



Report to Planning Committee 11 August 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	22/00947/FUL		
<b>Proposal</b>	Conversion of an existing stable building to one dwelling and the redevelopment of the remaining site with the construction of 4 dwellings		
<b>Location</b>	Thurgarton Quarters Farm, Priory Road, Thurgarton, NG25 0RW		
<b>Applicant</b>	Mr Roger Moroney	<b>Agent</b>	IBA Planning Limited - Mr Nick Baseley
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/00947/FUL">22/00947/FUL   Conversion of an existing stable building to one dwelling and the redevelopment of the remaining site with the construction of 4no. dwellings   Thurgarton Quarters Farm Priory Road Thurgarton Nottinghamshire NG25 0RW (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	16.05.2022	<b>Target Date</b>	11.07.2022
		<b>Extension of Time</b>	12.08.2022
<b>Recommendation</b>	That planning permission is for refused for the reason set out at Section 10.0 of this report.		

## 1.0 The Site

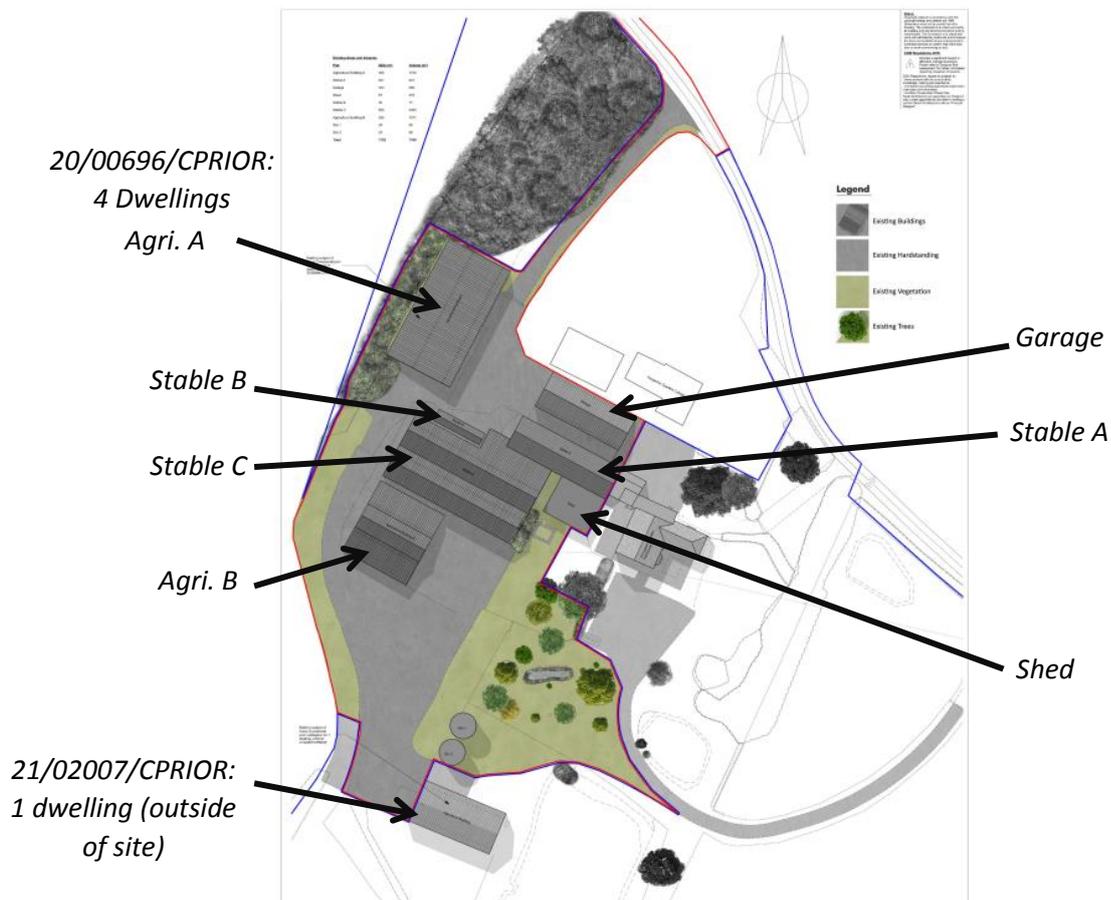
The application site relates to a collection of agricultural buildings accessed via a long private road off of Oxton Road which runs between Southwell in the east and Oxton in the west. The site is to the south of Hollybeck Nurseries Garden Centre in the middle of the open countryside with other farms nearby. To the west is an agricultural field, the boundary with which is treated with a post and wire fence past a row of conifer trees.

Within the site there are two large modern agricultural buildings (annotated Agricultural Buildings A & B on the Existing Site Plan), a large modern stable building (Stable C), a low profile stable building (Stable B) and a traditional red brick stable (Stable A, which is

recognised as a building of local interest on the historic environment record). A modern garage building and a shed are also present on site in addition to and areas of hardstanding. The main farmhouse associated with the agricultural unit is located to the east of the site and a property known as Thurgarton Quarters Cottage lies to the north (both outside the application site). A further Agricultural building and two Silos lie outside of the application site to the south.

The red line boundary includes the private access road leading from Oxtan Road, which at its northern end is designated as the Southwell Bridleway No 71 which then becomes Thurgarton Birdleway No 1 when it crosses the parish boundary just south of the garden centre.

The site lies within Flood Zone 1 of the Environment Agency’s Flood Risk Maps. The site is not within a Conservation Area.



## 2.0 Relevant Planning History

**21/02007/CPRIOR** – Notification of prior approval for a proposed change of use of agricultural building to Class C3 dwelling house - Prior Approval Required and granted 18.11.2021

**20/00696/CPRIOR** - Change of use of agricultural unit to 4no. new dwellings – Prior Approval Required and granted 08.06.2020



*Approved Layout Plan for Conversion of Agricultural Building A*

**18/02126/CPRIOR** - Notification of prior approval for a proposed change of use of agricultural building to Class C3 dwelling house – Permitted 07.01.2019

### **3.0 The Proposal**

The application seeks planning permission for the conversion of Stable A to one dwelling (3-bed), the demolition of the remaining buildings on site and erection of 4 new dwellings (3, 4 & 5-bed).

**Plot 1 (3-bed):** the first plot on entry into the site, positioned on a NE-SW alignment on the western side of the site. Comprises an open plan kitchen/dining room, utility, lounge, garage and bedroom with en-suite at ground floor and two bedrooms and a bathroom at first floor. Constructed in red brick and pantile with areas of feature glazing and replica farm-building details including timber panelling. Parking spaces would be provided to the front of the dwelling and residential curtilage proposed to the west.

**Plot 2 (5-bed):** positioned on a NE-SW alignment on the western side of the site to the south of Plot 1. Comprises an open plan kitchen/snug/dining room, utility/boot room, office, wc and separate lounge at ground floor and five bedrooms (one with a dressing room and en-suite, another with an en-suite) and a bathroom at first floor with a separate detached two bay garage to the east. Constructed in red brick and pantiles with areas of timber cladding, extensive glazing on the east and west elevations. Parking spaces would be provided to the front of the dwelling and residential curtilage proposed to the west.

**Plot 3 (4-bed):** positioned on an E-W alignment to the southern end of the site with Plot 2 to the NW and Plot 4 to the E. Comprises a two bay garage, four bedrooms (one with dressing room and en-suite and another with an en-suite), a snug, main bathroom and utility at ground floor with an open plan kitchen/dining room/snug, separate lounge, store/pantry, wc and terrace at first floor. Designed as a replica Dutch barn, constructed out of black cladding and roof sheeting. Parking spaces provided to the front of the dwelling on plot and residential curtilage proposed to the south/west.

Plot 4 (4-bed): positioned on a NE-SW alignment on the eastern side of Plot 3 towards the south of the site. Comprises four bedrooms (one with dressing room and en-suite and another with an en-suite), a utility and main bathroom at ground floor with an open plan kitchen/dining room/living room, separate snug, home office, wc and balcony area at first floor. Designed as a narrow gable fronted building, constructed out of timber cladding with a metal standing seam roof with extensive glazing in the southern gable end and along the eastern elevation. A separate garage shared with Plot 5 is proposed to the NE of Plot 4 providing two parking spaces. Parking spaces also provided to the front of the dwelling on plot and residential curtilage proposed to the east/south.

Plot 5 (3-bed): Conversion of the existing stable building located on the eastern side of the site on an E-W alignment. Comprises an open plan kitchen/lounge/dining room, separate utility, boot room and three bathrooms (one with a dressing room and en-suite, another with an en-suite) and a main bathroom at ground floor. A separate garage shared with Plot 4 is proposed to the S of Plot 5 providing two parking spaces. A separate garden room is also proposed for this plot in the NE corner of the site constructed out of red brick with a metal roof covering. Parking spaces provided to the side of the dwelling on plot and residential curtilage proposed to the north.

The conversion would include the insertion of openings on the southern elevation including a large bi-folding door, pedestrian access door and a window in addition to two roof lights. Existing openings on the northern elevation would largely be reused with one window being opened up to a full height glazed panel. The opening in the western gable end would also be re-glazed.

The proposal also includes providing three car parking spaces for the building with Class Q (of the General Permitted Development Order) prior approval for conversion to residential use under 21/02007/CPRIOR along with connection to the existing access to the east of the site.

EV charging points are proposed for each dwelling.

### Proposed Development

	<b>Footprint (sqm)</b>	<b>Floorspace (sqm)</b>	<b>Volume (cbu)</b>	<b>Max. Height (m)</b>
<b>Plot 1</b>	132	165	592	7
<b>Plot 2</b>	229	270	1072	8.5
<b>Plot 3</b>	176	282	1442	9
<b>Plot 4</b>	169	256	1048	7.8
<b>Plot 5 (Conversion + Garden Room)</b>	235	208	1104	6.3
<b>Garage</b>	86	72	322	4.6
<b>TOTAL</b>	1027m <sup>2</sup>	1253m <sup>2</sup>	5580m <sup>3</sup>	

## Existing Buildings on Site

	<b>Footprint (sqm)</b>	<b>Floorspace (sqm)</b>	<b>Volume (cbu)</b>	<b>Height (m)</b>
<b>Agricultural Building A</b>	406	406	1734	4.8
<b>Stable A</b>	270	270	921	6.3
<b>Garage</b>	163	163	656	5.5
<b>Shed</b>	87	87	215	2.2
<b>Stable B</b>	30	30	71	2.8
<b>Stable C</b>	505	505	2300	5.8
<b>Agricultural Building B</b>	256	256	1071	5.4
<b>TOTAL</b>	1717	1717	6968	
<b>Agricultural Building A + Stable A (The Fall-Back Position)</b>	676m <sup>2</sup>	676m <sup>2</sup>	2655m <sup>3</sup>	

### Documents assessed as part of this application:

- Location Plan [dwg no 21.266 S03.10]
- Existing Site Plan [dwg no 21.266 S03.11]
- Existing Floor Plans and Elevations Stable A [dwg no 21.266 S03.12]
- Existing Floor Plans and Elevations Stable B [dwg no 21.266 S03.15]
- Existing Floor Plans and Elevations Stable C [dwg no 21.266 S03.16]
- Existing Floor Plans and Elevations Shed [dwg no 21.266 S03.17]
- Existing Floor Plans and Elevations Garage [dwg no 21.266 S03.14]
- Existing Floor Plans and Elevations Agricultural Building A [dwg no 21.266 S03.13]
- Existing Floor Plans and Elevations Agricultural Building B [dwg no 21.266 S03.18]
- Existing Floor Plans and Elevations Silos [dwg no 21.266 S03.19]
- Proposed Site Plan with Illustrative Landscape Masterplan [dwg no N0842(03)001D]
- Proposed Plans Plot 1 [dwg no 21.266 S03.02]
- Proposed Plans Plot 2 [dwg no 21.266 S03.03]
- Proposed Plans Plot 3 [dwg no 21.266 S03.04]
- Proposed Plans Plot 4 [dwg no 21.266 S03.05]
- Proposed Plans Plot 5 [dwg no 21.266 S03.06]
- Proposed Garage [dwg no 21.266 S03.07]
- Proposed Plot 5 Garden Room [dwg no 21.266 S03.08]
- Hard Landscaping Palette [dwg no N0842(03)010 & 011]
- Visualisation 1 [dwg no 21.266 S03.30]
- Visualisation 2 [dwg no 21.266 S03.31]
- Visualisation 3 [dwg no 21.266 S03.32]
- Visualisation 4 [dwg no 21.266 S03.33]
- Visualisation 5 [dwg no 21.266 S03.34]
- Visualisation 6 [dwg no 21.266 S03.35]
- Visualisation 7 [dwg no 21.266 S03.36]
- Aerial Comparison [dwg no 21.266 S03.37]
- Design and Access Statement
- Design Document
- Report on a Structural Inspection
- Indicative Drainage Technical Supplement
- Bat Survey Report

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 7 neighbours have been individually notified by letter, a site notice has been displayed close to the site and an advert has been placed in the local press.

#### **5.0 Planning Policy Framework**

##### **Thurgarton Neighbourhood Plan (made May 2017)**

Policy 1: New Development

Policy 2: Residential Development

Policy 3: Transport Impact of Development

Policy 6: Historic and Natural Environment

##### **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

Core Policy 3: Housing mix, type and density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

##### **Allocations & Development Management DPD**

DM4: Renewable and Low Carbon Energy Generation

DM5: Design

DM7: Biodiversity and Green Infrastructure

DM8: Development in the Open Countryside

DM9: Protecting and Enhancing the Historic Environment

DM10 – Pollution and Hazardous Substances

DM12: Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

NSDC Landscape Character Assessment SPD 2013

NSDC Conversion of Traditional Rural Buildings SPD 2014

NSDC Residential Parking and Design Standards SPD 2021

#### **6.0 Consultations**

**Thurgarton Parish Council** – No objection.

**NSDC Conservation Officer** – No objection – Subject to a condition requiring submission of a basic level photographic record (Level One) of Stable A.

**NCC Highways** – No objection - Subject to conditions relating to provision of a Give Way signage scheme to alert drivers to the presence of users of the Public Bridleway and submission of an ongoing maintenance and repairs strategy for the surface of the Public Bridleway for a certain length.

**Rights of Way** – No objection - Subject to conditions as set out above.

**Environmental Health Contaminated Land** – No objection – Subject to use of the full phased contaminated land condition due to the potential for contaminants on this site.

**Nottinghamshire Wildlife Trust** – No comments received.

**Natural England** – No comments received.

**Ramblers** – No comments received.

**Comments have been received from three interested parties that can be summarised as follows:**

#### SUPPORT

- The proposal would improve the aesthetics/visual appearance of the existing farmyard and would be an upgrade to the local area in general.
- Careful re-development of the site would enhance the local area.
- The development would decrease the overall traffic to the site once construction is completed.
- The immediate access/entrance to the site should be improved as part of a planning condition to bring it into a good state of repair so as not to cause additional dust and noise to the adjacent residential properties.
- The site is not visible from Thurgarton Quarters Lane so will not be of a great visual impact to residents.
- The proposal will improve the quality of walking along the footpaths.

### **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.

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the

neighbourhood is aligned with the strategic needs and priorities of the wider local area. Thurgarton Neighbourhood Plan was adopted in May 2017 and forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Thurgarton. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

### Principle of Development

The Council's position is that it can demonstrate a 5 year housing supply. Therefore the Development Plan is up-to-date for the purpose of decision making.

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 any village, the site falls to be considered as within the Open Countryside – policy DM8 is therefore applicable. Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development to certain types. Policy DM8 states that development in the open countryside will be strictly controlled and limited to a number of exceptions. One of these exceptions (no.5) relates to the conversions of existing buildings. The policy states that *'In the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Proposals should investigate and assess alternative uses for buildings in accordance with the aims of the Spatial Strategy and present a case for the most beneficial use. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. Detailed assessment of proposals will be made against a Supplementary Planning Document.'*

#### *Conversion of Stable A/Plot 5*

Point 5 of DM8 is applicable to the conversion of Stable A/Plot 5 which is a traditional red brick and pantile stable with attractive traditional detailing. The comments of the Conservation Officer explain that whilst the building has some historic interest and is identified on the historic environment record, its lack of group value with other historic farmstead elements is considered to diminish the value of the building meaning they do not

consider it appropriate to identify the building as a non-designated heritage asset. Nevertheless, the building is attractive in itself and does possess historic merit such that its preservation through conversion would be considered acceptable in principle. The supporting Structural Report also advises that the building is capable of conversion without significant alteration or re-building and it is noted that no extensions to the building are proposed to facilitate its conversion. Therefore, in principle, there is no objection to the conversion of this building to a dwelling subject to assessing the site specific implications and design/conversion approach.

#### *New Dwellings (Plots 1-4)*

The remainder of the proposal includes the replacement of modern farm buildings with new dwellings – as the remaining buildings do not possess any architectural or historic merit as they are modern agricultural and stable buildings, point 5 of DM8 is not applicable. With reference to new dwellings, point 3 of DM8 states 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 its immediate setting, and be sensitive to the defining characteristics of the local area.*

In the absence of an independent design review the proposed development has been considered on the basis of the submitted plans and the applicant’s Design and Access Statement and Design Document.

The proposal would result in the demolition of a cluster of agricultural buildings and replacement with new dwellings that are a mix of contemporary and more traditional designs aiming to *“reflect and reinforce the agricultural origins of the site and the defining characteristics of the local area”* (p.8 of the D&A). The submission asserts that the new dwellings will *“significantly enhance their immediate setting through the substantial reduction in the level of built form and hardstanding within the site”* (p.10 of the D&A) in addition to removing the existing leylandii hedging along the north-west boundary and better revealing the significance of Stable A through the removal of existing poor-quality buildings that surround it.

The replacement buildings would combine the use of traditional and contemporary materials such as red brick, pantile, standing seams roofs, metal cladding and timber cladding in a scale which is not too dissimilar with the existing buildings that are present on the site. The buildings have been designed to emulate traditional farm buildings with a contemporary style. With the use of high quality materials and detailing the buildings could be concluded to have a good standard of architectural design, however it is not considered that they would reflect the highest standard of architecture to warrant being concluded as truly outstanding in design. The D&A Statement does not go into detail as to why the new dwellings should be

regarded as being of outstanding quality. There is also no supporting evidence to say how their construction is outstanding or reflective of the highest architectural techniques. There is also a suggestion within the submission that the dwellings would be energy efficient, however there is no supporting evidence to demonstrate how efficient these dwellings would be or what technology they would incorporate above and beyond that would already be expected to comply with Part L of Building Regulations (which sets the performance expected of materials and new building work in order to comply with modern energy efficiency requirements for dwellings).

Reference is made in the Applicant's submission to a scheme that was approved by Members in April 2021 at Bankwood Farm (21/00379/FULM) which is in close proximity to the site in which Members concluded a similar style of new dwellings could be regarded as being outstanding. However, given this proposal would essentially be a repeat of this scheme it is difficult to see how this proposal could be concluded to be a *unique rural exemplar* as proposed by the Applicant. Overall, whilst noting the good quality of design proposed it is not considered that the scheme would be truly outstanding or reflective of the highest standards in architecture in order to help to raise standards of design more generally in rural areas.

Notwithstanding the above, para 80 also requires such schemes for new dwellings to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.

The surrounding area is prominently rural and has been appraised by the Newark and Sherwood Landscape Character Assessment. The site falls in Policy Zone MN PZ 39 'Thurgarton Village Farmlands with Ancient Woodlands'. The Landscape Character Area (LCA) identifies the area to be gently undulating with rounded topography that allows for medium distance views frequented by wooded skylines. There is a mixture of arable fields with defined headlines leading to being considered as having a high landscape sensitivity and visibility value. This then translates into a 'conserve' action where development is expected to conserve the rural character of the landscape by concentrating new development around existing settlements and respect the local architectural style and local vernacular.

The proposed incorporation of brickwork, pantiles, stone walls and timber cladding does draw reference from local farmyard vernacular and would be sympathetic and sensitive to the surroundings, respecting the local architectural vernacular. However, by virtue of the development being some distance from any surrounding settlement the proposal would fail to accord with the conserve action recommended by the LCA.

It is noted that, save for Stable A, all of the buildings on site would be demolished. The D&A statement puts forward that the '*substantial reduction*' of built form and hardstanding within the site and replacement of existing landscaping with more native planting would '*significantly enhance*' the sites immediate setting and better reveal the significance of Stable A. It is noted that, whilst the Conservation Officer (CO) has noted that the conversion of Stable A could maximise its heritage value they have not concluded that the remaining development proposed would significantly enhance the significance of the building (which they also have concluded would not merit recognition as a NDHA in any event). Even if it could be said that the scheme would enhance the immediate setting of Stable A, it is not considered that the Applicant has demonstrated how the scheme overall would significantly enhance the

immediate setting of the site to such a degree that would meet the very high bar set by para. 80 of the NPPF. It is acknowledged that the replacement development would result in a reduction in built footprint across the site of c.40.2%, a reduction of 24.9% in built volume and an overall reduction of hard landscaping across the site. However, these agricultural buildings on site are typical for such a rural location and, whilst not all currently in a good state of repair, are not overtly harmful to the open countryside. Agricultural use and development is a characteristic of such countryside locations and in principle it is considered that the removal of these buildings and replacement with new dwellings would represent a more incongruous and alien form of development in this location by its very nature (a point which will be further discussed in the section below).

Whilst footprint, floorspace and volume of built development would decrease with the proposed scheme, as shown in the tables included in the description of the proposal the heights of the new buildings proposed would mostly exceed the height of existing buildings on site (existing average height 4.7m, proposed average height 7.2m) with the largest building proposed to be 8.5m in height compared to the existing maximum height of 6.3m. It is also proposed to remove the large screening leylandii hedgerow along the NW boundary that largely prevents views into the site such that the proposed development would become considerably more prominent in the surrounding landscape. A straight comparison of built footprint to the existing agricultural buildings on site is also considered to carry very little weight given all buildings other than Stable A do not possess any heritage value to warrant their retention through conversion and only Agricultural Building A has the benefit of a residential conversion fall-back position (which will be discussed below). Had all buildings on site benefited from a residential fall-back position it may have been more suitable to compare all existing buildings with the proposed, however this is not the case and would not be possible under Class Q of the GDPO given the limit imposed by Q.1(d) (which restricts the cumulative number of separate dwellinghouses being permitted under this Class to 5 within any established agricultural unit).

As the buildings are not located on previously development land (as agriculture is excluded from this definition), it follows that their replacement is not considered essential and their replacement with new buildings cannot therefore be considered to enhance the immediate setting in this respect. The development would radically change the character of the site to one of a more suburban nature and would be harmful to the rural character of the surrounding countryside.

In respect of the landscaping, the applicant advocates that the scheme would also enhance the area by introducing more native planting, however there is not considered to be anything overtly harmful with the existing landscaping surrounding the site.

Overall, given the high requirement advocated by DM8 and the NPPF and weight to the LCA it is not considered that the proposal would significantly enhance the immediate setting of the site. Furthermore, the development would also represent a more prominent, open to view, alien and incongruous suburban development in this open countryside setting which would be harmful to the visual amenity of the surrounding rural area.

#### *Comparison to the Fall-back Position*

It is noted from the site history that Agricultural Building A has extant prior approval for conversion to 4 dwellings under Class Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended (ref. 20/00696/CPRIOR). This consent would see the conversion of the building within its existing confines to 4, two-bed dwellings and the creation of residential curtilages to the rear (of an area no greater than the footprint of the building). The fact that there is extant consent for 4 dwellings on site is argued to be a fall-back position within the Applicant's D&A that should justify the building of 4 new dwellings on site.

A 'fall back' position is something that either has the benefit of planning permission (or would not require express planning permission such that it could be carried out without any further consent) which can be considered against a current proposal that has a likelihood of coming forward. It is also established in case law that permitted development rights can legitimately represent a fall-back position when considering alternative proposals for development at the same site.

It is acknowledged that the applicant has been to the expense of submitting a separate prior approval notification to this authority and that it has been confirmed that express planning permission is not required for the residential conversion of Agricultural Building A to 4 dwellings. As such, whilst the conversion of Agricultural Building A would be technically contrary to DM8 in principle, whilst 20/00696/CPRIOR remains implementable, this is considered to be a realistic fall-back position and therefore a material consideration.

Agri. Building A has a footprint and floorspace of approx. 406m<sup>2</sup>, a cubic volume of approx. 1734m<sup>3</sup> and maximum height of 4.8m. When comparing this as a fall-back position with the proposed development, whilst the overall quantum of residential units would not increase, there would clearly be a vast increase in built residential development. Comparing the conversion of Agri. Building A and Stable Building A (which has been accepted in the preceding section to accord with policy DM8 in principle) with the proposed development there would be an increase in residential footprint of 52%, an 85% increase in floor area and 110% increase in volume. The extent of land that would be changed to residential use would also be markedly increased in this scheme compared with the fall-back position resulting in a greater overall impact on the Open Countryside. Further, when comparing the existing maximum height of development on site with the proposed, the new dwellings would also be significantly higher, resulting in a greater visual impact and prominence from the surrounding countryside.

The site currently comprises an accumulation of varying sized buildings that are synonymous with an isolated farmstead set into the open countryside. Given the undulating landform and the surrounding field pattern the existing farmstead is considered to be appropriate in its setting and a contributing factor to the prevailing character of the surrounding area despite the buildings being in varying states of repair. The fall-back position would, in this instance, reinforce the prevailing character of the area by retaining the height, scale and massing of Agri. Building A and Stable Building A with limited impact. The visual alterations to the existing buildings in their conversion and formation of modest curtilages would be still read against the backdrop and in the context of the existing farmyard.

In contrast the proposed development would result in the removal of all the typical agricultural buildings that are not uncommon in the countryside are replace them with large

scale executive homes which would irreversibly alter the character from an agricultural setting to residential to the detriment of the wider area. The rationalisation of a new residential setting would be further reinforced by the large curtilage areas associated with each dwelling, which inevitably, would introduce and encroach domestic paraphernalia into the open countryside significantly above what is currently present around the application site.

Whilst a fall-back position exists and the overall quantum would be the same, this is of a completely different scale and layout to this proposal. This fall-back position relies on retaining/converting existing buildings whereas this proposal demolishes all but one of these building and erects new; arguably a wholly less sustainable form of development. As such, it is not considered that direct comparisons can be drawn as the fall-back position represents a much less impactful development. Whilst the Applicant advances that this fall-back position should justify the construction of 4 new dwellings and that the outstanding quality of the new dwellings and their ability to significantly enhance the immediate setting of the surrounding area should justify the new dwellings in their own right in accordance with para. 80 of the NPPF, Officers do not agree with this conclusion. Officers can see the argument that in character terms the proposal could remove some low quality agricultural buildings in an attempt to enhance the overall appearance of the site, however as previously explained, agricultural buildings are characteristic of this location and in any event, the benefit of visually enhancing the site could be realised with a development of a much smaller scale (perhaps more akin to the fall-back position – this has been discussed with the Applicant however they have chosen not to amend the scheme).

Given the level of additional residential built form proposed, scale of the development and additional impact it would have visually on the character of the open countryside it is not considered that the benefit of removing the existing low quality agricultural buildings on site or the fall-back scheme would outweigh the harm of inappropriate residential development in the open countryside in this instance. Whilst Officers are mindful that Members came to a different conclusion in determining the Bankwood Farm application (ref. 21/00379/FULM) this was due to them concluding that the scheme was sufficiently unique, contemporary and of outstanding quality such that it would not set a precedent for similar schemes for redeveloping farm buildings that has fallen into disrepair. Whilst noting the elements of good architectural design incorporated into the proposed dwellings, the scheme does not present anything architecturally outstanding or above and beyond the scheme approved at Bankwood Farm. Officers are also mindful that each application must be assessed on its own merits and that it has been concluded that the proposal at hand would fail to meet the high bar set by para.80 of the NPPF and policy DM8 (as reiterated by TNP Policies 1 and 2) such that it would be unacceptable in principle. This will carry negative weight in the planning balance.

#### Impact on the Character of the Area (including Heritage matters)

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. With regard to landscape character impact, CP13 explains that new development which positively addresses the implications of relevant

landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported.

It has been concluded in the preceding section of this report that the development would not accord with the conserve aims of the LCA for Policy Zone MN PZ 39 'Thurgarton Village Farmlands with Ancient Woodlands' due to the proposal being for residential development outside of any existing settlement. It has also been concluded that whilst the amount of built development and hard landscaping would decrease with the proposed scheme, overall the footprint, floorspace, volume and massing of development would be significantly increased compared to the residential fall-back position and whilst there could be an argument that the scheme would visually improve the site through removing some low quality farm buildings these are considered to be typical of such remote countryside locations and thus not overtly harmful. The scheme would see the removal of a prominent screening hedgerow in favour of more native planting – this would further heighten the prominence of the development which would also be much taller on average than the existing development on site with greater areas for domestic use associated with these large dwellings resulting in a suburbanising impact on the character of the countryside.

Whilst in themselves the new dwellings are not considered to be unattractive and do incorporate elements of farmyard vernacular and materials that would assist in replicating farm style buildings they would nevertheless by large, modern residential properties with large curtilages that would irreversibly change the current agricultural character of the site.

Turning now to heritage matters, it is noted that the Conservation Officer in their comments has concluded that whilst Stable A is identified on the Nottinghamshire Historic Environment Record, due to the limited significance of the barn they consider it is not worthy of identification as a NDHA. As such the Council's heritage policies are not considered to be applicable. Nevertheless, Stable A does possess some historic character that could be enhanced with better roofing materials and sensitive repairs. The structural report advises that it is capable of conversion without any significant alteration or repair and the use of timber joinery and natural clay pantiles, mock cast rainwater goods and appropriate external masonry repairs with a good lime mortar mix would all help maximise the heritage value of the barn. The conversion approach would see the insertion of some new openings into the building, however these are on the more discrete elevations of the building and are of the minimum necessary to facilitate its re-use. Whilst the conversion would secure the future of this building and the repairs could maximise its heritage value it is noted that the CO has not identified any significant heritage benefit as arising from the scheme. As such the conversion of this building in a format that complies with the Council's Conversion of Traditional Rural Buildings SPD is considered to carry neutral weight.

Overall, despite the conversion of Stable A being considered acceptable in character terms, the development overall would result in a significant detrimental impact on the character of the open countryside and would fail to complement the existing landscape environment which conflicts with the aims of the NPPF and Core Policy 9 and 13 of the Core Strategy and Policy DM5 of the DPD. This will carry negative weight in the planning balance.

## Impact on 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. Policy DM5 also states that new development that cannot be afforded an adequate standard of amenity or creates an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

### *Existing Neighbouring Properties*

Thurgarton Quarters Farmhouse and Thurgarton Quarters Cottage lie to the north and east of the application site and would be adjacent to Plot 5 (the converted Stable). Owing to the orientation of Plot 5, the lack of windows in the elevation bounding onto the Farmhouse and the scale of the garage proposed adjacent to the common boundary with this property it is not considered that there would be any adverse overlooking, overbearing or overshadowing impact on this property. Furthermore, whilst there would be windows in the northern elevation of Plot 5, these would be partially screened by the proposed garden room and boundary which would prevent any ground floor overlooking. The scale of the garden room and its positioning relative to the Cottage would also not result in any overshadowing or overbearing impact on this dwelling. Furthermore, in terms of noise resulting from the development, it is not considered that the proposal would result in any detrimental noise impact on the existing neighbouring properties over and above the existing use of the site.

### *Future Occupiers*

The proposed dwellings have been designed and orientated to maintain a good standard of privacy and light into windows. Where side windows are proposed, these are mainly at ground floor and either face onto a blank elevation of a neighbouring property, or where windows are present they lead to non-habitable rooms. First floor balconies are proposed in the western elevation of Plot 3 and southern elevation of Plot 4, however as these would look out onto the surrounding countryside they would not affect the amenity of the adjacent Plots given the offset obstructed view.

Although the side elevation of Plot 4 would be close to the side elevation of Plot 3, the long first floor window on Plot 4 would not result in any significant loss of privacy to Plot 3 given it has no windows in its side elevation, the positioning of the window relative to the private amenity space of Plot 3 and the treatment of the window with louvre cladding.

Each property would also have a reasonable amount of private amenity space commensurate with the size of the dwelling.

As such it is considered that the proposal would accord with the aims of CP9 and DM5 in this regard and thus is neutral in the planning balance.

## Impact on Highway Safety

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of

local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

It is quite clear the site is in a remote location with a considerable distance to any local service or transport connections. Prior approval has been granted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) for the conversion of one of the agricultural buildings to form four dwellings. Although the proposed scheme results in four substantial dwellings and the conversion of an existing stable the amount of traffic would not be too dissimilar to what could occur should the prior approval consent be implemented, in addition to the resultant traffic from the retained buildings. As such, the proposal is considered unlikely to result in a significant change in terms of vehicle movements from the existing situation.

Prior Approval for the residential use of a further agricultural building (into a single dwelling) within the same farm complex, but outside the current application boundary, has also been recently approved. The current proposal includes a new drive and parking area for this single dwelling outside the application site to the south connecting to an existing point of access into the site. The Highway Authority have raised no concerns with this element of the scheme as parking provision would remain the same.

Access to the development site would be taken via the existing private track which is a private Bridleway that runs from the Oxtton-Southwell Road (Bridleway No. 71) and becomes the Thurgarton Public Bridleway No. 1 when it crosses the parish boundary just south of Hollybeck Garden Centre. Concerns were previously raised by the Highway Authority and Rights of Way (RoW) team with regard to the access to the site, and the potential for adverse impact of additional vehicle movements on the public bridleway. As such, conditions were imposed on the Prior Approval to mitigate the impact on the safety of public bridleway which required the submission of a Give Way signage scheme and strategy for the ongoing maintenance of repair of the Bridleway (which is within the Applicant's control). The Highway Authority and RoW Officer have confirmed that subject to these conditions being imposed on any future permission they would raise no objection to the scheme.

With regard to parking provision each property would have sufficient space within its curtilage for a minimum of 3 spaces per dwelling in accordance with NSDCs Residential Cycle and Car Parking Standards and Design Guide SPD (2021) for dwellings of this size in this location.

As such, taking into account the representations and the comments from the Highway Authority and RoW officer it is considered that, subject to conditions, the development would not result in any adverse highway safety impact to warrant withholding permission on this basis, this is therefore neutral in the planning balance.

### *Impact on Ecology*

Core Policy 12 of the Core Strategy and policy DM7 of the DPD state that new proposal should protect, promote and enhance green infrastructure. Proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore

biodiversity.

Given the proposal would result in the demolition and conversion of existing buildings a bat survey has been undertaken. The report provided explains that one building (Stable A) was identified as having a confirmed bat roost, all remaining buildings were concluded to have low to negligible potential to support bats. The roost identified in Stable A is noted as being of 'moderate' conservation significance in the survey. Given the proposal is to convert Stable A, a European Protected Species (EPS) mitigation license would be required before any development takes place.

Local Planning Authorities are required to consider the likelihood of an EPS license being granted when determining a planning application and would need to have in mind the three derogation tests set out in Regulation 55 of the Habitats Regulations if required, namely:

- i. The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- ii. There must be "no satisfactory alternative"; and
- iii. The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

In terms of the first of these tests relating to overriding public interest, due to the small-scale nature of the proposal the public benefits are limited. However, the proposal for converting Stable A does promote the opportunity to utilise and secure the future use of a building with some heritage value thus contributing towards, albeit minimally, the available housing stock within the District. If the current proposal was resisted there is potential that the building would remain underutilised and fall into further disrepair, with potential loss of this attractive stable. Given the proposal is to convert an existing building there would be no satisfactory alternative.

In order for a European Protected Species Licence to be approved by Natural England it must be demonstrated that proposals will minimise any potential impacts upon roosting bats and that the favourable conservation status of bat species is met. To ensure this is the case a series of mitigation measures are recommended within the survey which can be found at Section 5.1.2, p21. To support the Natural England Development License & Method Statement the following mitigation works are advised to be included which should avoid May-early September to ensure bats are not disturbed:

1. Provision of a temporary roost translocation site prior to any site clearance. Post-development, the temporary roost replacement boxes would be left up at the site to provide a permanent roost compensation/enhancement.
2. Careful design of any artificial lighting.
3. Retention of the bat roost within Stable A or construction of a new purpose-built bat-loft within the building or a new building on site.
4. Installation of features to facilitate bat roosting within the buildings such as bat boxes and roof designs.

Subject to the mitigation and compensation measures being secured by planning condition,

in addition to an application for a Natural England European Protected Species (EPS) development license, it is considered that the favourable conservation status of the bats could be maintained in this instance in accordance with the aims of Core Policy 12. In addition, the ecology survey gives some recommendations relating to birds which could be controlled via condition.

The D&A statement advances that the scheme incorporates landscape and biodiversity enhancements such as the replacement of the “existing poor-quality landscaping (including the line of leylandii along north-western boundary) with new native planting more suitable for this site” the biodiversity enhancement or benefit proposed has not been quantified within the submission. Whilst it is noted that the intention is to improve the vegetation cover across the site by removing hardstanding and introducing native planting the proposal would see the removal of an existing leylandii hedgerow which, whilst not afforded any protection to prevent their removal and not considered to be worthy of such protection, would nevertheless remove existing ecological features of the site unnecessarily. In the absence of any quantification of the proposed ecological enhancement in this scheme the benefit of introducing more native planting and landscaping carries only limited positive weight.

Nevertheless, it is considered overall that the proposal would accord with the aims of CP12 in respect of impact on the ecology of the site.

#### Other Matters

**Energy Efficiency:** The D&A statement advances that by their very nature the new build dwelling would result in a much reduced energy consumption compared to the dwellings that could be achieved from the Class Q conversion and remaining existing buildings. The scheme also incorporates the provision of EV charging points for future occupiers (which is noted to be in compliance with the requirements of the Council’s Parking and Design Guide SPD). Additionally, since the adoption of the Council’s Parking Guide, legislation under building regulations has been amended so that all new dwellings are required to be provided with EV charging points. This is therefore not a benefit weighing in the balance. Whilst it is not disputed that the new dwellings would be constructed to modern building regulations in relation to ensuring energy efficiency and could be more energy efficient than the 4 dwellings as approved within the conversion of Agricultural Building A it is not considered that the demolition of existing buildings and replacement with new is necessarily in the spirit of sustainability. However, it is nevertheless accepted that the buildings could be energy efficient which would be in accordance with the requirements of both local and national planning policies in this regard in any event. As such this is a factor of neutral weight in the planning balance.

**Drainage:** The site is located within Flood Zone 1 according to the Environment Agency’s flood risk maps and is therefore at low probability of flooding from river and coastal sources. An Indicative Drainage Technical Supplement supports the application and provides details of the proposed disposal of surface and foul water from the site. The scheme would result in a reduction in the amount of impermeable area within the site which would assist in surface water drainage and would ensure that the surface water is proactively managed which overall accords with Core Policies 9 and 10 of the Core Strategy.

Contamination: This application includes the construction of a new residential dwellings on a former farmyard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities. There is clearly the potential for the site to have been contaminated from this former use and therefore, in the absence of a desktop study/preliminary risk assessment it is considered expedient to require an assessment by planning condition.

CIL: The application proposes the replacement and conversion of existing buildings on site with new dwellings. It is understood that all buildings on site have been in use for at least 6 months out of the last 3 years for agricultural and stabling purposes such that their GIA can be used to offset any new GIA resulting from the development. However, the proposed GIA resulting from the development would be 1253m<sup>2</sup> compared to the existing 1717m<sup>2</sup>, given there would be no net additional GIA resulting from the scheme there would therefore be no CIL charge applicable.

## **8.0 Implications**

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 made reference to these implications and added suitable expert comment where appropriate.

## **9.0 Planning Balance and Conclusion**

Although it has been concluded that the proposal would be acceptable with regards to the principle of converting Stable A and heritage, residential amenity, highways safety, drainage, contamination and ecological impact, it has been concluded that there would be significant development plan conflict with regard to the suitability of the site for the nature and scale of development proposed in principle having regard to the impact on the open countryside in addition to the visual and character harm that would arise as a result of the development.

The application proposes new housing development in the open countryside. The Development Plan and the NPPF seeks to control and avoid new isolated homes in the countryside, unless there are special circumstances. Having assessed the scheme against the Development Plan it has been concluded that the scheme does not meet any of the exceptions listed within Policy DM8 as to why new housing development in the open countryside should be permitted or the provisions of para. 80 of the NPPF, which is a material consideration.

The applicant has presented a case that, amongst other factors, the proposed development would be truly outstanding, reflecting the highest standards in architecture, would help to raise the standards of design within rural areas, would significantly enhance its immediate setting and is sensitive to the defining characteristics of the local area to meet the requirements of DM8 and para. 80 of the NPPF. The Applicant also asserts that as the quantum of new development would be the same as the fall-back position of converting Agricultural Building A to 4 dwellings under a Class Q prior notification this should justify the redevelopment of the site as proposed. It is also argued that as the overall footprint and

volume of built development and extent of hardstanding on site would be reduced, that the scheme would significantly enhance the site and improve the character of the area.

However, whilst noting the good design advanced within the proposal, Officers do not consider the scheme would be truly outstanding or reflective of the highest standards in architecture in order to help to raise standards of design more generally in rural areas. Furthermore, it is not considered that the proposal would significantly enhance the immediate setting of the site. Whilst it is accepted that a fall-back position exists on the site and that (in respect of the new dwellings) the overall quantum would be the same, this is of a completely different nature, scale and layout to this proposal such that it is not considered that direct comparisons can be drawn as the fall-back position represents a much less impactful development. Officers can see the argument that in character terms the proposal could remove some low quality agricultural buildings in an attempt to enhance the overall appearance of the site, however, agricultural buildings are typical and characteristic of this location and in any event, the benefit of visually enhancing the site could be realised with a development of a much smaller scale (perhaps more akin to the fall-back position).

Given the level of additional residential built form proposed, scale of the development and additional impact it would have visually on the character of the open countryside it is not considered that the benefit of removing the existing low quality agricultural buildings on site or the alternative fall-back scheme would outweigh the harm of inappropriate residential development in the open countryside in this instance. As set out in this report, the bar of expectation is set extremely high for new residential development in the open countryside and although there are factors in favour of the development they do not outweigh the conflict with the aforementioned Development Plan Policy DM8, TNP Policies 1 and 2 and the NPPF in principle.

Furthermore, the development would represent a more prominent, open to view, alien and incongruous suburban development in this open countryside setting which would be harmful to the visual amenity of the surrounding rural area and would fail to complement the existing landscape environment which conflicts with the aims of the NPPF and Core Policy 9 and 13 of the Core Strategy and Policy DM5 of the DPD.

As such, whilst there are some benefits of the scheme that carry positive weight, the harm identified is considered to clearly outweigh this and as such it is recommended that planning permission is refused.

## **10.0 Reason(s) for Refusal**

01

The proposed development by reason of its location would constitute a remote residential development away from the main settlement comprising the conversion of an existing building to one dwelling and the construction of 4 new dwellings in the open countryside. Spatial Policy 3 (Rural Areas) of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management Development Plan Document 2013 seek to strictly control development in the countryside and limits this to a number of exceptions, none of which are

considered to have been met by the proposed new dwellings in the application at hand. The development is therefore unacceptable in principle.

The design of the new dwellings are not considered to be of exceptional quality, in that they are not truly outstanding nor reflective of the highest standards in architecture and would not help to raise the standard of design in this rural area, significantly enhance their immediate setting or be sensitive to the defining characteristics of the local area. The proposed development would irreversibly alter the character of the site from an agricultural setting to a more incongruous and alien use, comprising residential development to the detriment of the rural character of the surrounding area. It is considered that the adverse impacts of new dwellings in an open countryside location would not be outweighed by the benefits of the proposal which include, amongst other things, reducing the overall amount of built form on site or enhancing any heritage value of Stable A.

The development therefore represents an unsustainable and unacceptable form of development and is considered to be contrary to Policies 1 and 2 of the Thurgarton Neighbourhood Plan (2017), Spatial Policy 3 (Rural Areas), Core Policies 9 (Sustainable Design) and 13 (Landscape Character) of the Amended Core Strategy (2019) and Policies DM5 (Design), DM8 (Development in the Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management DPD (2013) as well as the Council's Supplementary Planning Document: Landscape Character Appraisal (2013) and the National Planning Policy Framework (2021), as material planning considerations.

## Informatives

### **01**

List of refused plans:

- Location Plan [dwg no 21.266 S03.10]
- Proposed Site Plan with Illustrative Landscape Masterplan [dwg no N0842(03)001D]
- Proposed Plans Plot 1 [dwg no 21.266 S03.02]
- Proposed Plans Plot 2 [dwg no 21.266 S03.03]
- Proposed Plans Plot 3 [dwg no 21.266 S03.04]
- Proposed Plans Plot 4 [dwg no 21.266 S03.05]
- Proposed Plans Plot 5 [dwg no 21.266 S03.06]
- Proposed Garage [dwg no 21.266 S03.07]
- Proposed Plot 5 Garden Room [dwg no 21.266 S03.08]
- Hard Landscaping Palette [dwg no N0842(03)010 & 011]
- Visualisation 1 [dwg no 21.266 S03.30]
- Visualisation 2 [dwg no 21.266 S03.31]
- Visualisation 3 [dwg no 21.266 S03.32]
- Visualisation 4 [dwg no 21.266 S03.33]
- Visualisation 5 [dwg no 21.266 S03.34]
- Visualisation 6 [dwg no 21.266 S03.35]
- Visualisation 7 [dwg no 21.266 S03.36]
- Aerial Comparison [dwg no 21.266 S03.37]

## **02**

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

## **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/](http://www.newark-sherwooddc.gov.uk/cil/)

### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00947/FUL

