identified to be reasonable or enforceable.

- 3.2.5 On 22.06.2026 an Enforcement Notice was issued to both respective properties. Both Enforcement Notices have been appealed to the Planning Inspectorate.

Site Visit Photos



3.3 EXAMPLE 3

Enforcement Ref: 25/00335/ENFC
Site Address: Land at Lowdham Road, Lowdham
Alleged Breach: Alleged expansion of caravan sales yard and bund
Action To Date: Enforcement Notice Issued

Background:

- 3.3.1 In November 2025, development was identified within the paddock immediately north of Rove Motorhomes, Lowdham Road. The works comprised the creation of a bund and the use of agricultural land for staff parking and temporary motorhome storage associated with the existing business. It should be noted that the land sits with flood zone 3.
- 3.3.2 Two retrospective planning applications were submitted: one for alterations to the soil bund and one for the change of use from agriculture to mixed agricultural, parking and storage use. Both applications were refused on 22 June 2026 due to flood risk and wider impact concerns.
- 3.3.3 An Enforcement Notice was issued on 22 June 2026. The notice requires the use of the land for parking and storage to cease, all associated materials to be removed, the land to be restored to its former condition, and the bund and imported construction materials to be removed in full. The EN comes into effect 22nd July 2026, unless the notice is appealed, which they had not at the time of writing this report (22nd July).

Site Visit Photos





3.4 **EXAMPLE 4**

Enforcement Ref: 25/00349/ENFB
Site Address: The Cottage, Lincoln Road, Newark
Alleged Breach: Alleged development without permission
Action To Date: Injunction gained to stop any potential GRT development

Background:

- 3.4.1 This matter was included within the Q4 (2025/26) report. However, we wanted to provide a brief update to members.
- 3.4.2 As a brief summary, following works being carried on site, officers had reasonable concerns that there were intentions to re-develop as an unauthorised caravan site, potentially occurring over the spring Bank Holiday weekends.
- 3.4.3 Give these concerns, the council obtained an interim injunction on 2nd April 2026 (ahead of the bank holiday) prohibiting the developing of the plot as a caravan site unless planning permission was obtained. The injunction was extended for a further two years at a later hearing on the 13th of April 2026. This does not prevent the landowner from applying for permission to redevelop the plot.
- 3.4.4 Whether the landowner's intention was to develop the site for this purpose or not, it is difficult to say with any certainty. However, we are pleased to report no further activity has been reported and there has been no breach of the injunction.

4.0 **SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER**

4.1 **EXAMPLE 1**

Enforcement Ref: 24/00288/ENFB
Site Address: Holly House, Edwinstowe
Alleged Breach: Alleged building works not being carried out in accordance with 21/00238/FUL
Action To Date: Negotiation to remedy with new application; Case Closed.
Ongoing compliance checks being carried out.

Background:

- 4.1.1 This case concerns a large unauthorised outbuilding. Planning permission was granted in December 2021, but the garage was not built in accordance with the approved plans under Condition 2 of 21/00238/FUL, and other conditions.
- 4.1.2 To regularise the unauthorised garage, the owner was invited to submit a pre-application. This concluded in December 2024, advising that the changes were unacceptable. A full application then followed; although recommended for refusal, it was granted permission at committee, subject to certain conditions.
- 4.1.3 The conditions required the garage door, all doors and window frames to be painted black; the eastern French doors to be replaced with a small first-floor window; and the brickwork to be painted off-white to match 1 East Lane. These measures address visual amenity.
- 4.1.4 An April 2026 site visit found progress towards compliance, with evidence that Condition 05 has been met and Condition 02 appears to have been met.
- 4.1.5 As the development now has planning permission and the relevant conditions are being addressed, the breach is considered resolved.
- 4.1.6 The case is now closed. However, the enforcement case officer will continue to monitor to ensure the committees conditions are adhered to.

Initial Photos



After Compliance Photos



4.2 EXAMPLE 2

Enforcement Ref: 25/00025/ENFB
Site Address: Plum Tree Cottage, Farnsfield
Alleged Breach: Alleged breach of conditions attached to 24/01199/HOUSE
Action To Date: Breach resolved via negotiation; Case Closed.

Background:

- 4.2.1 This investigation concerns an alleged breach of conditions with the main issue was being the use of unauthorised thick insulated render, together with other detailing matters including rainwater goods, window details and black tiles at damp-proof course level.
- 4.2.2 Following enforcement involvement, the owner submitted details through a discharge of conditions application and carried out key remedial works.
- 4.2.3 The unauthorised render was removed and replaced with an approved render, window and sill changes were made, and downpipes were amended. Although some elements remain non-compliant, including the guttering and black tiles, Conservation advice confirmed that these are incidental and do not materially harm the character or appearance of the Farnsfield Conservation Area.
- 4.2.4 It is therefore concluded that the principal harm has been remedied and the remaining breach is trivial or technical, causing no material planning harm. Formal enforcement action would not be expedient and would only serve to regularise the development. The case is recommended for closure with no further action.

Before Photo – With external Insulation



After Photo – Insulation Removed



4.3 EXAMPLE 3

Enforcement Ref: 26/00002/ENFC
Site Address: Cauntton Beck Public House
Alleged Breach: Alleged unauthorised fenced area/bin store
Action To Date: No Breach but completed structure amended through negotiation and compromise.
Breach Resolved – Case Closed

Background:

- 4.3.1 Case dates to January 2026 and is regarding a fenced area to the rear of the PH that has undergone a substantial renovation.
- 4.3.2 Following the report from a local a resident, there was some confusion regarding which structure the complaint related to following an initial site visit. Initial correspondence with the new owners of the PH were unsuccessful. A further site visit was then carried out in April, where the new owners were met on site and the correct area linked to this report was ascertained.
- 4.3.3 The resident's concern was due to the increased size of this 'compound' area that was located on the 'Church side' of the PH.
- 4.3.4 The structure was deemed to benefit from permitted development rights. However, as is often the case in such matters, efforts are made by the officer to find an improved outcome for all parties if a compromise can be found.

- 4.3.5 In this instance, although the owners were not obliged to do so, agreement was reached to reduce the overall size and impact of this 'excessively large' fenced area by a 3rd. This was completed to the satisfaction of all involved.

Initial Photo – Taken prior to any recent works



Site Visit Photo – Newly



Photos - After works to reduce scale and impact



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 23/00149/ENFB
Site Address: Downside Cottage, Great North Road, Bathley
Alleged Breach: Alleged siting of storage containers
Action To Date: Enforcement Notice; Appeal Dismissed
Breach Resolved – Case Closed

Background:

- 5.1.1 A complaint was received in 2023 alleging a B8 self-storage business had begun operating from a remote site near Bathley/North Muskham. The site had a chequered history but was only authorised to be a taxi hire depot.
- 5.1.2 A retrospective application was submitted and subsequently refused with an Enforcement Notice then being issued in May 2024. The Notice was appealed by the owners, but this was dismissed by the inspectorate, requiring the use to cease and for the storage containers to be removed.
- 5.1.3 Following a short delay, all containers were found to have been removed and therefore compliance was achieved, allowing the case to be closed in. It should be noted that some months prior to this compliance the business ceased operating.

Initial Photos



Compliance Photo



5.2 EXAMPLE 2

Enforcement Ref: 23/00022/ENFB
Site Address: The Linhay, Egmonton
Alleged Breach: Alleged running of commercial (log) business from residential property
Action To Date: PCN; Enforcement Notice
Breach Resolved – Case Closed

Background:

- 5.2.1 This case commenced January 2023. An initial site inspection shortly afterwards confirmed the owner was operating the business from a large outbuilding. The owner claimed deemed consent through agricultural, and forestry permitted development rights and licence exemptions; however, the LPA did not agree and identified a breach and a PCN (issued April 2024) confirmed this position.
- 5.2.2 The owner sought to retain the use through a planning application for the retention of a wood drying kiln and associated plant. The application was withdrawn in July 2024 and, as no further application was submitted, an enforcement notice was issued September 2024 that required the owner to cease the unauthorised log drying business as well as the removal of equipment and structures linked to the operation.
- 5.2.3 The owner complied with the cessation of the use but required longer to remove associated items due to personal circumstances. The Council monitored progress and suitable extensions were agreed under section 173A of the Town and Country Planning Act 1990.
- 5.2.4 A site visit in May 2026 confirmed the removal of the required items. There were some waste items remaining on site but it was deemed that the removals that had taken place – and continuation of the cessation of activities – that there had been compliance with the notice.

Initial Photo



Compliance Photo



6.0 IMPLICATIONS

- 6.1 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 referred to these implications and added suitable expert comment where appropriate.

7.0 RECOMMENDATIONS

- 7.1 The report is noted.

8.0 BACKGROUND PAPERS

- 8.1 None.