



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Tuesday, 30 May 2023

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

Members of the Committee:

Councillor Mrs L Dales	Councillor J Lee
Councillor Mrs P Rainbow	Councillor K Melton
Councillor S Saddington	Councillor E Oldham
Councillor T Wildgust	Councillor M Shakeshaft
Councillor Mrs C Brooks	Councillor M Spoons
Councillor S Crosby	Councillor Mrs L Tift
Councillor P Harris	

MEETING: Planning Committee

DATE: Thursday, 8 June 2023 at 4.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark, Notts, 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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13. Exclusion of the Press and Public	
<p>To consider resolving 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 involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.</p>	

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Thursday, 20 April 2023 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor Mrs L Dales (Vice-Chairman)

Councillor M Brock, Councillor R Crowe, Councillor A Freeman,
Councillor L Goff, Councillor Mrs P Rainbow, Councillor S Saddington,
Councillor M Skinner, Councillor T Smith, Councillor I Walker, Councillor
K Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

APOLOGIES FOR Councillor Mrs R Holloway (Committee Member)
ABSENCE:

124 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R Blaney declared a Other Registrable Interest in Application No. 23/00436/FUL – Village Hall, Main Street, Morton, as he was the named applicant in the position of Church Warden.

Councillor Mrs S Saddington declared a Non-Registrable Interest regarding Application No. 23/00333/FUL – Field Reference No. 9208, Moor Lane, East Stoke, as she was known to the applicant and would not take part in the debate or vote at the Planning Committee.

Councillors R Crowe; L Goff; M Skinner declared a Non-Registrable Interest regarding Application No.23/00407/TWCA – Sherwood Avenue Park, Sherwood Avenue, Newark, as they were Members of Newark Town Council.

Councillor Mrs L Dales declared a Disclosable Pecuniary Interest in Application No. 22/00907/FUL – The Old Vicarage, Church Lane, South Scarle, as she was neighbour to the applicant and would not take part in the debate or vote at the Planning Committee. She also declared a Non-Registrable Interest in Application No. 23/00211/FUL – Former Buffer Depot and Driving Test Centre, Bowbridge Road, Newark on Trent, as she was a Trustee of Sherwood Forest Hospital Trust.

Councillors Mrs L Dales, I Walker and K Walker declared Non-Registrable Interests as appointed representatives on the Trent Valley Internal Drainage Board.

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

The Chairman advised that the proceedings were being audio recorded and live streamed by the Council.

126 MINUTES OF THE MEETING HELD ON 16 MARCH 2023

AGREED that the Minutes of the meeting held on 16 March 2023 were

approved as a correct record and signed by the Chairman.

127 ORDER OF BUSINESS

The Planning Committee Chairman, with the permission of the Planning Committee changed the order of business and Agenda Item No. 15 was brought as the first item of business. The agenda resumed its stated order thereafter.

128 THE OLD VICARAGE, CHURCH LANE, SOUTH SCARLE - 22/00907/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the proposed conversion of existing Coach House to an annex and proposed erection of a two-storey garage and conservatory. A site visit took place before the meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Planning Case Officer and the Applicant. This included a change to the description of development.

Councillor P Rowland, on behalf of South Scarle Parish Meeting, spoke against the application in accordance with the views of South Scarle Parish Meeting, as contained within the report.

Members considered the application acceptable with an additional condition stating that the garage should remain ancillary to the main house.

Having declared a Disclosable Pecuniary Interest in this item, Councillor Mrs Dales left the meeting.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report and an additional condition that the garage is ancillary to the main house.

Councillor Mrs Dales returned to the meeting.

129 HOVERINGHAM ACTIVITY CENTRE, THURGARTON LANE, THURGARTON - 22/02296/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of a Scout hut and the erection of a replacement building providing training and changing facilities following the deferral from March's meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Planning Case Officer and Agent.

Councillor R Jackson, Local Ward Member for Dover Beck, spoke in support of the application for the following reasons. This was a facility provided for young people through the scouting organisation. The building would be increased in size by 30% and was a modest building anyway. The children using the facilities were from inner cities and urban areas who had taken up the chance to undertake water sports and outdoor activities. It was only the right decision to provide them with changing and shower facilities and it was appropriate for leisure facilities for young people in the green belt.

Members considered the application, and they considered the location appropriate for the proposed water sports outdoor activities as the facilities were needed for safeguarding reasons. The building was not incongruous and would tidy up that area and improve the site. One Member felt that the green belt should be protected.

A vote was taken and lost with one vote For and thirteen votes Against Refusal.

AGREED (with 13 votes For and 1 vote Against) that contrary to Officer recommendation, planning permission be approved subject to the following conditions and reasons.

Conditions:

- (i) three-year time limit;
- (ii) highways and drainage;
- (iii) two informative to the applicant regarding Radon and drainage laws;
- (iv) delegated authority be granted to the Business Manager – Planning Development to include reasonable conditions.

Reason for Approval:

- (i) the Committee considered the development complies with national Green Belt policy set out in the National Planning Policy Framework (paragraph 149(b) in that the development is an appropriate facility for outdoor sort and recreation (as set out in the report) and is also considered to preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt. This is due to the context of the site already having built development present and whilst the new building is larger, within the wider context of the industrial buildings within the near vicinity it will not result in either harm or conflict.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
R.V. Blaney	For
M. Brock	For

R.A. Crowe	For
L. Dales	For
A. Freeman	For
L. Goff	For
R. Holloway	Absent
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For
T. Wildgust	For
Mrs Y. Woodhead	Against

130 HUNTERS HILL FARM LAMBLEY ROAD LOWDHAM - 22/02188/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the construction of on-line flood storage reservoir to create upstream storage area on Cocker Beck to provide flood protection to village of Lowdham including removal of material and re-profiling of land and construction of associated embankment that would contain flow control structure in the form of engineered conduit; diversion of Cocker Beck for approximately 670m and diversion of the tributary to the north for approximately 250m; a number of additional elements including; the realignment of two Public Rights of Way, formation of new vehicular access to Lambley Road, residential/farm access track realignment, environmental mitigation works and landscaping (Re-submission of 21/02418/FULM). A site visit took place before the meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Planning Case Officer; Agent and Local Resident.

The Planning Committee Chairman with the permission of the Planning Committee allowed Councillor R Jackson to address Committee as adjoining Ward Member in the absence of Councillor T Wendels.

Councillor R Jackson, Local Ward Member for Dover Beck, spoke in support of the application on the grounds that the proposal would prevent a lot of properties from flooding in Lowdham.

Members considered the application and commented on the tremendous amount of work that was involved with this scheme to alleviate the problem of flooding.

AGREED (unanimously) that planning permission be approved for the recommendations contained within the report, including completion of a legal agreement, no new material planning conditions being raised before the end of the consultation period and delegated authority granted to

Officers to allow for any amendments to be made to the planning conditions before issue.

131 CHESTNUT LODGE, BARNBY ROAD, BALDERTON, NEWARK ON TRENT - 23/00058/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the proposed change of use to residential caravan site for gypsy/travellers (19 No. pitches), relocation of 2 no. existing pitches, construction of 1 no. managers dwelling, an amenity building and creation of a new access. A site visit took place before the meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the following: Planning Case Officer; Nottinghamshire County Council Highways; Local Residents; Balderton Parish Council; Barnby-in-the-Willows Parish Council; Robert Jenrick MP Office; and a copy of a letter from a Local Resident.

The Business Manager – Planning Development informed the Committee of two further objections received.

The Chairman informed the Committee that he had agreed to allow Balderton Parish Council to speak as the application was in their parish and also Barnby-in-the-Willows and Coddington Parish Council as they were neighbouring parishes.

Councillor G Lee, on behalf of Balderton Parish Council, spoke against the application in accordance with the views of Balderton Parish Council, as contained within the report.

Councillor G Bett, on behalf of Barnby-in-the-Willows Parish Council, spoke against the application in accordance with the views of Barnby-in-the-Willows Parish Council, as contained within the report.

Councillor T Dikkez, on behalf of Coddington Parish Council, spoke against the application in accordance with the views of Coddington Parish Council, as contained within the report.

Councillor J Lee, Local Ward Member for Balderton North & Coddington, spoke against the application on the grounds that if planning permission was granted it would set a dangerous precedent as the large house could be built and then never have any gypsy travellers taking up the pitches, it was considered a way around the rules for building in the open countryside. He commented that he had supported gypsy traveller applications in the past, however this application was not Council run and there was no evidence for any need at this location. If there wasn't any take up, the utility block may also be used as a second home in the future.

The Business Manager – Planning Development in relation to a question that an

Environmental Assessment had not been undertaken, explained that the site did not fall into any of the categories set out in Schedule 1 and did not fall within the thresholds of Schedule 2 and an Environmental Impact Assessment was not required.

Members considered the application and felt that the dwelling was too large in the open countryside and to use the gypsy traveller site to get such a large dwelling was considered unethical. It was also commented that there were no footpaths connecting to major facilities from this site. Another Member felt that the application was acceptable given the need for gypsy traveller sites in the district.

The Business Manager – Planning development informed Members that Condition 12 addressed the need that the site would be used for its intended use. Permitted development rights would need to be removed.

A vote was taken and lost for Approval with one vote For and thirteen votes Against.

AGREED (with 13 votes For and 1 vote Against) that contrary to Officer recommendation planning permission be Refused for the following reasons:

- (i) the principle of a manager's house of that size, five bed-room, three storey for the necessity to manage a Gypsy Traveller site of twenty-one pitches was not acceptable and created harm to the open countryside; and
- (ii) was contrary to Policies CP9; CP13; SP3; DM8; & DM5

Councillor T Smith left the meeting at this point.

132 LAND AT GREENAWAY, ROLLESTON - 22/02176/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of two single storey bungalows and construction of 8 dwellings that included off-street parking provision and outdoor amenity space. A site visit took place before the meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from Rolleston Village Hall.

Councillor Baillon, on behalf of Rolleston Parish Council, spoke against the application in accordance with the views of Rolleston Parish Council, as contained within the report.

Members considered the application, and it was commented that the two bungalows that had stood empty for six years was too long given the need for housing. It was commented that the intensity on the access road was too great and the largest of the open market houses would impact on the appropriate use of the village hall. The

design was considered to have been taken off the shelf and was not desirable. The road adjacent to the site had not been adopted and was in a poor state and the maintenance of that road was unclear. The car parking arrangements for the development were not adequate. The grass verge may be used for car parking however that was included in the landscaping scheme and would have trees planted on it. Concern was raised regarding the risk of flooding, an area that had previously flooded. Another Member commented that the scheme may put the village hall in danger if there were not adequate car parking arrangements for visitors to the village hall. Another Member commented that there was a shortage of bungalows, and it wasn't very often that bungalows were demolished. Members further commented on the size and scale of the development and would prefer the replacement of the bungalows with bungalows.

A vote was taken to Approve which was lost with one vote For and twelve votes Against.

AGREED (with 12 votes For and 1 vote Against) that contrary to Officer recommendation, planning permission be refused for the following reasons:

- (i) Over intensive development at the site resulting in inadequate visitor car parking,
- (ii) likely impact on the use of Village Hall due to the proximity of the dwellings;
- (iii) issue of design;
- (iv) measures for maintenance of the road not provided; and
- (v) landscaping which was failure to demonstrate unauthorised car parking due to road maintenance.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
R.V. Blaney	For
M. Brock	For
R.A. Crowe	For
L. Dales	For
A. Freeman	Against
L. Goff	For
R. Holloway	Absent
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	For
T. Smith	Absent
I. Walker	For
K. Walker	For
T. Wildgust	For
Mrs Y. Woodhead	For

In accordance with Rule 30.1, the Chairman indicated that the meeting had been

ongoing for three hours and a motion was required to be proposed and seconded to extend the meeting.

AGREED (unanimously) that the meeting continue.

133 HUTCHINSON ENGINEERING SERVICES LTD, GREAT NORTH ROAD, WESTON - 22/02086/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of agricultural land to a proposed turning area. A site visit took place before the meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Planning Agent.

Councillor Laughton, on behalf of Weston Parish Council, spoke in support of the application in accordance with the views of Weston Parish Council, as contained within the report.

Councillor Mrs S Michael, Local Ward Member for Sutton-On-Trent spoke in support of the application and supported the views of Weston Parish Council. It was commented that the site was ideally positioned for the road network. The roads would come to a standstill if this site was positioned in Newark. The site would allow for the complete turning of vehicles. In terms of visibility and visual harm, in a year's time the hedge would have grown and only the hedge would be visible from the A1. It was commented that businesses should be nurtured in the district.

Members considered the application and some Members felt that the turning point would be safer, and the site was very well laid out. Other Members commented that this was just another application in several applications, from the change of use from agricultural land.

AGREED (with 7 votes For and 6 votes Against) that planning permission be refused for the reasons contained within the report.

134 BROADLANDS, SOUTHWELL ROAD, FARNSFIELD - 22/02469/RMA

The Committee considered the report of the Business Manager – Planning Development, which sought a reserved matters application pursuant to application 21/02680/OUT for the erection of 3 dwellings following the demolition of Broadlands; including amendment to existing vehicular access and associated works. A site visit took place before the meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Neighbour.

Members considered the application acceptable.

AGREED (with 12 votes For and 1 vote Against) that planning permission be approved subject to conditions contained within the report.

135 OLLERTON HALL, MAIN STREET, OLLERTON - 22/00852/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use and conversion of hall to 8 new apartments with new bin and cycle store.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Planning Case Officer detailing the proposed conditions.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to conditions contained in the late Schedule of Communication and delegated authority be granted to the Business Manager – Planning Development to allow for any amendments to be made before issue.

136 OLLERTON HALL, MAIN STREET, OLLERTON - 22/00853/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought the refurbishment of the hall to provide 8 no. new apartments.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Planning Case Officer detailing the proposed conditions.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to conditions contained in the late Schedule of Communication and delegated authority be granted to the Business Manager – Planning Development to allow for any amendments to be made before issue.

137 VILLAGE HALL, MAIN STREET, MORTON - 23/00436/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use from a village hall to a dwelling with rear two storey extension and demolition of existing flat roof extensions.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from Fiskerton-Cum-Morton Parish Council.

Members considered the application acceptable.

Having declared an Other Registrable Interest Councillor R. Blaney left the meeting.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

Councillor R. Blaney returned to the meeting.

138 FIELD REFERENCE NUMBER 9208, MOOR LANE, EAST STOKE - 23/00333/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of an existing stable block and the erection of a single storey dwelling. A site visit took place before the meeting.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from the Applicant.

Members considered the application and the Local Ward Member commented that the proposed development was infill and would smarten the site up. The proposed bungalow would replace the existing building. The applicant had an urgent medical need, and the building would not be built for profit, but to maximise the benefit of the surroundings.

The Business Manager – Planning Development informed Members that Planning consent ran with the land and not the applicant.

Having declared a Non-Registrable Interest Councillor Mrs S Saddington left the meeting.

AGREED (with 6 votes For and 6 votes Against, the Chairman used his casting vote for Refusal) that planning permission be refused for the reasons contained within the report.

Councillor Mrs S Saddington returned to the meeting.

139 FORMER BUFFER DEPOT AND DRIVING TEST CENTRE, BOWBRIDGE ROAD, NEWARK ON TRENT - 23/00211/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought a Car Park with 80 spaces, including 16 EVCP's, Solar Shelter Canopies, fencing, barrier, ticket machines and CCTV.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from Newark Town Council.

Members considered the application and the Local Ward Member commented that although the loss of trees was regrettable, this application brought the land back into use which had been derelict for some time. The application brought more car parking spaces for the hospital and to the town. Another Member disagreed with this and commented that Bowbridge Road was congested with traffic, there was a need to get more people on bikes and public transport.

Councillor Mrs S Saddington commented that she was the Nottinghamshire County Council Chairman of the Health Scrutiny and she had requested new services for Newark hospital.

AGREED (with 12 votes For and 1 vote against) that planning permission be approved subject to the conditions contained within the report.

140 HALAM C OF E SCHOOL - 22/02255/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the installation of a new black hooped metal fencing and fence panels to school existing boundary.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Councillor S Godfrey, on behalf of Halam Parish Council, spoke against the application in accordance with the views of Halam Parish Council, as contained within the report.

Members considered the application and the Local Ward Member commented that she was in support of Halam Parish Council and there was a need to explore whether the proposed fence was a safeguarding issue, why it had come to the Planning Committee and was it a requirement to have this fencing. She was concerned with the fence being over two metres tall in the middle of the village, which would have a visual impact. Other Members commented on the need for fencing around schools which was also present around the perimeter of schools in their villages, to keep children safe.

The Business Manager – Planning Development informed the Committee that a two-metre fence could be erected without planning permission and the proposed application was an additional 11mm in height, she sought Committee consideration as to whether that additional height resulted in harm. The Council’s Conservation Officer had no issue with the proposal.

AGREED (with 10 votes For, 2 votes against and 1 Abstention) that planning permission be approved subject to the conditions contained within the report.

141 FORMER NEWARK LIVESTOCK MARKET, GREAT NORTH ROAD, NEWARK ON TRENT - 23/00334/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought a ramp to connect Air & Space (ASI) access road.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received following the publication of the agenda from Newark Town Council.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

142 SHERWOOD AVENUE PARK, SHERWOOD AVENUE, NEWARK - 23/00407/TWCA

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of Tree 1 (Maple) and Tree 2 (Horse Chestnut) - Undertake Crown Lift to achieve a clearance of approximately 2.5m from ground level, crown clean and crown thin of up to 30% (Works to be undertaken in accordance with BS3998).

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

AGREED (unanimously) that no objection has been raised.

143 PLANNING APPLICATION VALIDATION CHECKLIST 2023

The Committee considered the report of the Director of Planning & Growth which updated the Council’s Planning Application Validation Checklist in line with Government guidance and legislation.

AGREED (unanimously) that:

- (a) the Planning Application Validation Checklists is adopted with the amendments as set out within the table attached to the report;
- (b) minor amendments are made to the checklist to take account of any changing to legislation over the coming years e.g. biodiversity net gain under delegated authority; and
- (c) the checklist is reviewed every 2 years in accordance with the Development Management Procedure Order.

The planning application validation checklist will contribute towards assisting with: Delivering inclusive and sustainable economic growth; Creating more and better-quality homes; Enhancing and protecting the district’s natural environment.

144 PERMITTED DEVELOPMENT RIGHTS: SUPPORTING TEMPORARY RECREATIONAL CAMPSITES, RENEWABLE ENERGY AND FILM-MAKING CONSULTATION

The Committee considered the report of the Director of Planning & Growth which informed Members of the latest permitted development right consultation and considered the proposed responses to be made.

On 28 February 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on four proposals concerning permitted development rights relating to recreational campsites; renewable energy; electric charge vehicle points; and filmmaking. There were forty-one consultation questions – attached at appendix A to the report. It was not proposed to respond to all consultation questions but focus on those considered of particular importance to Newark and Sherwood.

AGREED that:

- (a) the contents of the report and the permitted development right changes be noted; and
- (b) the draft Council response in Section 2 of the report be endorsed.

145 ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

The Committee considered the report of the Chief Executive which detailed the exempt business considered by the Committee for the period 1 March 2022 to date.

One report had been taken during exempt business entitled: Implications of new evidence on pending planning appeal in relation to application no 20/01452/OUTM Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and

landscaping on Land Off A17, Coddington. The opinion of the Report Author was that the information would now be open.

AGREED (unanimously) that the report entitled: Implications of new evidence on pending planning appeal in relation to application no 20/01452/OUTM Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping on Land Off A17, Coddington, become open.

146 APPEALS LODGED

AGREED that the report be noted.

147 APPEALS DETERMINED

AGREED that the report be noted.

148 PLANNING COMMITTEE ANNUAL REPORT 2022-2023

The Committee considered the report of the Director of Planning & Growth which detailed the information of the performance of the Planning Committee.

The report advised that all Planning Committee meetings had been held at Castle House. The first two were held on a Tuesday (April and May) before the meeting was changed to a Thursday. All meetings commenced at 1600 hours. The meeting in September 2022, was cancelled due to the Civic Suite being flooded.

Newark & Sherwood District Council's Planning Committee sat on eleven occasions throughout the municipal year 2022- 2023, the same as 2021-22, noting September's meeting was cancelled prior to it starting. The Committee undertook twenty-two official site visits, as part of seven meetings.

The Planning Committee considered fifty-eight planning applications over the eleven meetings. Forty-six applications were granted in line with officer recommendation; nine applications were refused in line with officer recommendation; one application was granted contrary to officer recommendation; two applications were refused contrary to officer recommendation; and of the fifty-eight, four were deferred for negotiation or further information.

Throughout the municipal year Newark & Sherwood District Council received seven appeal decisions in respect of decisions made by the Planning Committee.

Out of the seven, five of the appeals were allowed (i.e. granted) by the Inspector and one was dismissed (refused) supporting the decision of the Committee, whilst one was withdrawn by the appellant.

Of the appeals four of these had been recommended for approval by Officers but overturned by Committee; two had been recommended by Officers to be refused; of the overturned appeals, all were dismissed. The report also detailed the allowed

appeals. A list of the variety of reports considered by the Planning Committee was also detailed in the report.

AGREED that the report be noted.

Meeting closed at 8.50 pm.

Chairman



Report to Planning Committee 08 June 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner, ext. 5329

Report Summary			
Application Number	23/00188/FULM		
Proposal	Change of use of land from agricultural to equestrian use, erection of new stables/livestock building		
Location	Flaggs Farm, Caunton Road, Norwell, Newark on Trent, NG23 6LB		
Applicant	Mr Pete Cook	Agent	GraceMachin Planning & Property - Mr George Machin
Web Link	23/00188/FULM Change of use of land from agricultural to equestrian use, erection of new stables/livestock building Flaggs Farm Caunton Road Norwell Newark On Trent NG23 6LB (newark-sherwooddc.gov.uk)		
Registered	06.02.2023	Target Date Extension of Time	08.05.2023
Recommendation	Refusal for the reasons set out in Section 10 of this report		

This application is presented to Planning Committee due to the Officer recommendation differing from that of the Parish Council. Councillor Saddington has requested the application be determined by the Planning Committee due to concerns over the need for further buildings and providing sufficient stabling for horses.

1.0 The Site

The application site comprises of former agricultural land but has been divided into paddocks for the grazing of horses. It is located outside of any defined settlement boundaries as defined by the Allocations and Development Management Development Plan Document and is therefore within the open countryside. The site is located to the north of Flaggs Farm and to the west of Caunton Road within the parish of Norwell.

Land to the south of the site includes residential development which comprises of converted

barns. To the west of these are agricultural buildings and buildings used by a construction company.

The site is accessed by an existing vehicular access from Caunton Road, sited to the north of the existing converted barns. A soil bund (approximately 2.5-3m in height) is located to the north and south of the access drive which is currently under investigation by the Council's Planning Enforcement colleagues.

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and therefore at the lowest risk from fluvial flooding and the site is at risk from surface water flooding.

The application site is approximately 1.3 hectares in area and is relatively flat in topography. A hedgerow exists to the western and eastern boundaries and the field current used for the horses and remaining boundaries are defined by either post and rail timber fencing or wire fencing (assumed electrified).

2.0 Relevant Planning History

No history exists on this part of the site, however relevant to this application are the recent permissions which are shown below.

21/02649/FUL - Erect Agricultural Storage Building following Demolition of 3 No. Storage Buildings. Approved 17.03.2022

22/00613/S73 - Application for variation of condition 04 to change the wording regarding demolition of buildings and ecological inspection prior to demolition attached to planning permission 21/02649/FUL. Approved 19.05.2022

22/02239/FUL - Demolish existing building. Erection of new building for agricultural use. Approved 11.01.2023

3.0 The Proposal

The application relates to the change of use of the former agricultural land to equestrian use for use as paddocks and the erection of a new building for use as stables and livestock.

The building would be finished in concrete block and vertical timber board cladding or coloured profile metal sheet cladding and cement roofing sheets.

Approximate dimensions of the proposed building:

19.4m (width) x 12.1m (depth) x 4.2m (height to ridge) x 2.4m (height to eaves)

Documents/plans submitted with the application:

- Site location plan – as existing;
- Proposed block plan;
- DRWG no. FLAGGS/2023/LE1 Landscape elevation;

- DRWG no. FLAGGS/2023/S1 Plan & elevations – as proposed;
- Flood risk assessment.

4.0 Departure/Public Advertisement Procedure

Occupiers of 8 properties have been individually notified by letter and a site notice has been displayed at the site and an advert placed in the local press.

Site visit undertaken on 24.03.2023.

5.0 Planning Policy Framework

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

Spatial Policy 3 – Rural Areas
 Spatial Policy 7 – Sustainable Transport
 Core Policy 9 - Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)

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

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2021
 Planning Practice Guidance (PPG)
 Landscape Character Assessment SPD 2013

6.0 Consultations

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

(a) Statutory Consultations

For guidance on Statutory Consultees see Table 2: Consultation and pre-decision matters - GOV.UK ([Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk)).

Nottinghamshire County Council Highways - The details submitted indicate a stables/livestock building suitable for a range of animals and an adjacent dedicated area of land for equestrian use, which will be occupied by the horses of a local person. As this is not the owner of the land, this would be considered a commercial use. The application also specifies that the proposals will generate the need for two part-time employees. Access to

the development is as existing.

There appears to be some ambiguity as to the use of the proposed building and it is unclear if going forward it may be used for the keeping of horses or/and other livestock and how this will be serviced and potentially how many visitors the stables/livestock building, and paddocks could generate e.g. further persons keeping their horses here.

The submitted drawings do not clearly show parking and turning, and whilst there appears ample space, it is not specified where vehicles would park, how many spaces will be available and where vehicles would turn. If larger servicing vehicles will be visiting the building, turning for expected vehicles needs to be demonstrated.

(b) Town/Parish Council

Norwell Parish Council – Support proposal.

(c) Representations/Non-Statutory Consultation

NSDC Environmental Health – No objections

No representations have been received from residents or any other third parties.

7.0 Comments of the Business Manager – Planning Development / Appraisal

The key issues are:

- Principle of the development within the open countryside
- Impact on Design and Landscape Character
- Impact on Highway Safety
- Impact on flood risk
- Impact on residential amenity

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

The NPPF (2021) states that the purpose of the planning system is to contribute to the achievement of sustainable development. This can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (para 7). Achieving sustainable development means the planning system has 3 overarching objectives:

- An economic objective – build a strong, responsive and competitive economy;
- A social objective – to support strong, vibrant and healthy communities;
- An environmental objective – to protect and enhance our natural, built and historic environment. (para 8, NPPF 2021)

The Development Plan is the statutory starting point for local decision making which comprise of the Amended Core Strategy (2019) (ACS) and the Allocations and Development Management Development Plan Document (DPD) (2013) as well as Supplementary Planning Documents and any Neighbourhood Plans. Planning applications that accord with the policies in the Development Plan for Newark and Sherwood (including, where relevant, policies in Neighbourhood Development Plans) will be approved without delay, unless material considerations indicate otherwise.

Norwell is classed as an ‘other village’ in the settlement hierarchy and therefore Spatial Policy 3 of the ACS applies. This states that *‘Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting.’* As the proposal falls outside of the built-up area of any settlement, Policy DM8 (Development in the Open Countryside) of the ADMDPD would also apply.

Policy DM8 restricts the development within the open countryside to a list of limited exceptions which include rural diversification, equestrian, small scale employment and agricultural uses. The proposal is for a mixed agricultural and equestrian use located on existing agricultural land.

‘Agriculture’ is defined within Section 336 of the Town and Country Planning Act 1990 as follows:

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, **the breeding and keeping of livestock** (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), **the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;*** (emphasis added)

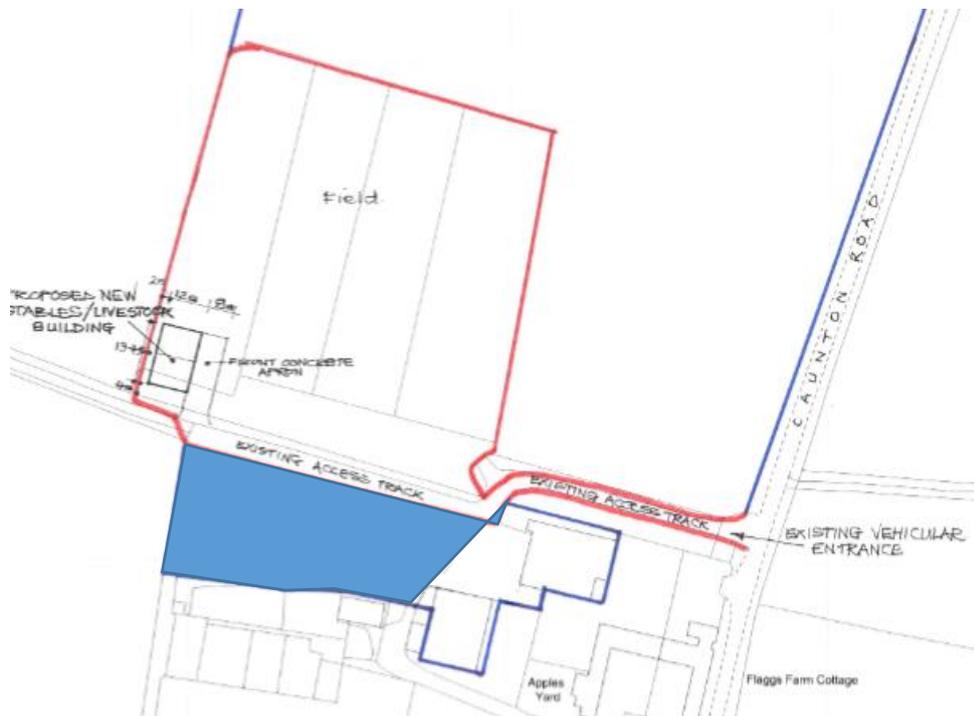
The land in question, as far as is known, has not been used for any purposes other than agriculture and the use of the building is proposed to be a shared use for livestock (agricultural use) and equestrian use (horse). This latter element will be rented out to third parties as a commercial enterprise not associated with the existing farm. The equestrian use will use the paddocks and the building will, in part, provide stabling and storage with the floorplan having been amended to illustrate this use. Therefore, in terms of the use of the building and land the proposal complies with policy DM8 of the ADMDPD.

Need

Policy DM8 of the ADMDPD states that with regard to equestrian buildings *‘proposals for new development should investigate **the re-use of existing buildings** and sites within and adjacent to settlements. In assessing such proposals, the Council will have regards to their **cumulative***

impact.' (emphasis added). With regard to new agricultural development, proposals would need to explain the need for the development.

From the Planning History section above, Members will note that the Council has recently granted consent for 2 large buildings, (on the land highlighted in blue on the plan below), which are replacements for existing buildings. At the point of writing this report, one has been constructed and the other is in the process of being constructed, another building is also available within the yard area which is already in existence.



Having approached the agent for clarification on why these buildings could not be utilised for this proposed development, they stated that the buildings are not suited for livestock/animals and are only for storage purposes. The farm had cattle on the site prior to 1998, then this ceased, and sheep were farmed, then arable. No livestock are currently on the site. The former buildings, now replaced as part of the 2021 and 2022 applications, had been utilised for livestock (cattle) and the replacements were granted for the purpose of housing larger modern machinery and other farm storage. As the farm is arable (no livestock), these replacement buildings were considered appropriate. The agent states these new buildings are not suited for livestock due to the noise created from the operational yard area, created by the large machinery.

The proposal also envisages the stabling of horses and therefore the building would be for a mixed agriculture and equestrian use. In relation to cattle, the applicant does not currently own any livestock on their holding of approximately 5 hectares (circa 14 acres). The applicant intends to purchase cattle but the agent has also mentioned sheep being farmed. Currently, the agent is unclear which would be farmed on the site. It is proposed that the animals will be put to pasture in the spring/summer with the numbers reduced throughout the season to keep control of the grass and its quality. However, although the applicant has stated they envisage owning livestock in some form and that the farm is undergoing a resurgence in modernisation; no actual livestock are on the site at present and therefore there does not

appear to be a need or a certainty that livestock would be accommodated within the building. Horses are on the site and would be stabled within the building and grazed within the paddocks, which is acceptable. However, with no livestock on the site, adequate evidence to justify the need for the building and its size has not been forthcoming and the further extension of development within this field has not been justified. No business plan has been submitted with the application which would demonstrate the projected activities and commitments that the farm will be making in the coming years, however this would not be a justification for need and would still equate to an aspiration. Members are signposted to a recent appeal decision, which also discusses the matter of need¹. The Inspector concluded that they were not convinced that the proposal would be necessary for the proper functioning of the agricultural land which it serves and that inadequate evidence had been produced to justify the operations on the site. Members should therefore be aware that the matter of the need for further buildings within the open countryside, in line with Spatial Policy 3 (Rural Areas) and Policy DM8 (Development in the Open Countryside), should be fully justified to the satisfaction of the Local Planning Authority and should suit the operations of the land they are intended to serve. As such the proposal, in terms of the need, is not adequately demonstrated.

Impact on Design and Landscape Character

The NPPF (2021) states *decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting*' (para 130). Core Policy 9 (Sustainable Design) of the ACS states *'new development should be of an appropriate form and scale to its context complementing the existing built and landscape environments'*.

Core Policy 13 (Landscape Character) of the ACS states new development should positively address the implications of relevant landscape Policy Zone, that is consistent with the landscape conservation and enhancement aims for the area ensuring that landscapes, including valued landscapes, have been protected and enhanced.

The site is located within the Caunton Village Farmlands with Ancient Woodland (MN PZ 28) landscape character area as defined within the Council's Landscape Character Assessment SPD. This states the landscape condition is good and that the landform is apparent with intermittent areas of woodland giving generally moderate visibility value. Views are intermittent due to numerous blocks of woodland and hedgerows. Therefore, the policy action is one of 'conserve and reinforce'.

The existing site and the development of such (as approved) is currently contained within the land to the south of that proposed as part of this application. However this has already been extended over time. To the east of the site (as outlined in blue on the plan below), are the original brick barns which formed the original crew yard for the farm. The buildings to the west of this (as outlined in green on the plan below) are later additions (assumed post WW2) which have been erected as the farm has evolved.

¹ 22/00120/FULM Land Adjacent Willowdene 9 Beckingham Road Coddington Newark On Trent NG24 2QS
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R62CBWL80FZ00>



Source Google maps

The encroachment of new development to the north of the existing site and within the open countryside, is considered to result in harm to the surrounding landscape setting by virtue of undeveloped nature of the site and the proposed massing and scale of the development. The resulting inappropriate encroachment into the open countryside with development would add to the visual clutter within the contained landscape. To add further substantial detached buildings above those which are reasonably necessary for the farm to function, is considered unjustified, unnecessary and harmful to the landscape character of the area which is one of conserve and reinforce.

As such the proposal is considered to be unacceptable upon the landscape character, and leads to a failure in compliance with Core Policy 9 and 13 of the ACS and policy DM5 and in turn DM8 of the ADMDPD and the NPPF which is a material planning consideration.

Impact upon Highway Safety

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all, which is echoed within Policy DM5 of the Allocations and Development Management DPD. The NPPF states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or on residual cumulative impact on the road network would be severe' (para 111). Spatial Policy 7 encourages proposals which avoid highway improvements which harm the environment and character of the area and are appropriate for the highway network.

Comments have been received from Nottinghamshire County Council which are summarised in Section 6.0 Consultation above. Members will note that this requests information from the applicant in order to establish activities to take place on site. The agent for the application has responded stating the equestrian use is private and that no riding or commercial livery will take place. No additional traffic would be created through deliveries or visitors other than those who tend to the horses/animals. The hay/straw within the proposed building would be taken from the existing holding and any new livestock would be grazing the land within the holding only.

This information has been put to Highways colleagues who state that although they do not propose a commercial livery, it is in all intents a commercial enterprise for the fact that it is not agricultural or operated as part of the current farm business.

The concern is that the land use would allow for the commercialisation of the equestrian use by way of associated horseculture uses, such as riding lessons, with little or no restrictions in place. This would result in an increase in the number of vehicle movements to and from the site. Although it is understood that the applicant does not intend to carry out such activities at present, granting permission would mean there would be unrestricted use for equestrian uses. If the use was a personal one, then a condition could be imposed limiting such activities which would be able to control parking provision, hours of operation etc. However as this is to be a separate use, rented out by the farm, a condition would not meet the tests as set out in the NPPF, of being enforceable.

No details of parking provision have been submitted to show parking spaces for those tending to the horses and the turning space for larger vehicles i.e. horse boxes has also not been shown to illustrate this is achievable within the red line site plan. Therefore, the applicant has failed to demonstrate that the proposal would result in an acceptable impact upon highway safety to the satisfaction of the local planning authority for the activities to be carried out.

Impact on Flood Risk

Paragraph 159 of the NPPF (2021) states *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'* This is also reflected in Core Policy 10 (Climate Change) of the ACS.

The NPPF (2021) states the inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Development should be made safe for its lifetime without increasing flood risk elsewhere (para 159). A sequential risk based approach should be used to steer new development to areas with the lowest risk from flooding from any source (referred to as Sequential Test). Following this the exception test should be applied and satisfied, where necessary.

The site is located within Flood Zone 1 (lowest risk from fluvial flooding) according to the Environment Agency data maps. The development is not one of those listed as exempt from the application of the Sequential Test as set out in the NPPF as it is not householder development, small non-residential extensions or constitute a change of use. The Planning Practice Guidance (PPG) states that the Sequential Test should be applied to major applications (such as this) but will not be required where the site is in an area at low risk from all sources of flooding, unless other information submitted indicates there may be a risk of flooding in the future, such as from ground water flooding and surface water flooding, as applies here.

The application is accompanied by a Flood Risk Assessment (FRA) which provides limited information on flooding at the site, but states measures will be incorporated to prevent

residual flood risk. The FRA does not include sources of flooding either from surface water run-off or ground source flooding and although the proposal is located within flood zone 1 and deemed to be a Less Vulnerable within Annex 3 (Flood risk vulnerability classification) of the NPPF (2021), to satisfy the PPG a full assessment of the sources of flooding require consideration. This has not been undertaken and therefore the FRA is considered inadequate.

The use of the site as Less Vulnerable is compatible with flood zone 1 when viewed against Table 2: Flood risk vulnerability and flood zone 'incompatibility of the PPG², however a full assessment of the effect of the building cannot be considered due to the inadequate FRA.

As such the proposal has failed to demonstrate the compliance with Core Policy 10 (Climate Change) of the ACS and the NPPF and PPG which are material planning considerations.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The housing of animals within this building has the potential to cause noise, odour and waste disposal issues which could be harmful to the living amenities of neighbouring occupiers. This would be largely dependent upon how long the animals would be housed in the building and how the waste would be disposed of.

The nearest neighbours are approximately 130m from the site of the proposed barn. The application is silent on how the waste would be disposed of or indeed stored. Information from the agent has stated that the 'muck' would be exchanged with other farms for straw/hay, however this is outside of planning control and no details of onsite storage is provided within the application. Environmental Health colleagues have raised no objections to the proposal however further management of waste on agricultural fields or between farms, would be covered by separate legislation through the Department for Food and Rural Affairs and the Environment Agency.

Suitable storage of waste would need to be achieved on site which is away from existing residents and any watercourse. Had the proposal been considered acceptable this could have been further explored with the applicant. However, given the distance from neighbouring properties, 130m, and depending on where this waste is stored, the LPA is confident that odour would not be considered to result in harm.

The building is reasonably enclosed so when the animals are housed, it is not considered it would result in an amplification of noise which would be harmful to neighbouring occupiers.

The proposal is not considered to result in harm to neighbour amenity from increased use of the site or noise or odour affects.

² <https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2>

Having carefully assessed the impact of the proposed development upon all neighbouring amenity, it is concluded that the proposed would be acceptable and would comply with Core Policy 9 of the ACS and Policy DM5 of the ADMDPD and the NPPF.

8.0 Implications

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

Development in the open countryside is strictly controlled and must be proved to be necessary in order to be supported by policy DM8 of the Allocations and Development Management DPD. The applicant has been granted two large barns within the crew yard in addition to the one they already had, which although the agent has stated these are just for storage of machinery, the LPA is not satisfied that they could not be utilised for livestock. In addition, it is considered that the farming of livestock is an aspiration by the applicant (as no animals are currently farmed on the site) and therefore there is not considered to be the need for the additional building for this purpose. The use of the site for equestrian use is appropriate within the open countryside, and this is to be managed outside of the existing farm, as a commercial enterprise.

The siting of the building at this scale away from the existing buildings and within a verdant field, results in inappropriate encroachment into the open countryside which would result in harm to the quality of the landscape setting and thus the character of the area.

The applicant has failed to demonstrate that the proposal would not result in harm to flood risk due to the inadequate flood risk assessment which does not address the sources of flooding in accordance with the NPPF and PPG. Although the applicant has submitted information relating to the impact of the development upon highway safety, due to the ability of the equestrian use to be greater than envisaged as part of this application. It is not possible to control this by condition, this would lead to a potentially unacceptable impact upon highway safety. The applicant has also failed to demonstrate how the parking, turning and delivery details (if required), would be managed within the site.

Although there would be modest benefits to the local rural economy from the development, it is considered that the proposal results in an unnecessary form of development within the open countryside, without any demonstrable need. Thus, the proposal is considered to fail to accord with Spatial Policy 3 and 7, Core Policy 9 and 10 of the Amended Core Strategy, Policies DM5 and DM8 of the Allocations and Development Management DPD, as well as the Landscape Character SPD, the NPPF and the PPG which are material planning considerations.

10.0 Refusal

01

Development in the open countryside is strictly controlled by Spatial Policy 3 (Rural Areas) of the Amended Core Strategy (2019) and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD (2013) and the need for such development has not been fully explored to the satisfaction of the Local Planning Authority due to the presence of new, existing, larger buildings. In addition, the proposal is for the housing of livestock which are not farmed on the site and is an aspiration of the applicant as opposed to a justifiable need. Therefore, the proposal is considered to be contrary to Spatial Policy 3 of the Amended Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

02

The NPPF (2021) states 'decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting' (para 130). Core Policy 9 (Sustainable Design) of the Amended Core Strategy states 'new development should be of an appropriate form and scale to its context complementing the existing built and landscape environments'. The siting and scale of the building away from the existing development and within a verdant open field, would result in unnecessary encroachment into the open countryside which results in harm to the sensitivity of the landscape character as stated within the Landscape Character SPD. Therefore the proposal fails to accord with Core Policy 9 and 13 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD and the Landscape Character SPD and the NPPF which is a material planning consideration.

03

In the opinion of the Local Planning Authority, the applicant has failed to demonstrate the impact upon highway safety and flood risk, to the satisfaction of the Local Planning Authority. The submitted flood risk assessment is unacceptable and does not accord with the Planning Practice Guidance paragraph 027 (ref: 7-027-20220825) which requires all major applications to assess the proposal against all sources of flooding and it is not a development which is exempt from the application of the sequential test. Insufficient information has been provided in relation to vehicular movements, turning circles and parking arrangements. It is therefore not possible to fully assess the highway implications of this development.

As such the proposal fails to accord with Spatial Policy 7 and Core Policy 10 of the Amended Core Strategy and policy DM5 of the ADMDPD as well as the NPPF and PPG which are material planning considerations.

Informatives

01

The plans and documents considered

Site location plan – as existing;
Proposed block plan;
DRWG no. FLAGGS/2023/LE1 Landscape elevation;
DRWG no. FLAGGS/2023/S1 Plan & elevations – as proposed;
Flood risk assessment.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

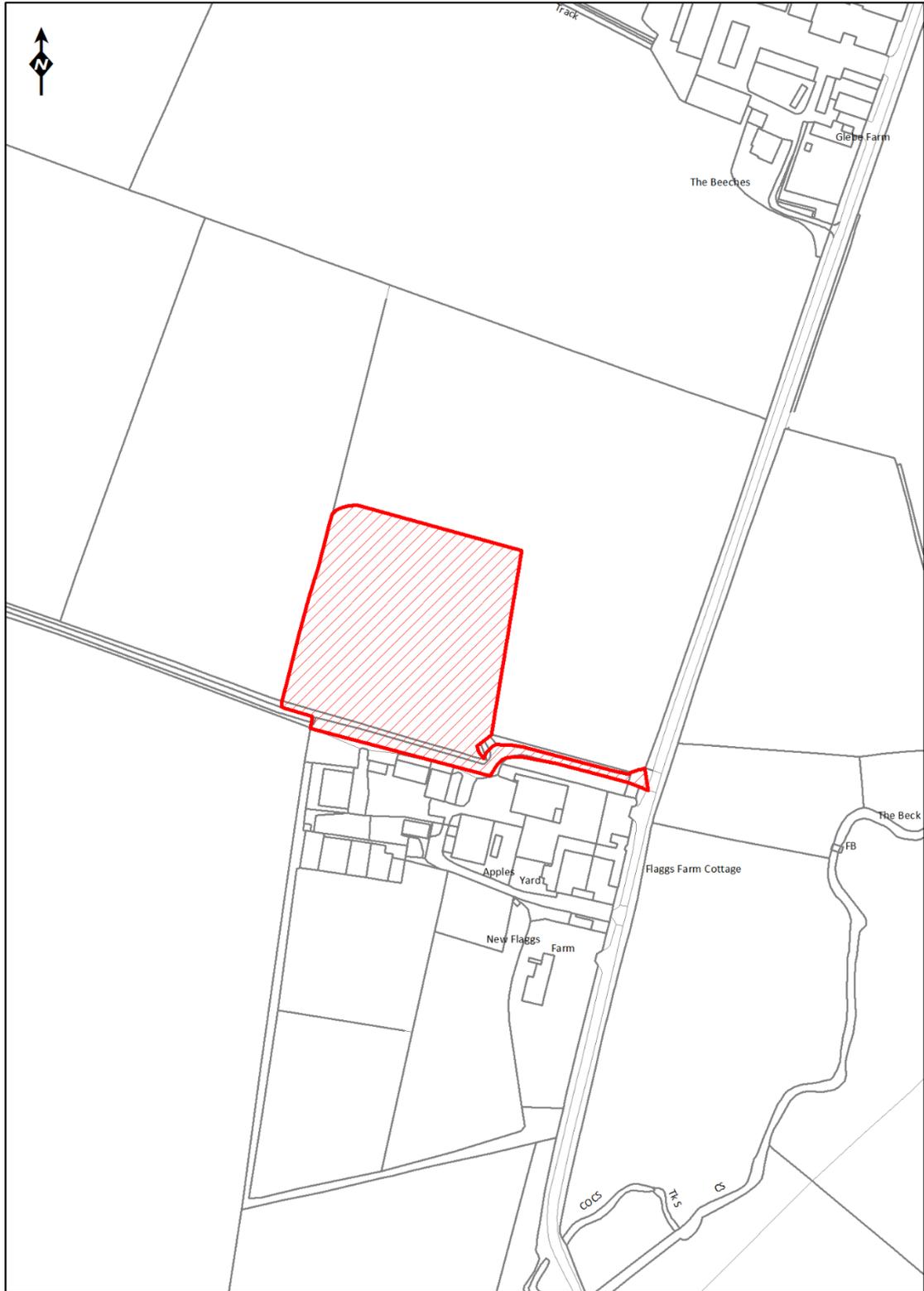
03

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

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

Application case file.



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Report to Planning Committee 8 June 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, 5907

Report Summary			
Application Number	23/00729/FUL		
Proposal	Erection of site manager dwelling		
Location	Land Off Clipstone Road, Edwinstowe		
Applicant	Mr M Wenman	Agent	IBA Planning Limited Mr Nick Baseley
Web Link	23/00729/FUL Erection of site manager dwelling Land Off Clipstone Road Edwinstowe (newark-sherwooddc.gov.uk)		
Registered	02.05.2023	Target Date	27.06.2023
Recommendation	Approve, subject to the conditions set out in Section 10.0		

The application is being reported to committee in line with the Scheme of Delegation as the proposal represents a departure from the Local Plan.

1.0 The Site

The application site relates to a broadly rectangular plot of land and its associated access to the north of Vexation Lane. Vexation Lane is a public right of way.

The site is within the open countryside albeit close to the settlement of Edwinstowe. Neighbouring land uses include ‘Amen Corner’ go-karting on the opposite side of Vexation Lane and Center Parcs accessed from Rufford Road. Rufford Abbey Registered Park and Garden is around 230m at its closest point.

Land immediately to the west of the site is recognised of being of local ecological importance as a notable acid grassland albeit there is an extant planning application to develop this land for 86 holiday lodges and associated facilities.

To the east, there is a former piggery unit, comprising two identical handed single storey blockwork clad buildings, supporting a timber roof structure all built off concrete ground floor slabs. Both roofs are covered in corrugated fibre-cement cladding panels. It is this unit which has been approved for conversion to a dwelling as per the application below.

2.0 Relevant Planning History

20/02544/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of Agricultural Buildings to form a single dwellinghouse and for building operations reasonably necessary for the conversion.

Approved February 2021.

20/01034/AGR - Erection of an agricultural building

Decision prior approval not required July 2020. This building would replace the piggery complex.

As above, land immediately to the west of the site has been granted planning permission for redevelopment to create 86 holiday lodges with ancillary facilities (**20/01291/S73M**).

3.0 The Proposal

The proposal seeks permission for a site manager's dwelling in the form of a single storey log cabin with an approximate foot print of 148m². The dwelling would have 2 bedrooms with an approximate ridge height of 5.8m and eaves of 2.4m. The dwelling would have a timber clad finish intended to be read alongside the consented holiday lodge development to the west.

The application has been considered based on the following plans and documents:

- Location Plan – 23/442-01 dated Apr 2023;
- Site Layout Plan – 23/442-03 dated Apr 2023;
- Block Plan and Location as Existing – 20/371-01 dated Sept 2020;;
- Existing Floorplans and Elevations – 20/371-02 dated Sept 2020;
- Floorplan and Elevations – 23/442-03 dated Apr 2023;
- Design and Access Statement – WenmanCabin/1 dated 27 April 2023;
- Protected Species Report – RSE_6736_01_V1 dated February 2023.

4.0 Departure/Public Advertisement Procedure

There are no immediately adjacent neighbours to consult directly by letter so a site notice has been posted at the site.

Site visit undertaken on 25th May 2023.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile

Core Policy 7 – Tourism Development

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2021
- 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

6.0 Consultations

(a) Consultations

NCC Right of Way - Vexation Lane is Edwinstowe Byway 17 but is also fully adopted Highway which takes precedence over the byway designation. Therefore my colleagues in Highways would need to be consulted.

NCC Highways – There are no highways objections to this proposal, on the basis of that it is a substitution for the previously approved prior approval application.

It is noted that it is to be used as a manager’s dwelling, in connection to the adjacent holiday accommodation under construction. Whereas the manager’s dwelling would be accessed from Vexation Lane, which is a narrow, rural byway, it appears that in the future, the dwelling would be directly accessible from the holiday accommodation site. It should be pointed out at this stage, that whilst not for consideration as part of this specific application, it should not be possible for vehicles associated with the holiday accommodation to gain access onto Vexation Lane through the joining up of the two sites.

(b) Parish Council

Edwinstowe Parish Council - No comments received to date.

(c) Representations

Ramblers Association - No comments received to date.

No letters of representation have been received to date.

7.0 Comments of the Business Manager – Planning Development

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

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.

Given the location of the site, clearly outside of the village of Edwinstowe, the site falls to be considered as within the Open Countryside – Policy DM8 of the Allocations and Development Management document is therefore applicable. Policy DM8 reflects the National Planning Policy Framework in containing criteria for considering development in the open countryside, focusing on strictly controlling development to certain types.

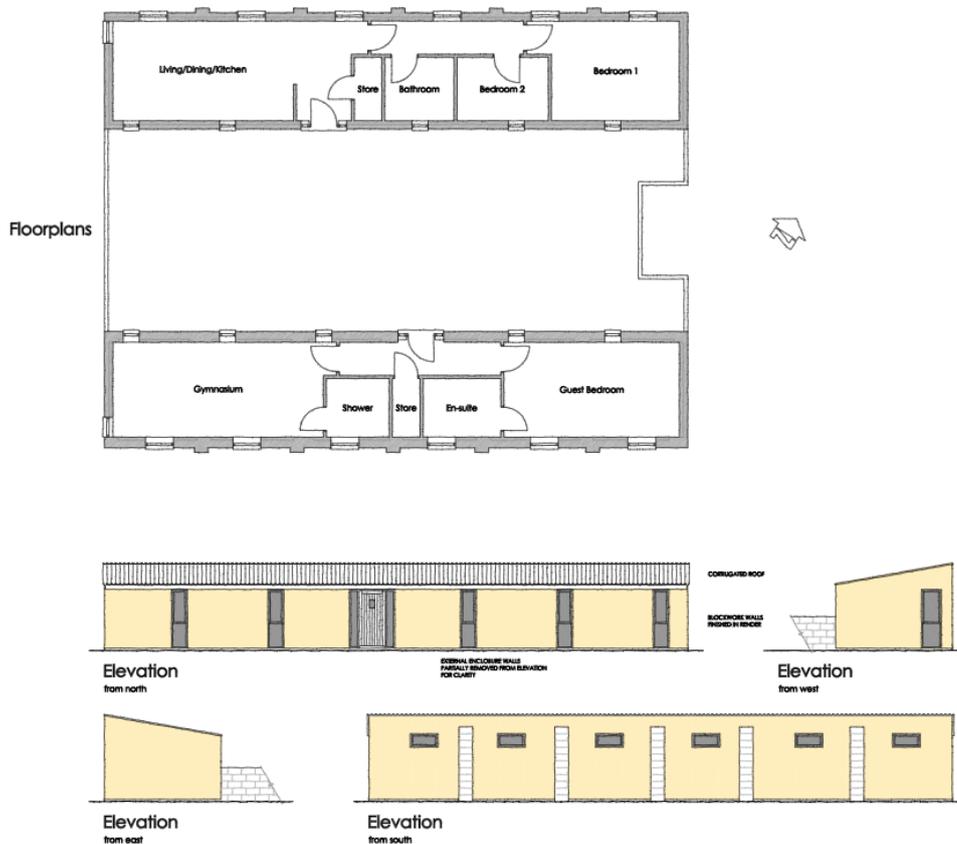
With reference to new dwellings, the policy stance is that: 'planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.' Para.80 of the NPPF provides more details advising that the design of new dwellings in the open countryside must be of exceptional quality, in that they are:

- truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance the immediate setting, and be sensitive to the defining characteristics of the local area.

The application submission does not seek to suggest the log cabin design of the proposal would be of exceptional quality or innovative design and thus in principle the development would be contrary to DM8. The application has been advertised as a departure on this basis.

It is noted that the intention is for the dwelling to be a manager's dwelling in association with the extant holiday lodges adjacent. Policy DM8 does have a potential allowance for rural workers dwellings but on the basis that there is a functional and financial need in relation to the operation being served. It would be extremely difficult to demonstrate a functional need for a manager's dwelling on the site given the close proximity of Edwinstowe (i.e. the functions of a site manager could be operated just as effectively from a close by, more sustainable location or indeed one of the holiday lodges) and indeed the application does not seek to present compliance with this element of DM8.

Notwithstanding the above, it is presented that the application would come forward alongside the acceptance that an existing change of use prior approval consent would be relinquished. This unit is to the east of the site and has an extant consent for conversion to a three bedroom dwelling:



A 'fall back' position is something that either has the benefit of planning permission or would not require express planning permission that could be carried out without any further consent and which can be considered against a current proposal and which has a likelihood of coming forward. On the basis that prior approval has already been granted, I am minded to accept that there is a reasonable fall back position for residential occupation of the piggery unit to the east and this can therefore be a material consideration to which significant weight can be attached as the principle of a dwelling has been established.

As such, whilst the development is technically contrary to DM8 in principle, whilst 20/02544/CPRIOR remains implementable and could be completed within the necessary 3 years, this is considered to be a realistic fall-back position in that the conditions attached to the prior approval notifications remain extant and could be built out.

However, it is noted that the building is in a different location and therefore as suggested by the application submission, the demolition of the piggery unit and the removal of all materials from site prior to any separate dwelling being constructed would need to be secured by a pre-commencement condition.

Impact on the Open Countryside and the Visual Amenities of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 of the Core Strategy states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

The position of the proposed dwelling would be further west in comparison to the piggery unit – it is stated that this is for security and supervisory purposes. The site has a relatively discrete position in the landscape and therefore this is not disputed in principle. Indeed, if the holiday lodges were to come forward as approved, then there would be advantages in the dwelling being further westwards in that it would clearly be visually read alongside the wider development being of a similar design and appearance.

The proposed manager's dwelling would be single storey. In the (unlikely) event that this proposal were to come forwards in the absence of the adjacent holiday lodge development, I do not consider that the proposed log cabin would have harmful visual impacts above the impacts which have already been accepted through the conversion of the piggery unit (i.e. in either scenario there would be an isolated single storey dwelling).

The site is within (albeit at the border of) the Sherwood Policy Zone 9 (Old Clipstone Estate Farmlands) as defined by the Landscape Character Assessment for the District. Characteristic features include small patches of deciduous woodland; coniferous forestry plantations with broad leaved margins and intensive arable farming in medium geometric fields. The landscape condition and sensitivity is defined as moderate with a policy action to conserve and create.

One of the landscape actions for the policy zone is to conserve and create field boundary and road hedgerows where these have become degraded or lost. Another action is to create small scale woodland / tree planting to soften new development, preferably in advance of development.

The previously approved holiday lodge development to the west was supported by a Landscape Visual Appraisal which concluded that the adjacent site essentially sits in a shallow bowl at a slightly lower level. There is also a large extent of tree cover to the east and south of the site. Taking account of the scale of the proposal, both in terms of it being for a single unit but also in terms of the proposed height, I do not consider that the development would have an imposing impact on the character of the landscape. I have carefully considered whether it would be reasonable to impose a landscaping condition but given the existing tree cover around the site I do not consider that additional landscaping would be necessary. The red line curtilage is drawn relatively tight and therefore to insist on additional landscaping is likely to have a negative impact on the available amenity provision for the proposed occupiers.

Impact upon Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The highways authority have raised no objections in the acknowledgement that this dwelling would substitute the previously consent prior approval dwelling. Reference is made to the future intention to access the dwelling through the approved extant holiday park but as acknowledged in the application submission, this would require separate permission at a later date and is therefore not for consideration as part of this application.

The proposed block plan annotates two car parking spaces which would meet the requirements of the Supplementary Planning Document on residential car parking standards.

Impact upon Residential Amenity

Policy DM5 of the Allocations and Development Management document states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. An assessment of amenity impact also relates to both the existing neighbouring occupiers and the occupiers of the proposed dwellings in terms of the amenity provision.

The site is isolated in relation to neighbouring occupiers such that I have identified no adverse amenity impacts which would warrant concern.

The dwelling would be afforded an area of amenity space commensurate to a two bed dwelling. It is noted that there is a strong likelihood that the adjacent land will be developed for holiday lodge purposes which could bring about some associated noise and disturbance. However, this land is within the same ownership and as per the application submission the intention is for this dwelling to be associated with the holiday lodge development. If

ownership were to be separated in the future then any occupiers of this proposed dwelling would be aware of the site circumstances.

Impact upon Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

The application has been accompanied by a protected species report. Given the need for the demolition of the piggery unit to the east to make this development acceptable in principle, the survey also includes the relevant areas to the east.

The piggery buildings were identified as having negligible potential for roosting bats and therefore no further surveys or mitigation are considered necessary. Recommendations are made for sensitive lighting within the site noting the potential for foraging and commuting bats, this could be secured by condition as could the other precautionary methods of working set out within the report.

There are a number of trees to the south of the site but these are intended for retention and the siting of the building has been placed outside of their canopy spread. Subject to a condition seeking tree protection measures prior to the commencement of development, there would be no adverse impact on the existing trees arising from the development.

Overall, no ecological harm has been identified which would warrant resistance of the proposal.

Other Matters

I have considered whether it would be necessary to remove permitted development rights given the countryside location of the site. The way the dwelling would sit within the site would mean that the rear elevation would abut the defined curtilage and therefore there would be limited opportunity for extensions. However, I do consider it reasonable and necessary to remove permitted development rights for alterations to the roof to prevent the bulk of the dwelling being increased outside of the control of the planning authority.

8.0 Implications

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 Conclusion

In principle the development would be contrary to the provisions of Policy DM8 which restricts development in the Open Countryside to certain types. The design of the new building would not meet the innovative or outstanding test required by the policy to justify a new dwelling in the open countryside.

However, it is noted that the existing building adjacent has consent for conversion to residential use under a recently consented prior notification and it is understood the applicant would be willing to relinquish this consent through the demolition of the adjacent buildings. There would therefore be no net increase in dwellings within the open countryside and taking this material planning consideration into account, the proposal would be acceptable.

The design would accord with the adjacent extant holiday lodge development but even in the scenario that it were to come forwards as a sole development the landscape and character impacts are not considered harmful to warrant refusal provided the adjacent piggery buildings are demolished.

No other harm has been identified which would prevent the grant of planning permission subject to the conditions set out below.

10.0 Conditions

01

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

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

02

Prior to the commencement of the development hereby approved, the existing buildings serving the piggery unit to the east of the site, as shown on plan references Block Plan and Location as Existing – 20/371-01 dated Sept 2020 and Existing Floorplans and Elevations – 20/371-02 dated Sept 2020 shall be demolished in full and all materials removed from the hatched area and the red line area annotated as the 'Location Plan' on plan reference Block Plan and Location as Existing – 20/371-01 dated Sept 2020

Reason: In acknowledgement that this dwelling would only be acceptable subject to the relinquishment of the extant prior approval permission.

03

No works or development shall take place within the application site until an arboricultural method statement and scheme for protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees including details of hand digging of the re-aligned footpath (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

04

The development shall be carried out in accordance with the mitigation measures set out within the Protected Species Report – RSE_6736_01_V1 dated February 2023, specifically but not limited to:

- Lighting or light spill must be avoided and lighting should only be used where necessary;
- Open pipework greater than 200mm external diameters shall be capped off at the end of each working day;
- Any log or brash piles shall be removed by hand;

Reason: To protect the ecological value of the site.

05

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of species on site.

06

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- Location Plan – 23/442-01 dated Apr 2023;
- Site Layout Plan – 23/442-03 dated Apr 2023;
- Floorplan and Elevations – 23/442-03 dated Apr 2023;

Reason: So as to define this permission.

07

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside.

Informatives

01

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

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

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked

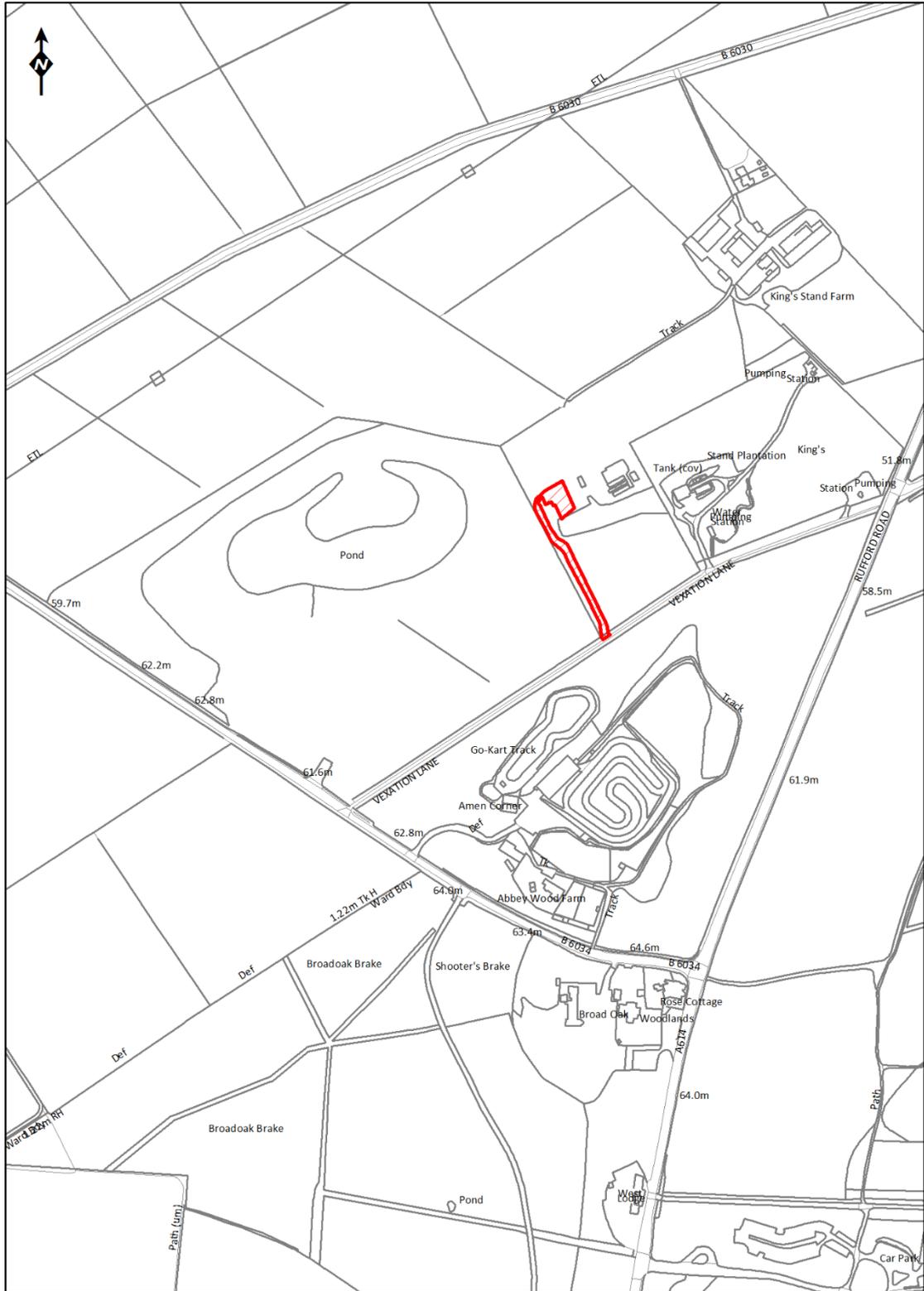
positively and pro-actively, seeking solutions to problems arising in coming to its decision.

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 - 23/00729/FUL



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Report to Planning Committee 8 June 2023

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes Business Manager: Planning Development

Report Summary	
Report Title	(a) Legislative Update; and (b) Introduction of a use class for short term lets and associated permitted development rights Consultation
Purpose of Report	To: (a) appraise Members of Planning Committee of changes to planning legislation; and (b) to set before Planning Committee the latest permitted development right consultation and detail of the Council's response
Recommendations	To (a) note the changes and their requirements; and (b) note the contents of the Council's response to the permitted development consultation.

1.0 Background

1.1 The government issued new legislation (SI 2023 No. 142) in relation to Active Travel under the [Town and Country Planning \(Development Management Procedure\) \(England\) \(Amendment\) Order 2023](#) in February which comes into force on 1st June 2023. The background to this legislation is to make walking, wheeling and cycling the preferred choice for everyone to get around England. Active Travel England is the government's executive agency responsible for this.

1.2 In addition, on 12th April, the Department for Levelling Up, Housing and Communities (DLUHC) commenced a consultation on changes to the Town and Country Planning (Use Classes Order) 1987, as amended on:

- The introduction of a new use class for short term lets;
- The potential introduction of a new permitted development right for the change of use from a dwellinghouse to a short term let;
- The potential introduction of a new permitted development right for the change of use from a short term let to a dwellinghouse;

- How flexibility for homeowners to let out their home for a number of nights in a calendar year could be provided through either changes to the dwellinghouse use class or an additional permitted development right; and
- The introduction of a planning application fee for the development of new build short term lets.

The accompanying consultation paper is not available as a downloadable format, however it can be viewed using the following link [Introduction of a use class for short term lets and associated permitted development rights](#). There were 18 consultation questions – attached at appendix A. The consultation was undertaken between 12th April and 7th June 2023.

2.0 Proposal/Options Considered and Reasons for Recommendation

Active Travel

- 2.1 The legislation requires the Council, as Local Planning Authority, to consult with Active Travel England on planning applications before issuing a grant of planning permission where development falls within any of the following descriptions:
- a) the number of dwellings is 150 or more; or
 - b) the provisions of a building or buildings where the use is not exclusively for the provision of dwellings, and the floor space to be created by the development is 7,500 square metres of internal floor space or more; or
 - c) development carried out on a site having an area of 5 hectares or more.
- 2.2 Consultation is required for any relevant planning applications submitted (i.e. valid) on or after the 1st June 2023. The Active Travel legislation amends the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).
- 2.3 As background, for Members' awareness, the DMPO sets some of the 'rules' for the processing of planning applications e.g. statutory timescales, requirement for notification (including site and press notices) as well as defining statutory consultees, which Active Travel England is now one, amongst many other matters. Included within the list of statutory consultees is Historic England, National Highways, the Environment Agency, Coal Mining Authority, local highway authority for developments affecting the local highway network etc. For awareness, Town and Parish Councils are not a statutory consultee for development within the District unless it comprises urgent Crown development. Such development for the Council is unlikely. Town/Parish councils can be notified of applications with Paragraph 8(1) of Schedule 1 of the 1990 Act (Local Planning Authorities: Distribution of Functions) placing a positive obligation on Town / Parish councils to request, in writing, those applications that the council wishes to be notified of. The applications that the request can relate to are applications for planning permission or approval of a reserved matter under an outline planning permission or permission in principle. We have engaged with Town/Parish Councils previously on such applications and will engage (seeking the positive obligation) now that there are new administrations.

Possible Amendments to Permitted Development Rights

- 2.4 The consultation sets out that the scope of the consultation is seeking to address concerns in certain areas about the increase in the numbers of short term lets and the impact this can have on the sustainability of communities and the availability and affordability of homes for local people. In addition, the consultation also sought views on the introduction of new permitted development rights to provide flexibility where short term lets are not a local issue, and which allows for this flexibility to be removed where there is local concern. Views on how homeowners might be provided with flexibility to let out their sole or main home for a number of nights in a calendar year were requested. Finally, DLHUC sought views on the planning application fee required where permission is required for the development of a new build short term let.
- 2.5 For Members' awareness the [Town and Country \(Use Classes\) Order 1987](#), as amended, (the UCO) groups uses of land and buildings into various categories known as 'Use Classes'. What are generally referred to as 'homes' [dwellinghouses] typically fall within the 'C3 Dwellinghouses' use class in Schedule 1 of the UCO. This use class makes no distinction between whether the dwellinghouse is used as a sole or main home, for personal or commercial use, or its tenure (rental or home ownership). Use classes apply nationally.
- 2.6 Section 55 of the Town and Country Planning Act 1990 sets out that planning permission is required for development, including the material change of use of land. The planning system allows for local consideration of the merits of individual cases "as a matter of fact and degree" as to whether there is a material change of use requiring planning permission. This gives rise to existing properties being used in a variety of ways. For example, a homeowner may be able to let out a room to boost their household income. In other cases, the whole property may be let out for a two-week holiday period while the owner is away. Other properties however may be let out as a series of short term lets, over all holiday periods or for several weekends. Planning permission will be required in respect of any such cases where there has been a material change of use.
- 2.7 Permitted development rights are a national grant of planning permission by the Secretary of State, including for the material change of use of land. These rights are set out in the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), as amended, (the GPDO). These permitted development rights can rely on the use classes, including those that provide for the change of use to residential (C3). Local planning authorities may remove a permitted development right by making an Article 4 direction in line with national policy set out in paragraph 53 of the National Planning Policy Framework.
- 2.8 The changes would introduce a new Use Class for short term lets which is defined in the consultation as:
- "C5 – Short Term Let - Use of a dwellinghouse that is not a sole or main residence for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel."*
- 2.9 Existing properties that fall within the C5 use class definition would not be affected by the introduction of this re-classification. Individual rooms that are let within a dwellinghouse would not fall within this Use Class. In addition to this consultation, the Government, through the Levelling Up and Regeneration Bill, is looking to introduce the

requirement for a register of short term lets. A separate [consultation](#) on the approaches to the registration scheme is being undertaken by the Department for Culture, Media and Sport and is being responded to by Environmental Health colleagues (this consultation also ends on the 7th June).

- 2.10 The consultation proposes that it would be permitted to switch between a C5 and C3 use and vice versa without the need for planning permission. Those authorities looking to remove this right can do so by making an Article 4 direction. No limitations or conditions would apply to this right. However, it is proposed that the local planning authority be notified whenever either of the individual rights for the change of use to a short term let (a) or from a short term let (b) are used.
- 2.11 It is acknowledged that some homeowners let their home for short periods of time, such as when they are on holiday, to benefit from a sporting event. The consultation questions whether this should be limited to 30, 60 or 90 nights in a calendar year. This would form an additional permitted development right and would only apply to dwellinghouses within the C3(a) use (a single person or people forming a single household).
- 2.12 Planning fees would apply for applications resulting from an Article 4 direction and if planning applications are submitted for the construction of building(s) for short term lets, the fee would be the same as for new dwellinghouses.
- 2.13 Policies to address the circumstances when these proposals would or would not be supported can be set out within the Council's local plan as well as by Town / Parish councils through their neighbourhood plans. The application of such policies would only apply when planning permission is required.

3.0 Implications

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

Background Papers and Published Documents

[Town and Country Planning \(Development Management Procedure\) \(England\) \(Amendment\) Order 2023](#)

[Introduction of a use class for short term lets and associated permitted development rights](#)

[Consultation on a registration scheme for short-term lets in England](#)

Appendix A

Q.1 Do you agree that the planning system could be used to help to manage the increase in short term lets?

YES

To provide a mechanism to manage the number and / or density of short term lets within areas where this is necessary.

Q.2 Do you agree with the introduction of a new use class for short term lets?

YES

It will enable those local authorities who have problems in their areas with the proliferation of short term lets impacting upon the number of dwellings available for permanent occupation to have a mechanism to manage numbers and thus their impacts.

Q.3 Do you agree with the description and definition of a short term let for the purpose of the new use class?

NO

There needs to be some form of definition or, probably better, guidance as to what would be considered a person's 'main residence' if, for example, a person has multiple residences.

In addition, the consultation adds confusion as to whether a change between C3 and C5 would be 'development' and therefore need a planning application (through the prior approval process) once the regs are implemented. The consultation seems to be implying that a change between C3/ C5 before any implementation date would not require permission ("any re-classification is not considered development"). It is accepted that if a property has been used for a C5 use prior to any Regulations coming into force these should be exempt, save for any enforcement action that might have been previously taken, for example.

Q.4 Do you have any comments about how the new C5 short term let use class will operate?

YES

There needs to be some form of notification as to when a person is changing the use between the classes, particularly between C3 to C5.

Clarity will be key. These types of use are potentially financially valuable and therefore people will likely look for loopholes to exploit any legislative changes. Therefore, guidance and legislation will need to be accurate and clear so that LPA's are able to implement any changes with confidence.

Q.5 Do you consider there should be specific arrangements for certain accommodation as a result of the short term let use class?

YES

Student accommodation that is not purposely designed e.g. when dwellinghouses are 'converted' to provide accommodation for students should fall within the C5 definition.

Student accommodation that is purposely designed, typically that found within university grounds, should be exempt from the C5 classification. No other types of buildings come to mind.

However, the implementation of this sentiment is questionable. Drafting legislation to include all (or the majority) of permutations within legislation will likely be nigh on impossible.

Q. 6 Do you agree that there should be a new permitted development right for the change of use from a C3 dwellinghouse to a C5 short term let (a)

YES

However, clarification is considered will be required as part of any change(s) to the GPDO to clarify how many days a C3 dwelling may be let before it falls within the C5 use class. This will assist in providing clarity to homeowners on the approach a local planning authority might take. Otherwise, trying to determine whether the occupation as a short term let is a material change or not will likely be challenging and lead to uncertainty for homeowners.

In addition, it is considered that a blank cheque/ blanket allowance is not the right approach. In this past, the LPA has received numerous complaints about properties being used for 'short term lets' with associated anti-social behaviour.

For this provision to be adopted it is recommended that the PD Regulation are in the form of a 'prior notification' whereby owners have to initial notify the LPA that they will be utilising this provision, providing the maximum number of people that may stay in the premises, number of car parking spaces and contact details for the owner should complaints be received. The LPA could then consider whether the proposed PD change would be suitable.

There could also be a provision that if the LPA receives substantiated complaints about nuisance behaviour at the property, then the LPA has the provision to 'reject' any future prior notification applications for the same address.

Q.7 Do you agree that there should be a new permitted development right for the change of use from a C5 short term let to a C3 dwellinghouse (b)

YES

However, the permitted development right should be made clear that it only permits a change of use from C5 to C3 when the previous use was C3. Otherwise, a planning application will be required.

The rationale for this response is that there are a number of developments that have been granted from the outset for tourism use with one of the key aims to benefit the economy. For these to be able to become a C3 use without the need for an application would potentially undermine this and could also lead to complaints from occupiers of the C3 units from noise and other disturbance from those occupying the C5 units.

Q.8 Do you agree that the permitted development rights should not be subject to any limitations or conditions?

NO

Owners should be required to make sure that provision is in place for adequate car parking and contact details in the case of nuisance behaviour, with details provided through a notification process. Also, if the property is a proven problem (noise, nuisance or similar) there should be provision for the PD right to be withdrawn through the Regulations. An Article 4 could not be imposed as, if the use is in place, such a Direction cannot remove it in retrospect.

Q.9 Do you agree that the local planning authority should be notified when either of the two permitted development rights for change of use to a short term let (a) or from a short term let (b) are used?

YES

This would provide clarity on the numbers and density of properties within the C5 use class within an area. The notification must provide for the applicant to state the date that they will implement the provision from each year (to create a record) and for the number of days / number of occasions that the notification applies to. Should the applicant wish to increase the number of days and/or the number of occasions within that year, a further notification will be required. Without this the numbers of days, and the C5 use will be unenforceable.

Q.10 Do you have any comments about other potential planning approaches?

YES

Suggest prior notification approach to assess the likely impact of the use. The prior approval should require information on the date of commencement, number of bedrooms/maximum number of occupants and parking facilities/number of days available for let/ contact details for owners and provision to refuse future prior approval applications for the address if the use is a proven nuisance.

Q.11 Do you agree that we should expressly provide a flexibility for homeowners to let out their homes (C3 dwellinghouses)?

YES

With the cost of living crisis and lack of availability of affordable rooms and lets in larger areas, this could resolve an issue in such areas and provide an additional income for homeowners with space to spare. However, it should be subject to a prior notification process.

Q.12 If so, should this flexibility be for:

30 nights in any calendar year

This would provide greater flexibility to homeowner as to how to use their home, however the Regulations need to enable withdrawal of this if the use proves to be a nuisance, when even 30 might be excessive.

Q.13 Should this flexibility be provided through:

- i. Yes but the provision must be controlled and subject to the suggested conditions. Even 30 nights, if utilised 1 per weekend, could seriously affect the amenity of an area if the use proves to be a nuisance.*

- ii. *If this amendment is provided - Rooms are often rented out to long-term renters to assist, for example, when they are working away from home. Allowing occupation for as long as possible will assist in giving those people a home away from home and might assist in having them become part of the community. As an example, agency planners will often work away from home in the week, return to their own property at the weekend. Their ability to live somewhere as long as possible (possibly even longer than the 90 days) will be of benefit to them as well as the employer (thus economy).*

This permitted development should, like the other rights be managed through a prior notification procedure.

Q.14 Do you agree that a planning application fee equivalent to each new dwellinghouse should apply to applications for each new build short term let?

YES

Still has the same issues as a dwelling. Such applications have similar considerations as a proposed dwellinghouse.

Q.15 Do you agree with the proposed approach to the permitted development rights for dwellinghouses (Part 1) and minor operations (Part 2)?

DON'T KNOW

There is concern that an owner will exploit the ability to extend their property and thus have greater ability to have more rooms to rent out without appropriate parking provision or risk of greater nuisance e.g. through noise resulting through more occupants, thus have an increased negative impact upon a community without the LPA being able to consider these issues and community cohesion, for example.

Q.16 Do you have any further comments you wish to make on the proposed planning changes in this consultation document?

YES

See previous comments. There needs to be an easier/ quicker method for LPA's to restrict use than through Article 4 directions, which cannot be applied retrospectively. Whilst the introduction of this use class is welcomed, it is considered that for many authorities it will be too late (i.e. after the horse has bolted) as it not possible to remove such rights retrospectively.

Q.17 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

NO

Q.18 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could impact on:

a) businesses

b) local planning authorities

c) communities?

YES

The introduction of the C5 use class in itself won't have impact on a), b) or c). However, for those areas where an Article 4 Direction is introduced it will have impacts as follows:

- a) People who are looking to buy dwellings to use as short term lets will be, potentially, affected financially with the introduction of the C5 use class if an Article 4 direction is in place in a given area. However, they would hopefully have undertaken due diligence prior to purchasing the property and will therefore go elsewhere if the market calls for such properties. Businesses in surrounding areas may be affected as tourists would be more likely to eat out than homeowners on a regular basis. This could be offset by businesses having greater access to workers where the property is occupied by homeowners and their family. It is potentially a quid pro quo.*
- b) Minor impact will occur in relation to the receipt of prior notifications. There may be, in the short term, greater enforcement activity with properties being purchased as dwellings (C3 use) and converted to C5 use if people are not aware of the legislative change. However, the clarity will assist planning authorities.*

Any legislative changes that encourages an increase in 'short term lets' is likely to have a direct impact upon planning enforcement resources. The LPA regularly receive complaints about the use of such properties and the impact of these uses on neighbouring residents and the wider community. Therefore, it is envisaged that an indirect promotion of this type of use will directly result in increased complaints. It is likely that any control/ monitoring of nights used, as suggested, will again create additional work/ impact upon resources.

While a standard definition is long overdue, LPAs have previously been required to 'make do' with case law and C3/ sui generis, there needs to be guidance accompanying any changes so that all LPA's are interpreting legislation in the same way.

- c) Where A4D's are imposed, this will benefit communities by removing, without the need for a planning application, the possibility of a C5 use commencing adjoining their properties and the possible ensuing challenges this can trigger.*

However, there are significant concerns that the introduction of the proposed C5 use will encourage homeowners to implement such a use by 'advertising' it as a mechanism to offset e.g. cost of living crisis. The planning enforcement team has received numerous complaints about anti-social behaviour and nuisance regarding 'short term lets'. Any promotion of this type of use will likely have a direct impact on more communities than at present which is more than likely to negative impacts.

PLANNING COMMITTEE – 8 JUNE 2023

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@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 01 APRIL and 22 MAY 2023)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/23/3318413	22/02194/HOUSE	Hawthorn House Bilsthorpe Road Eakring NG22 0DG	Proposed extension to garage. Replacement of existing garage doors (retrospective).	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/23/3316035	22/01400/FUL	Grasmere Back Lane Eakring NG22 0DJ	Proposed erection of 1no. single-storey dwelling	Written Representation	Refusal of a planning application
APP/B3030/W/23/3316678	22/01205/FUL	Holly Farm Great North Road Cromwell NG23 6JE	Erection of detached dwelling with new access	Written Representation	Refusal of a planning application
APP/B3030/W/23/3316945	21/02693/FUL	Willoughby Farm Carlton Lane Norwell NG23 6JY	Proposed demolition of 14 modern farm buildings and erection of 5 detached dwellings	Written Representation	Refusal of a planning application

PLANNING COMMITTEE – 8 JUNE 2023

Appendix B: Appeals Determined (01 APRIL 2023 and 22 MAY 2023)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/01366/FUL	Holme Farm Main Street Maplebeck NG22 0BS	Erection of agricultural storage building.	Delegated Officer	Not Applicable	Appeal Allowed	9th May 2023
22/00098/ENFB	1 Third Avenue Edwinstowe NG21 9NU	Without planning permission, operational development consisting of the erection of a fence enclosing the North and West elevations of the property (as shown within photographs 1 and 2 and highlighted red on the site location plan) and the erection of an outbuilding located forward of the principal elevation of the property (as shown within photograph 3 and highlighted green X on the site location plan).			It is directed that the enforcement notice is varied by the deletion of 4 months and the substitution of 9 months as the period for compliance. Subject to the variations, the enforcement notice is upheld, and planning permission is refused on the application	16th May 2023
22/00238/ENFB	218 London Road Balderton Newark On Trent NG24 3HD	Appeal against without planning permission, development consisting of the erection of means of enclosure consisting of railings with timber inserts and gates (x2) to the front of the property (adjoining the highway). (as shown			Appeal Dismissed	16th May 2023

		within photographs 1 and 2 and identified with an X on the site plan).				
20/02420/S73M	Kilvington Newark On Trent NG13 9PD	Application to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/3239439)	Delegated Officer	Not Applicable	Appeal Dismissed	26th April 2023
22/01479/OUT	The Dials Gray Lane Halam NG22 8AL	Outline application for proposed 2 bedroomed bungalow.	Delegated Officer	Not Applicable	Appeal Dismissed	28th April 2023
22/01125/FUL	Field Reference 5850 Ricket Lane Blidworth	Erection of a timber building to store agricultural machinery (retrospective)	Delegated Officer	Not Applicable	Appeal Dismissed	3rd April 2023
22/01423/FUL	Ringstead 48 Kirklington Road Bilsthorpe NG22 8SS	Erect double garage with apartment at first floor level.	Delegated Officer	Not Applicable	Appeal Dismissed	3rd April 2023
22/01693/HOUSE	Clifton Barn Vicarage Road South Clifton NG23 7AQ	Erection of Garden structures for the further enjoyment of the dwelling and re-siting of the Oil Tank.	Delegated Officer	Not Applicable	Appeal Dismissed	3rd May 2023

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion
22/00150/FUL	Field Ref No 0878 Caunton Road Norwell	Construction of a general purpose farm barn and improved access arrangements	The decision was issued on the 5 th May 2023. The decision was entered into the planning software incorrectly as an approval whereas it should have been a refusal. The decision notice therefore grants planning permission with the condition attached comprising a reason for refusal. This decision is being challenged by way of judicial review in order to have the decision quashed. If the Court confirms the quashing, the application will be reconsidered and a

			decision made.
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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@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development



Report to Planning Committee 8 June 2023

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x 5565

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 three-month period January to March 2023 as well as providing an overview of the performance and achievements across the financial year. In order for the latest quarter's performance to be understood in context, in some areas data going back to March 2020 is provided.
Recommendations	For noting. The services it assists in the delivery of Community Plan Objectives: <ul style="list-style-type: none"> • Deliver inclusive and sustainable economic growth • Create more and better-quality homes through our roles as landlord, developer and planning authority • Enhance and protect the district's natural environment

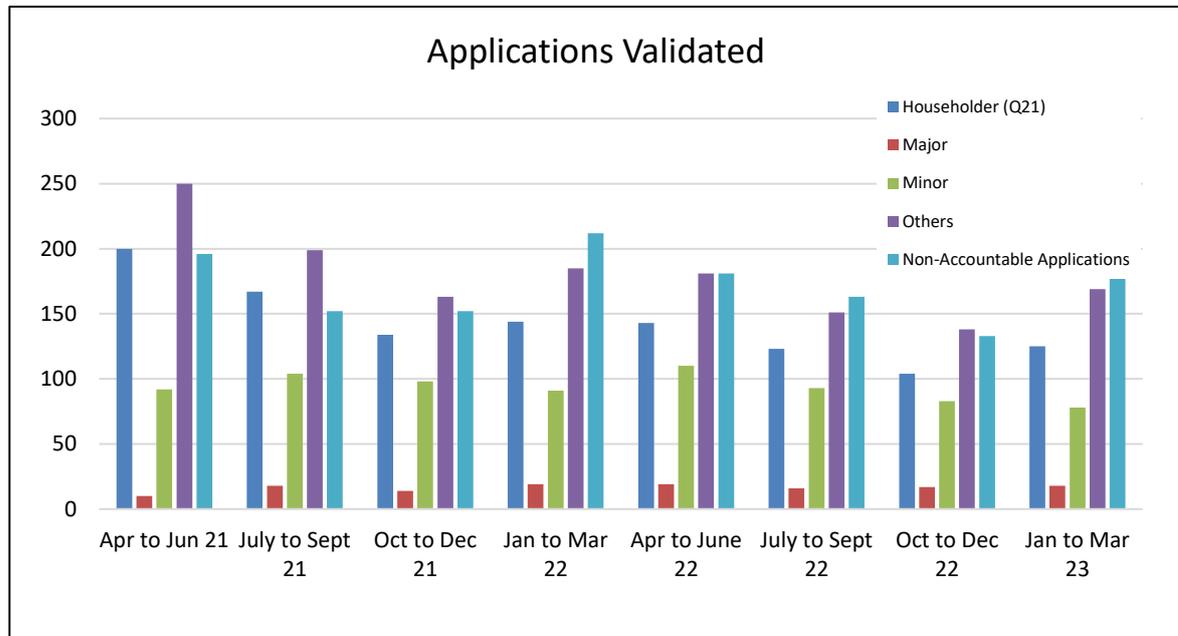
1.0 Background

1.1 The Planning Department undertakes a number of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, offering 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.

2.0 Application Numbers

2.1 The graph below shows the number of applications that have been received as valid each quarter from April 2021 up until March 2023. They are presented in line with the Council's reporting to Government. Definitions of what each application type constitutes is provided below the graph. In the final quarter of 2022/23, a total of 750 applications were received. This, compared to the same quarter in 2021/22 shows a reduction from 873 applications or an approximate 14% decrease in workload. This number is more akin to pre-pandemic numbers, when in 2019/20, 780 applications were received in the same quarter. The previous annual report identified that whilst overall numbers had reduced, major and 'non-countable' applications had increased compared to the year before. Again, major proposals

have increased over the previous 12-months by 15%. All other application types have reduced slightly compared to tree related applications which have remained consistent. Across the financial year, in relation to the receipt of all application types there has been a slight decrease from 3039 (for 2021/22) to 2669 applications. This appears to relate more to a reduction in 'others' under which householders fall. However, the number of major applications has increased and these are likely to have greatest impact in terms of housing numbers and potentially job creation, with 70 applications received this financial year compared to 61 in 2021/22.



Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m² new floor area or more.

Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.

Others include (but are not limited to) householder, advertisements and listed building applications. However, for the benefit of the above graph, householders have been extracted from the others category.

The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind.

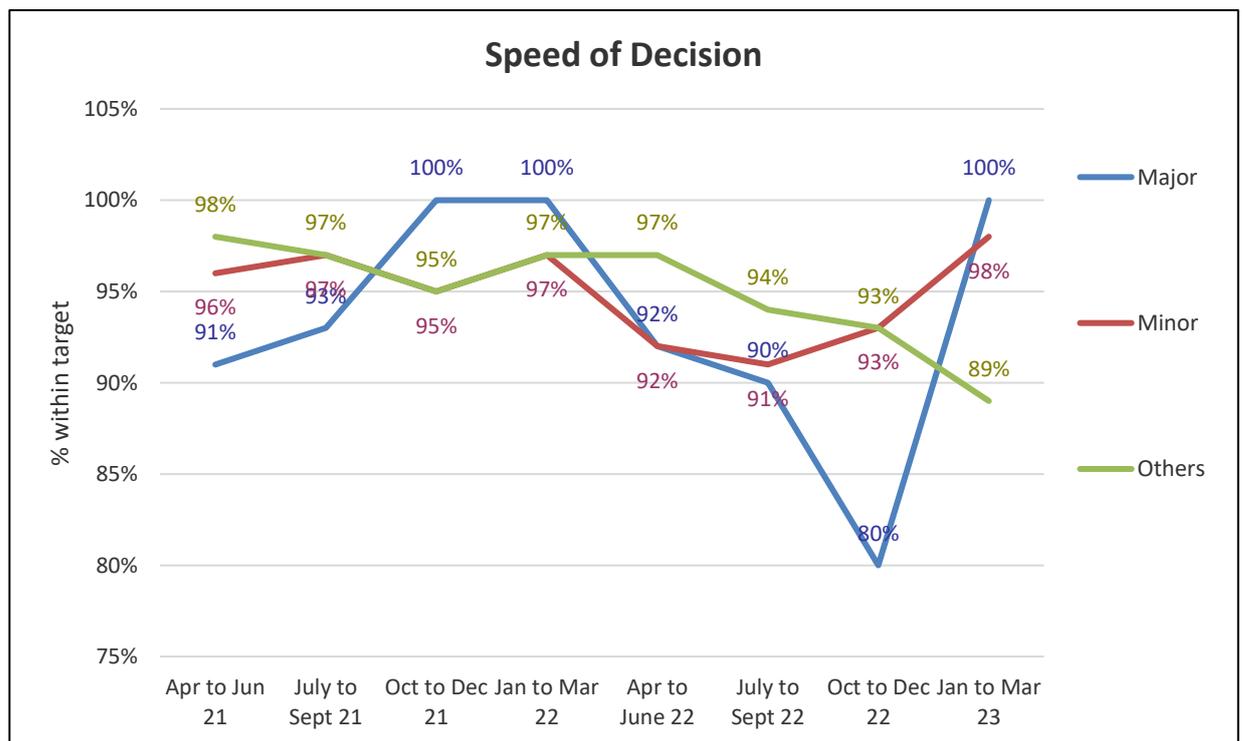
3.0 **Performance**

3.1 Government (DLUHC) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From October 2020 to end of September 2022, 95.4% of the 108 major applications have been determined within these

timescales or within a period agreed through an extension of time. Across all of the Nottinghamshire authorities, NSDC is the second best performing authority (Gedling having determined 97.3% comprising 37 applications). NSDC determined the greatest number of the Notts. Authorities. Of the 333 authorities across England and Wales, we are 72nd in terms of overall performance. For non-majors, the target set nationally is 70% over a two-year period. 95.7% of non-major applications over this same time period have been determined within these timescales and NSDC is 50th within the country. Comparing once again to the other Nottinghamshire authorities, we are second best performing, Broxtowe having determined 96.9%. However, the number they have determined is significantly less at 1330 compared to 1984 (or 49% fewer) than NSDC. These targets are challenging when taking account, in accordance with the National Planning Policy Framework, to work positively and proactively with applicants in determining applications i.e. trying to find solutions as opposed to refusing a planning application that might be amended. However, it can be seen that performance has significantly exceeded these targets.

3.2 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.

3.3 The following graph relates to the percentage of planning applications determined within set timescales.

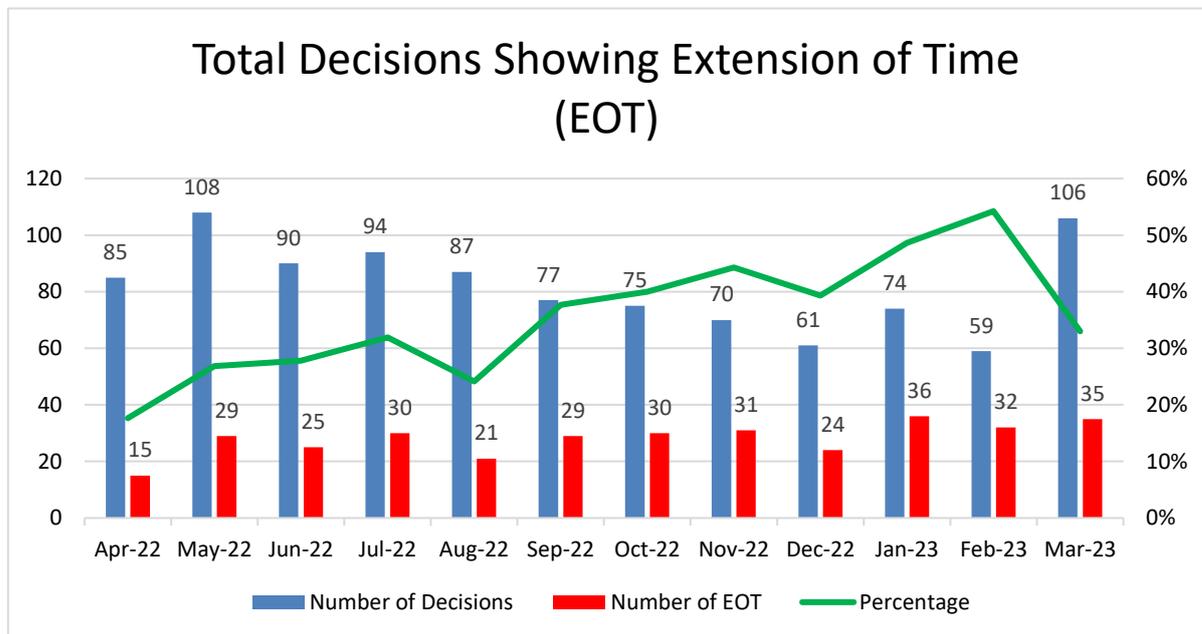


3.4 For major applications, performance over the previous quarter has returned to 100%. Across the 12-month period, the performance averages at 91%, due to the drop in October to December 2022. Minors is at 98%, having dropped slightly during the previous quarter. Overall performance has very slightly dropped compared to the previous 12 months.

3.5 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time period from applicants. Time

extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not currently go against the authority in terms of speed of decision making when reporting.

3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. It is hoped over time, that it might be possible to reduce the number of applications with time extensions and following that also reduce the overall time taken to determine planning applications. New local performance targets have been introduced addressing the speed (in terms of the number of days) of decision making for major and minor planning applications. There has been a slight increase in terms of the percentage of applications that have been subject to an extension of time from 28% in 2021/22 to 35% this financial year.

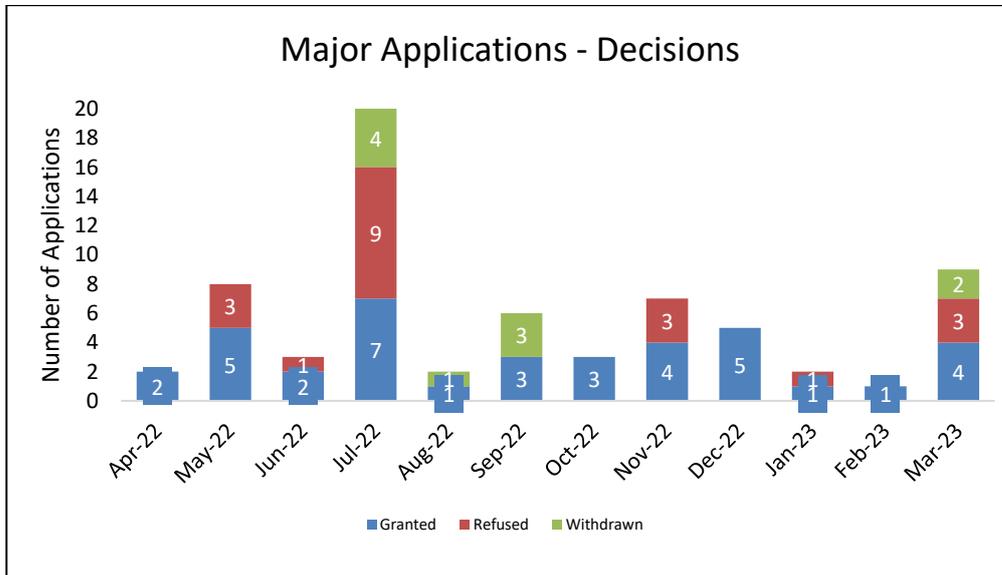


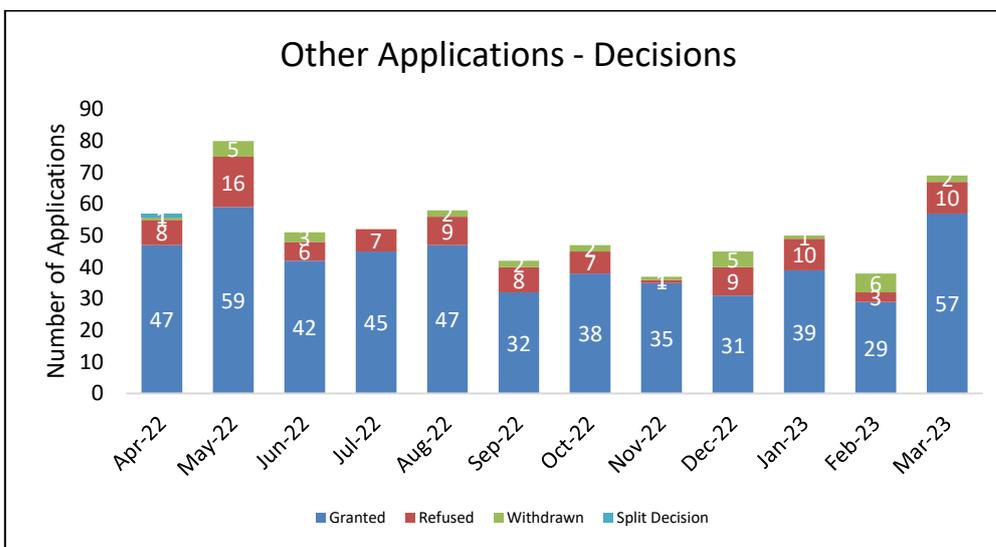
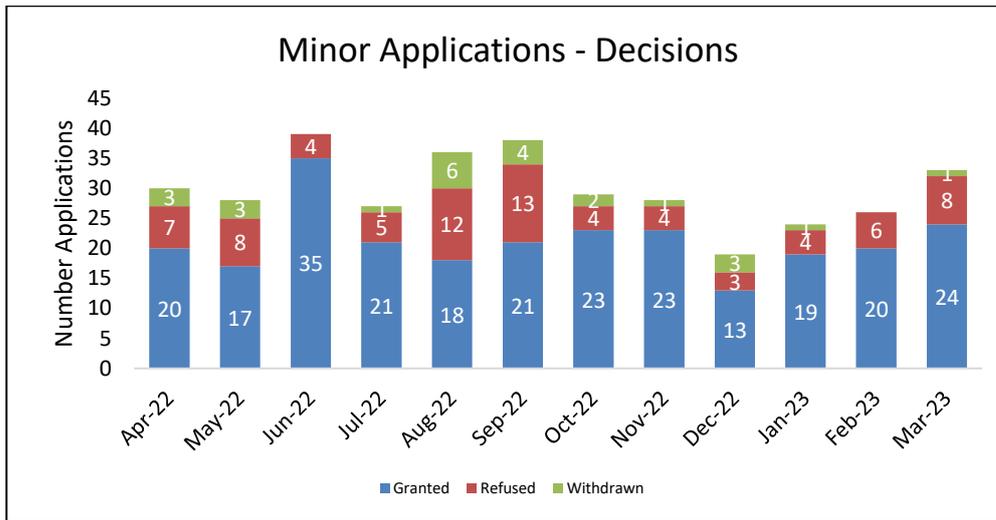
However, a consultation on [‘Increasing planning fees and performance: technical consultation’](#) by the Department for Levelling Up, Housing and Communities may affect how the Council deals with planning applications. The consultation document suggests increasing planning application fees by 35% for major developments and 25% for all others. This is said, alongside other changes set out in the Levelling Up and Regeneration Bill to improve performance. One area the government has criticised planning authorities on, is in relation to extension of time agreements. The consultation proposes to monitor performance on the basis of those applications determined solely within the statutory 8 and 13-week timescales i.e. excluding extension of times and Planning Performance Agreements. This might mean that rather than negotiating with applicants over development proposals in order to achieve an approval as opposed to a refusal, the application is refused. As advised within previous reports, it would be possible to determine all applications within statutory timescales without a request for, or agreement to, a time extension. However, this would potentially lead to complaints, reputational damage and resubmission of applications or defending of appeals. Whilst the resubmission of applications are, in the majority of cases, not subject to a further planning application fee, the consultation document suggests removing the ‘free-go’ route. One of the aims of the changes suggested, as well as improving performance, is

also to encourage developers to seek pre-application advice prior to the submission of an application.

3.7 The consultation document also includes a number of other changes which the Council is responding to, in consultation with the Portfolio Holder Economic Development & Visitors.

3.8 Over the previous financial year, the number of decisions issued quarter on quarter has decreased from 283 in April-June 2022 to 239 in January to March 2023 reflecting the slightly reduced number of applications received. Comparing the total number issued in 2021/22 compared to 2022/23, the numbers have reduced from 1162 to 986 application. Of these decisions, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. The only types of applications where a local planning authority is able to issue a split decision are for advertisement and tree applications unlike the Planning Inspectorate who is able to do this for all application types. All three graphs demonstrate that the majority of applications are granted, cumulatively approximately 78%, 77% and 85% across the major, minor and other categories respectively. For the previous financial year the percentages were 88%, 73% and 86% respectively, so aside from majors the numbers have remained fairly consistent. Withdrawals (65 across the year compared to 103 in 2021/22) are not reported as part of our overall performance to government but will still have involved a significant amount of work by the case officers. These applications are frequently resubmitted, often as a 'free go', whereby currently, no fee is payable. However, the planning fee consultation referred to above may affect the number that are withdrawn by agents and applicants.





4.0 Tree Applications

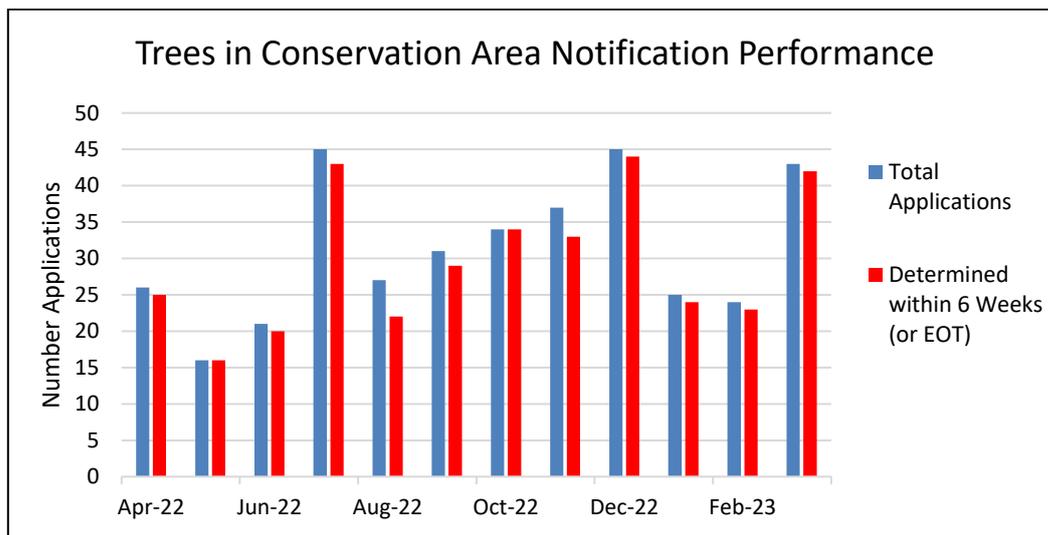
4.1 Trees are a valued amenity contribution to the character of the district. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council’s decision as to whether the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

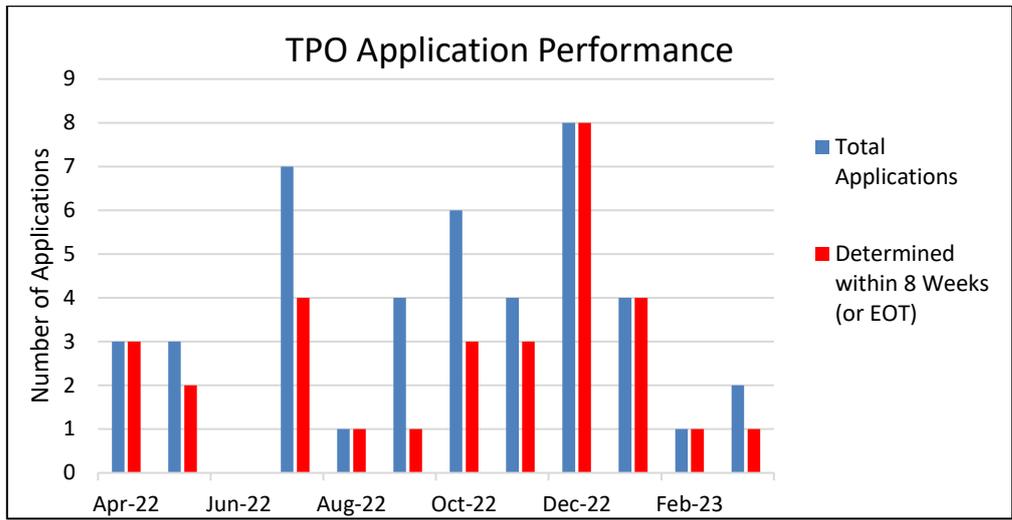
Where it meets these criteria, a TPO will be made. Applications for works to trees in Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week, the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee, although again the consultation document queries whether applications that are currently not subject to a fee should be.

4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. The number of applications received each month have no consistency making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value (for trees within conservation areas applications), these applications are determined within the statutory period in order that further protection for the tree can be put in place.

Overall, performance continues to increase, with 97% of notifications for works to trees in a conservation decided within the statutory 6 weeks period, an increase of 1% compared to the previous quarter. However this is a slight decrease when compared to the corresponding quarter last year. Delays are often contributed to time taken around our proactive approach with negotiations with agent/applicants regarding amendments to proposed works to bring in line with British Standard S3998.2010, as well as vague proposals (detail regarding works). This British Standard gives general recommendations for tree work as well as guidance on management options for established trees. This has consequentially seen delays regarding time taken to reply and the agent/applicant’s availability to meet on site.



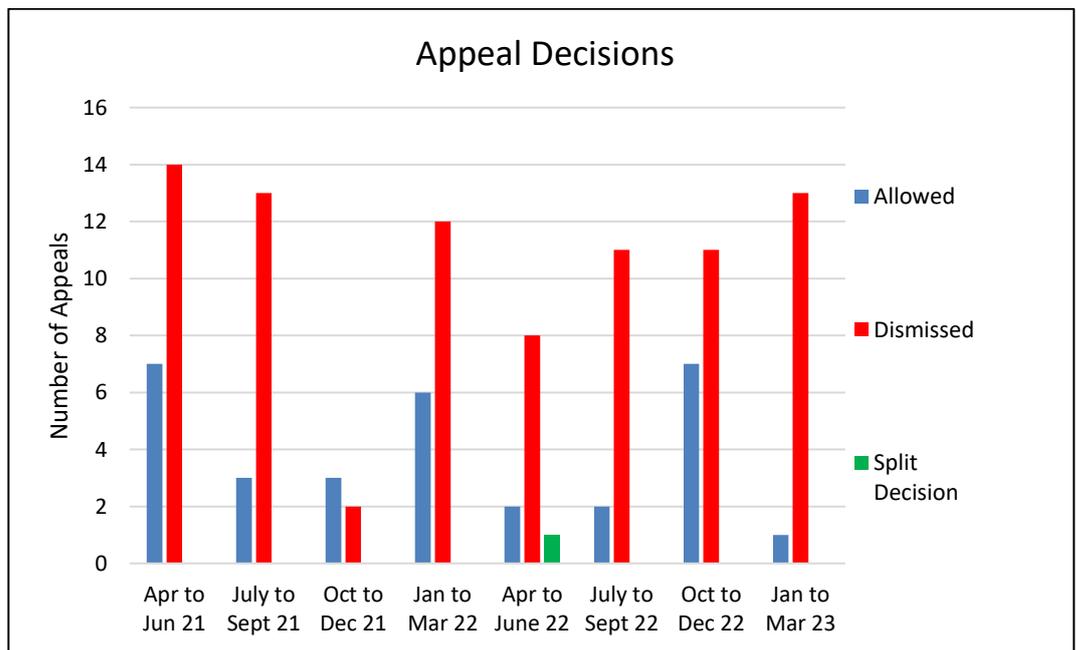
Turning to works to trees protected by Tree Preservation Order (TPO), through negotiations during assessment, there were no refusals of decisions made during the monitoring period. The Planning Technical Support Manager acknowledges negotiations can have an impact on performance regarding speed of decision. However, it is anticipated through working with customers and agreeing appropriate works (rather than refusal), will lessen any possible impact on the team owing to possible submission of appeals due to a decision of refusal. Overall, compared to the previous quarter, performance has increased by 8%, with 86% of applications being decided within the statutory 8 weeks period (or agreed extension of time). It is important to note, the number of decisions was lower than that of the previous quarter and is representative of seasonal trends. As previously reported, ongoing engagement continues with agents who regularly submit applications for tree works within the district, which we hope provides further understanding of the appropriate approach to tree works which we hope will result in ‘better’ applications submitted in the future.

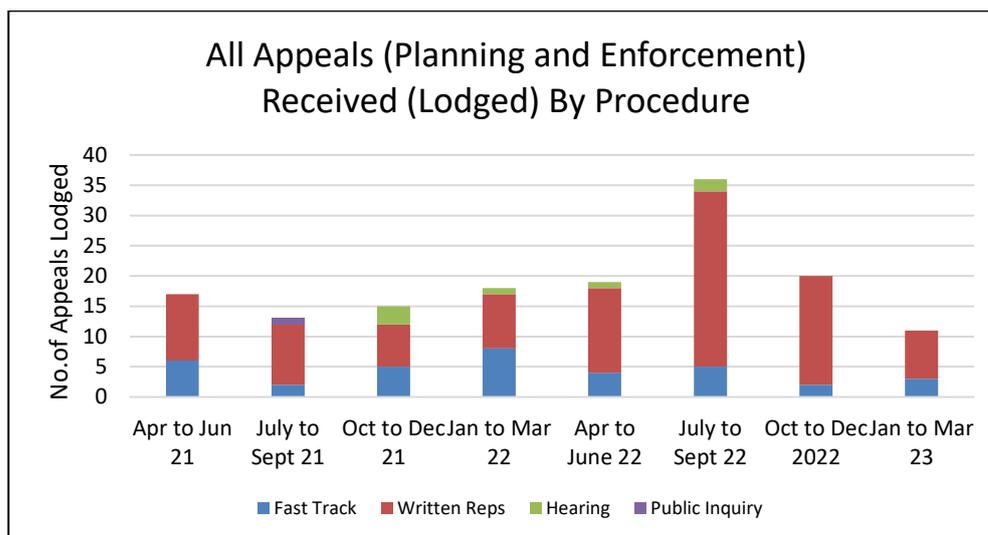


5.0 Appeals

5.1 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed, and split (part allowed and part refused). The total number of appeals fluctuates quite considerably, and like tree applications makes resourcing them challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. Additionally, the type of appeal makes resourcing more challenging. There are 4 types of appeal – inquiry, hearing, written representations, and fast track with the amount of resource in responding accordingly varying from very high to low.

5.2 This quarter has seen a drop in the number of decisions issued by the Inspectorate compared to the previous quarter, from 20 to 11. Compared to the previous financial year, the Inspectorate has issued 86 decision this year compared to 63 for the previous. The number dismissed exceeds the number allowed and is line with the Government’s previous target of having no more than 33% being allowed. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal. Across the financial year, 20% have been allowed compared to 36% the previous year.





- 5.3 The vast majority of appeals, as noted within the graph above, are determined via the written representation method followed by fast track appeals. The Council did not have any public inquiries during the financial year, although did have 3 hearings.
- 5.4 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-major applications overturned (i.e., allowed) at appeal. The threshold is for fewer than 10% of major applications overturned at appeal over a rolling two-year period. For authorities who exceed this target, they will be classed as 'poorly performing' and applications for major developments may be made directly to the Planning Inspectorate. Members may have seen headlines reporting that one such authority, which has recently been sanctioned against, is Uttlesford District Council.
- 5.5 As of 1 April 2018 DLUHC implemented a threshold for quality of decisions for major and non-major applications at 10%. For clarification, this is 10% of all major decisions and all non-major applications (i.e., minor and others) decisions refused by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period.
- 5.6 Data from government has not been updated since the report was originally presented to Members which showed the Council is significantly below the thresholds set out. However, with the number of appeals allowed compared to the overall number of decisions made for each of the categories, the Council will be significantly within these figures.
- 5.7 Alongside the processing of an appeal, the appellant and Council can both seek costs against the other party. Planning Practice Guidance sets out what might constitute grounds for a claim but this must comprise unreasonable behaviour that has led to unnecessary costs that otherwise would not have been necessary. A number of claims have been made against the Council across the year, all of which have been successfully defended with the exception of Hillcrest, 7 Hoveringham Road, Caythorpe. A further costs application has been successful for application 21/02677/FUL – Land at Main Street for a stable and manege. The Council has been successful in a claim relating to a Lawful Development Certificate appeal that was withdrawn during the appeal process (22/00685/LDC – The Paddocks, Southwell Road, Halloughton).

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. Isabel Verheul left in February, her replacement started in early May (Ellie Sillah). Jared Paling and Raheel Pasha both joined as Trainees/Apprentices within Planning and Enforcement respectively. Full Council approved 2 new posts; Biodiversity and Ecology Lead Officer (BEO) and Geographical Information Services Lead Officer with recruitment recently completed. The BEO will be leading on biodiversity net gain (BNG) when that comes into effect later this year. Further information regarding BNG will be provided once the Regulations are published by Government.
- 6.2 Whilst there has recently been a number of consultations on possible amendments to legislation and guidance, the past 12-months has not had any significant changes that have required reporting. Over the coming 12-months, there will be likely be changes such as changes to the National Planning Policy Framework, planning fees as well as the introduction of biodiversity net gain which is due to come into force as a requirement for applications in November 2023. Members will be provided with information and training regarding this in due course. The Regulations for which developments are affected by the need to provide a net gain are still awaited. Any changes that are relevant for the Council will be reported to Committee. Additionally, the Government issued the Levelling Up and Regeneration Bill which is progressing through parliament. When this has gone through all its readings and is published, details will be provided.
- 6.3 Alongside these more ‘planning’ related duties, during the summer of 2022, following the introduction of the Cabinet system, the Planning Committee adopted the Scheme of Delegation to Officers for planning and related applications / work, the Protocol for Members on Dealing with Planning Matters as well as guidance on Development Consultation Forums. In addition, reviews of a number of conservation areas have been completed for Laxton, Ollerton, Southwell and Newark.
- 6.4 This financial year as well as 2024/25 will likely be challenging with the number of changes that are likely to affect planning. In addition to the above, the department is commencing the start of a software procurement project for its planning and environmental software. Whether the Council remains with the existing supplier or a new one, significant changes are needed to make the software more efficient thus enabling officers to have more time in the assessment of applications and assisting residents and businesses in the District.

7.0 Implications

- 7.1 In writing this report and in putting forward a recommendation, 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.

8.0 Conclusion

- 8.1 Performance has continued to be met and exceeded. Overall, the department has been able to provide an excellent service, whilst continually looking to make improvements whether large or small. The following 12-months will have many challenges, but the department is set to deal with these.



Report to Planning Committee 8 June 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Richard Marshall, Senior Planner (Enforcement), richard.marshall@newark-sherwooddc.gov.uk

Report Summary	
Report Title	Quarterly and Year End Planning Enforcement Activity Update Report
Purpose of Report	<p>This report relates to the performance of the Planning Enforcement function of the Planning Development Business Unit over the three month period January to March 2023 as well as providing an overview of the performance and achievements across the financial year.</p> <p>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.</p>
Period covered	Quarter 3 of the 2022/ 2023 financial year (1 st January – 31 st March 2023) and providing an overview of the performance and achievements across the financial year.
Recommendation	That Planning Committee notes the contents of the report and the ongoing work of the planning enforcement team.

1.0 Background

1.1 What is planning enforcement?

Planning enforcement is the investigation of alleged breaches of planning control and, where a breach of planning control is identified, the aim is to resolve these using the most appropriate action. NSDC is responsible for enforcing control for all planning matters other than matters relating to minerals or waste disposal which are the responsibility of Nottinghamshire County Council.

The backbone of the planning system is planning enforcement. Equally as important as the plan makers and the development managers, planning enforcement is there to ultimately preserve the integrity of, and public confidence in, the planning system by ensuring that development accords

with the rules. Without it our environment, both built and natural, suffersⁱ. In short, without enforcement, our places, our environment and our quality of life would all be the poorer.ⁱⁱ

At its heart, the planning system relies on trust and our enforcers provide the backbone of this trust – trust that those who flout our planning laws (and often other laws at the same time) will be brought to account; trust that those who strive for high quality will not be undermined by those who would deliver ill-planned and ill-designed development; and trust that the high quality schemes that achieve planning permission will be delivered with that same quality – that planning will deliver what is promised.

Parliament has given Local Planning Authorities (LPA's) the primary responsibility for taking whatever enforcement action they consider necessary in the public interest in their area. Enforcement action is discretionary, however a LPA's duty to investigate an alleged breach of planning control is not.

Enforcement action is intended to be remedial rather than punitive and should always be commensurate with the breach of planning control to which it relates. All enforcement cases should be investigated properly, and the following key questions answered:

- Is there development?
- Is there a breach?
- Can the breach be resolved through negotiation?
- Is the breach causing harm?
- Is enforcement expedient?

Negotiation is a key skill of any enforcement officer and in the majority of cases breaches can be resolved through this process. However, as soon as it becomes clear that a breach cannot be resolved amicably, and that there is ongoing planning related harm that is contrary to the public interest, enforcement officers may use enforcement powers to remedy the breach (in accordance with the Council's Scheme of Delegation).

1.2 This report

This report relates to the final quarter from the 1st January to the 31st March 2023 providing an update on enforcement activity during this period, including cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation, and Notices that have been complied with.

The report also includes key figures relating to overall planning enforcement activity for the 2022 – 2023 financial year.

Schedule A outlines the enforcement activity in terms of the numbers of cases that have been received and closed throughout 2022/2023 (refer Chart 2) and also provides a breakdown of the reasons that cases have been closed over the same period (Chart 3). Charts 4 and 5 show the performance of the enforcement team when compared against time limits set out within Newark and Sherwood District's [Planning Enforcement Plan \(PEP\)](#) in both Q4 and over the course of 2022/2023.

Chart 6 sets out a breakdown of the Notices that have been served by the enforcement team during Q4 and throughout the 2022/2023 period.

Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).

Schedule C provides just a few examples of how officers have resolved breaches through negotiation during the last quarter.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Members will note from Chart 1 that the enforcement team has continued to be extremely busy, with significantly more cases having been received this year than compared to the previous 2021/2022 period.

As well as investigating more cases than the previous year, Officers have found that many of those cases have become increasingly complicated or unacceptable in planning policy terms, leading to 39 Notices having been issued in 2022/23. 21 appeals were received throughout 2022/23, compared with only 8 in 2021/22. Of the 21 lodged, only two have been determined by the Planning Inspectorate, stalling progress on the remaining 19. This complexity of cases and delays from the Planning Inspectorate perhaps explains the reduced numbers of cases being closed compared to the previous year.

The planning enforcement team provide an update on enforcement related activity on a quarterly (and annual) basis. Over the previous 3 quarters the team has reported a number of these cases have led to successful prosecutions and multifaceted injunctions having been obtained for matters including non-compliance with Enforcement Notices, or unauthorised works to protected trees.

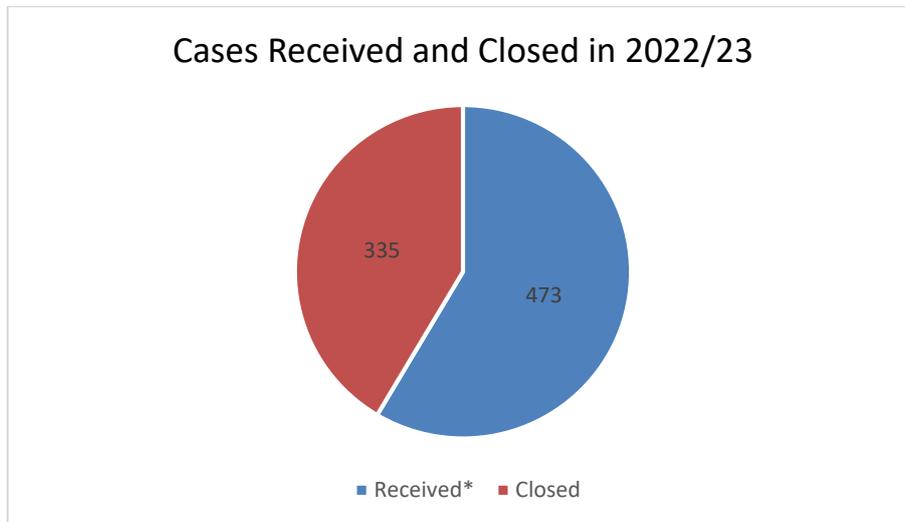


Chart 1 – Case numbers received and closed over 2022/2023

* 26 of these are Heritage at Risk cases under review by Conservation Officers as part of the Heritage Action Zone project

Members will also note in Chart 2 that the majority of cases reported are not a breach of planning control. Particular attention should also be paid to the number of cases that have been resolved through collaborative efforts with landowners. Where those efforts have not been successful, Officers have issued, where it is deemed expedient to do so, a large number of Notices across the 2022/23 financial year.

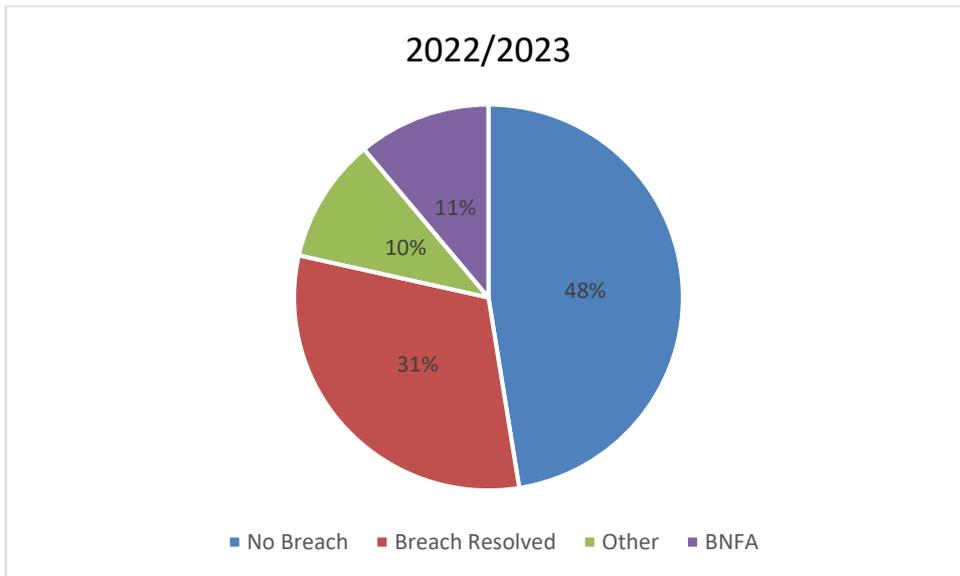


Chart 2 – Reasons why enforcement cases have been closed during 2022/2023

Whilst there are not nationally recorded ‘performance’ statistics for planning enforcement, figures of the number of enforcement notices that are issued are documented on an annual basis. The figures for the period of 1st January to 31st December 2022 have recently been published by the Department for Levelling Up, Housing and Communities (DLUHC) and these demonstrate the extensive nature of the ongoing work undertaken by the planning enforcement team. Whilst the total numbers served is not a direct indication of ‘success’ of planning enforcement activity, the aim being to resolve a breach as opposed to punish a contravener, they do nevertheless demonstrate the level of activity and complexity of cases investigated. Members will note (Chart 3) that the planning enforcement team at Newark and Sherwood have served a significantly greater number of enforcement notices over the latest recorded period (43) compared to the other authorities within Nottinghamshire (the next highest being Broxtowe with 5). It must also be noted that NSDC has issued almost a third of all notices within the East Midlands (156) area and more than double the next authority (Leicester, 18). Again, this further demonstrates not only the amount of work undertaken by the team, but also the complexity of cases as many of those notices issued result in an appeal against the Council’s decision.

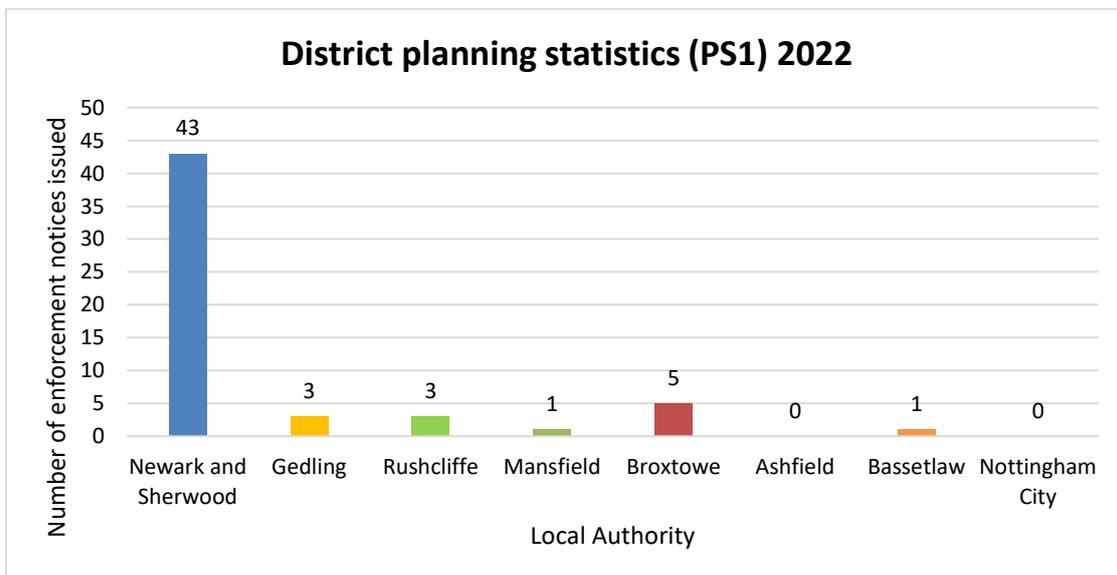


Chart 3 - Number of Enforcement Notices Issued by Nottinghamshire Authorities (1st January 2022 to 31st December 2022)

In addition, in September 2020 the Planning Enforcement Plan (PEP) was adopted. As well as setting out how the enforcement service will operate and what Members and the public can expect from the service, the PEP also put in place a system of case prioritisation which encompassed targets for initial investigations to take place. A summary of the system of prioritisation, and the priority performance standards, are set out in the table below:

Priority	Complaint type (example)	Investigation commencement timescale*
A (High)	<ul style="list-style-type: none"> • Demolition in a Conservation Area or unauthorised works to a Listed Building; and • Unauthorised works to protected trees. 	As soon as possible and in any case within 24 hours of receiving the case
B (Medium)	<ul style="list-style-type: none"> • Unauthorised development that significantly impacts on local amenity and public safety; • Unauthorised development that results in harm to the character of a Conservation Area or letting of a Listed Building; • Certain unauthorised operational building works, changes of use and breaches of conditions; • Erection of unauthorised advertisements that have a detrimental impact on highway safety. 	Within 14 days of receiving a complaint.
Low (C)	<ul style="list-style-type: none"> • Running a small business from a residential property; • 'Other' unauthorised advertisements; • 'Minor' unauthorised operational developments such as fences/ walls and 'other' householder developments; and • Untidy land and buildings. 	Within four weeks of receiving a complaint

** Timescales commence from the first working day after a complaint is received. Weekends and bank holidays are therefore not counted.*

Members will note from Chart 4 that despite the consistently high number of enforcement cases being dealt with, and the previously explained complexity of those matters investigated, the team has been working with continued commitment to achieving the highest standard of attainment and has reached close to a 100% compliance, at 98.7%, with the targets set within the PEP over the Q4 period, and 96.1% across the year. This not only demonstrates the quality and dedication of the teams' efforts, but also the ongoing efforts for productivity and efficiency.

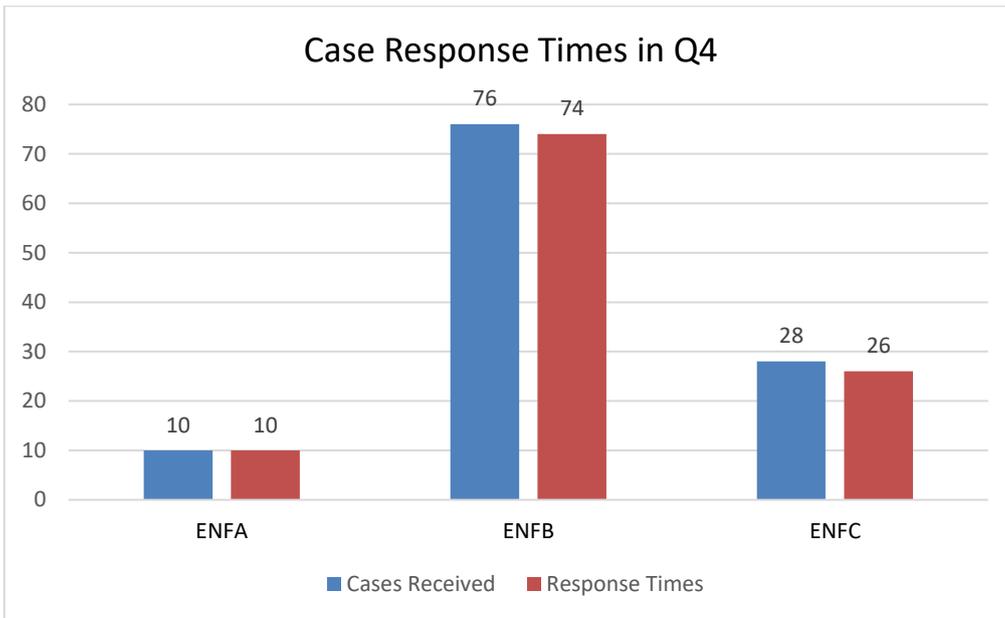


Chart 4 – Enforcement response times in Q4 of 2022/2023

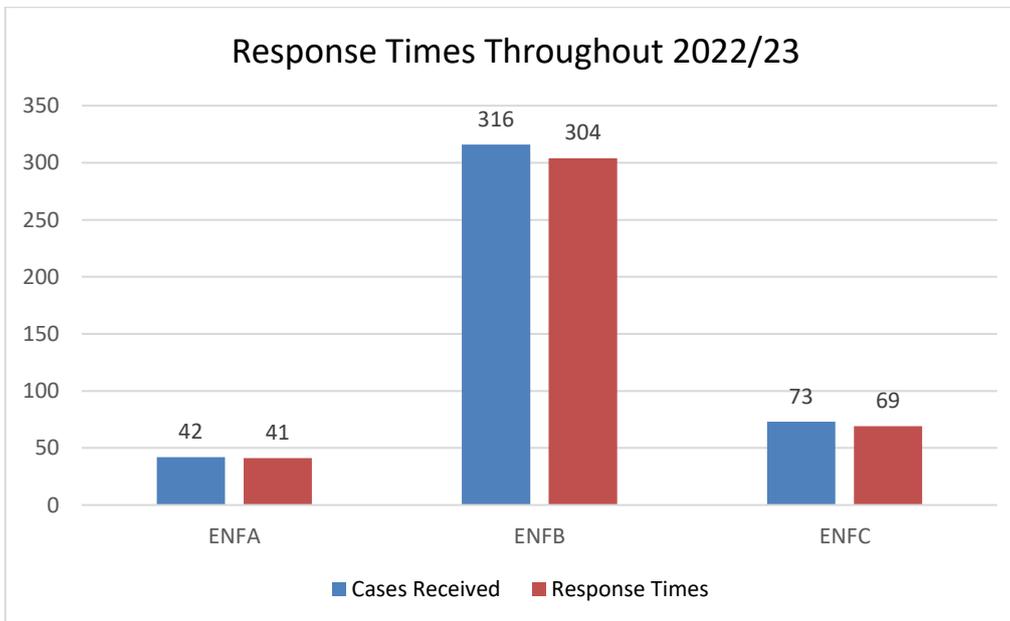


Chart 5 – Response Times 2022/2023

Outcomes in Quarter 4 and across the year

	January	February	March	Total
Notices Issued	6	0	4	10
Notices Complied With	0	0	2	2
Appeals Lodged	0	2	2	4
Appeals Determined	2 (both upheld)	0	0	2

Table 2 – Details of planning enforcement notices issued and complied with during Q4 of 2022/2023. Also included are details of appeals relating to enforcement notices.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
Notices issued	5	17	8	10	40
Notices complied with	3	1	2	2	8
Appeals lodged	4	11	5	4	24
Appeals determined	2	0	0	2	4

Table 3 – Details of planning enforcement notices issued and complied with during each quarter of 2022/2023. Also included are details of appeals relating to enforcement notices.

A description of the various notices within the planning enforcement ‘toolkit’ is contained within Appendix 1. The total numbers of each type of notice issued during Q4 and across the 2022/ 2023 year are set out within charts 6 and 7. Again, both of these demonstrate the high level of enforcement activity being undertaken.

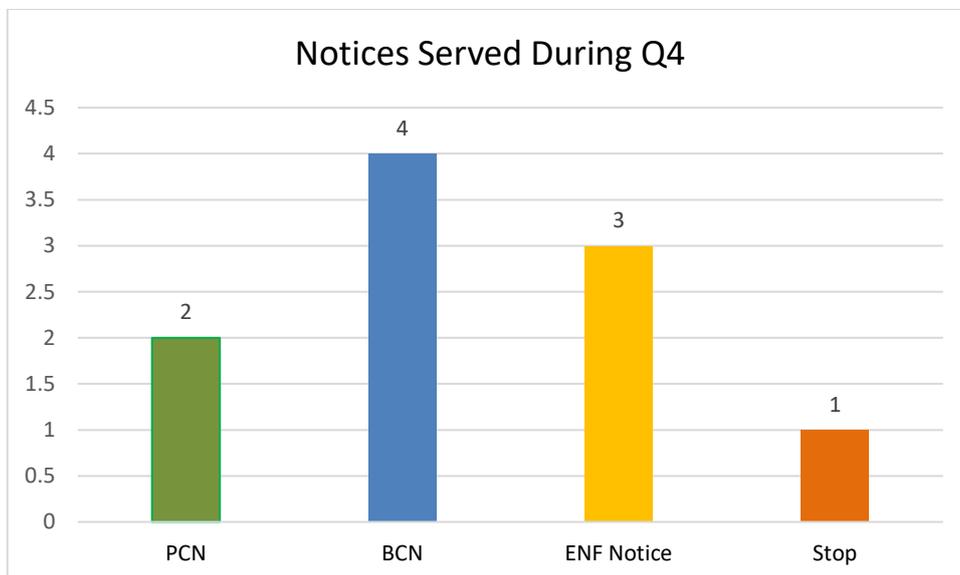


Chart 6 – Notices Served During Q4

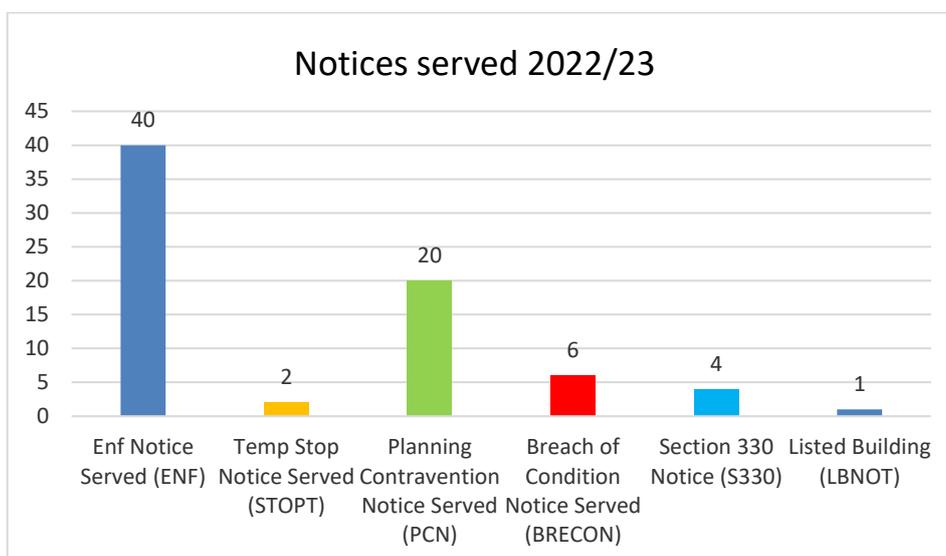


Chart 7 – Notices Served During 2022/2023

3.0 SCHEDULE B. FORMAL ACTION TAKEN

Enforcement Ref: 22/00405/ENFB

Site Address: The Troc, Beacon Hill Road, Newark

Alleged Breach: Breach of Conditions

Action To Date: A Temporary Stop Notice and a Breach of Condition Notice Issued

Background: Planning permission was granted in 2018 for the demolition of two bungalows and the enlargement of The Troc care home.

Officers were made aware that protective fencing had not been erected around trees that were due to be retained, and that landscaping and boundary treatment works did not align with the approved plans, appearing to be the beginnings of an unauthorised car park rather than soft landscaping as required.

A Temporary Stop Notice and a Breach of Condition Notice were issued requiring work on the site to cease until such time as protective fencing had been erected, and that compliance with the approved landscaping scheme be adhered to.

A further application seeking to finalise and regularise works to create an additional (overflow car park) was retrospectively submitted (reference 23/00179/FUL). This application was refused. Officers are corresponding with the developer to try and resolve the additional breach of planning control (creation of the car park) in addition to issues identified with the previously approved scheme.



Enforcement Ref: 22/00096/ENFB

Site Address: Newark Road, Kilvington

Alleged Breach: Unauthorised Residential Building

Action To Date: Enforcement Notice Issued

Background: Planning permission was granted in 2009 for a small building to house chickens. The building was constructed in 2018/19 with a range of domestic features including windows, patio doors, insulated loft space, lighting and internal layout.

An application seeking to change the use of the building to a holiday let was refused, and a second application seeking to retain the building as an agricultural unit was declined to be determined.

Enforcement Officers determined that the building was not built in accordance with the intended use of the 2009 permission (to house chickens), and so determined the entirety of the building is unauthorised. An Enforcement Notice has been issued requiring its demolition. The serving of the enforcement notice and planning decision is now the subject of an ongoing appeal.



Enforcement Ref: 22/00096/ENFB

Site Address: Yew Tree Way, Coddington

Alleged Breach: Unauthorised Removal of TPO Trees

Action To Date: Prosecution and Tree Replacement Notices Issued

Background: This case relates to 3 tree preservation orders covering an area of woodland. In late 2021 works were undertaken to protected trees on site without first seeking consent from the Local Planning Authority (LPA).

Officers found that large amounts of vegetation had been removed from the land along with the intentional felling, cutting back and damage of protected trees on the site. The case was brought before Nottingham Magistrates Court where 3 persons were found guilty (following guilty pleas to two charges). The Court sentenced all defendants and imposed fines and costs. The LPA has also recently served tree replacement notices requiring the replanting of lost specimens at the site.



July 2020



January 2022

Enforcement Ref: 20/00045/ENF

Site Address: Old Hall Farm, Greaves Lane, Edingley

Alleged Breach: Excavation of a Reservoir

Date Received: February 2020

Action To Date: Enforcement Notice issued November 2021

Background: As part of a wider investigation and enforcement action into a number of issues at this site, Officers were made aware that a large irrigation reservoir had been excavated without planning permission (outlined in blue within the aerial photograph below). A retrospective application was submitted for consideration (21/01114/FUL) but refused on account of failure to demonstrate or justify its need, scale or structural stability. A planning Enforcement Notice was issued in conjunction with the refusal. The issue of the enforcement notice was the subject of an appeal, which was later dismissed.

Previously planning enforcement notices had been issued requiring the residential use of the land to cease, including within the barn building outlined in red in the aerial photograph below.

An interim injunction was granted by the Courts in November 2022 requiring that the lake/reservoir to be emptied in a prescribed methodology.

A further injunction was granted in March 2023. The injunction requires the remaining water to be emptied from the lake/ reservoir, the lake/ reservoir to be infilled and the residential use of the land (including the barn building) to cease.

Members will continue to be updated with progress of the investigation, including efforts to improve the appearance and condition of the land which is also the subject of a formal notice and ongoing court proceedings.



4.0 SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 22/00206/ENFB

Site Address: Cheyne Drive, Bilsthorpe

Alleged Breach: Unauthorised Business from a Residential Property

Background: Officers received complaints about the amenity impacts resulting from a business operating from a residential property. A considerable number of online orders were being processed, with resulting deliveries and packages being received and sent from the property throughout the week. Officers liaised with colleagues in the Economic Development team to assist the landowner to secure the rental of an industrial unit from which to relocate the business, resolving the breach of planning control.

Enforcement Ref: 23/00050/ENFB

Site Address: Back Lane, Barnby in the Willows

Alleged Breach: Incorrect Materials

Background: Officers were made aware that the brickwork used on the construction of a single storey rear extension did not match the existing brickwork of the dwellinghouse as required by a grant of planning permission, leading to an unacceptable visual contrast. Instead of needing to rebuild the rear extension, officers worked with the developer to have the bricks stained to match the existing dwelling, resolving the breach.



Before



After

Enforcement Ref: 23/00095/ENFA

Site Address: Home Farm Close, Kelham

Alleged Breach: Unauthorised PVC Door in a Curtilage Listed Building

Background: Conservation Officers were made aware that a modern uPVC door had been installed in a grade II listed dwelling in Kelham. Officers liaised with the owner and an application for Listed Building Consent to replace that door (which was inappropriate on this historic building) with a timber door was approved and recently installed.



Before



After

Enforcement Ref: 21/00111/ENFM

Site Address: Land at New Lane, Blidworth

Alleged Breach: Alleged noncompliance with landscape condition (20/00475/FULM)

Background: Planning permission was previously approved for the development of 81 dwellinghouses and associated infrastructure. As part of the approval numerous conditions were imposed which required landscaping details to be submitted and works carried out at specific points of the development being undertaken.

Within the site is an area of public open space (POS) which bounds the rear gardens of a number of existing dwellinghouses that adjoin the site. Within the approved landscape plan is a requirement for a native species hedge to be planted along the boundary between the POS and the neighbouring properties. The landscape scheme was designed so as to protect the privacy of the neighbouring properties as well as adding to the biodiversity of the wider development site (Members being aware of the importance of native species hedgerows).

In undertaking the development, the developer duly provided the POS (following ongoing discussions with members of the Enforcement team) but failed to initially provide the approved landscape planting (including the boundary hedge). Discussions between officers and the

developer resulted in the initial stages of the landscape scheme being provided, including the boundary hedge, which officers hope will eventually lead to an increase in privacy for residents.



5.0 Implications

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.

ⁱ RTPi beginners guide to planning enforcement - <https://www.rtpi.org.uk/media/9895/beginners-guide.pdf>

ⁱⁱ RTPi planning enforcement handbook - <https://www.rtpi.org.uk/media/10004/nape-planning-enforcement-handbook.pdf>