



Report to Planning Committee 11 August 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Amy Davies, Planner, Ex. 5851

Report Summary			
Application Number	22/00291/FUL		
Proposal	Demolition of existing dwelling and erection of replacement dwelling		
Location	Chapel Farm, Chapel Lane, Epperstone, NG14 6AE		
Applicant	Mr Jack Wainwright	Agent	Mr Anthony Northcote
Web Link	22/00291/FUL Demolition of existing dwelling and erection of replacement dwelling Chapel Farm Chapel Lane Epperstone NG14 6AE (newark-sherwooddc.gov.uk)		
Registered	15 February 2022	Target Date	12 April 2022
		Extension of Time	16 August 2022
Recommendation	That planning permission is refused for the reason(s) outlined at Section 10 of this report		

This application is being referred to the Planning Committee at the request of the Business Manager.

1.0 The Site

The application relates to Chapel Farm, located on the west side of Chapel Lane, within the village of Epperstone and its designated conservation area. The village is washed over by the Nottingham-Derby Green Belt. The site is positioned higher than and slopes upwards from the lane in a westerly direction. Access is via a private road that runs along the southern boundary of the site and is shared with three modern detached houses to the west. The site includes the original farmhouse, which comprises single and two storey elements and is positioned gable end facing the road. Currently, there is also a static caravan with raised

terrace and separate storage unit located on the site, roughly where there used to be a barn and a 'replacement' barn/dwelling is approved.

A low-level stone wall runs along the east/front and southern side boundaries of the site, post and rail fencing along the west/rear boundary and close-boarded timber fencing along the northern side boundary. Sections of heras fencing have also been erected, understood to be in the interests of privacy/security. The lower part of the site closest to the road includes some grass, while the remainder of the site (not including buildings) is either compacted gravel/stone or overgrown with shrubs.

To the south is Poplars, which is a Grade II listed farmstead. To the west, between Chapel Farm and two of the modern detached houses to the west is a public footpath that runs along the boundary of Epperstone Conservation Area.

2.0 Relevant Planning History

21/02178/FUL - Demolition of Existing Dwelling, erection of replacement dwelling and erection of detached garage. Refused 30.11.2021 (Harm to Conservation Area & Setting of Listed Buildings, Inappropriate Development in the Green Belt and Failure to Maximise Opportunities to Conserve, Enhance and Restore Biodiversity).

20/00536/FUL - One new Residential Unit (part-retrospective). Approved 21.07.2020 (This permitted construction of a new dwelling on the same footprint as the barn that was demolished, with the same plans and elevations as approved for its conversion under planning permission reference 17/01330/FUL with a minor alteration to the south elevation. The foundations and slab of the approved dwelling have been constructed).

19/01969/FUL - Renovation/alterations to the existing farmhouse and rebuild barn to create an annexe. Withdrawn 26.02.2020

17/01330/FUL - Renovation/alterations to the existing farmhouse and barn conversion to an annexe. Approved 27.07.2018 (This has been implemented however the barn was unlawfully demolished rather than converted).

14/01991/FUL - Erection of Three New Dwellings; Rear Extension of Existing House and Conversion of Existing Barn to form Ancillary Accommodation to Existing House; Removal of Existing Trees. Approved 27.03.2015

(The barn, which has now been demolished, was to be converted as part of the above application for a larger scheme and included a much larger site outline – the three new dwellings have been constructed to the west of the site.)

3.0 The Proposal

Demolition of existing dwelling and erection of replacement dwelling

The proposed new dwelling would partially replicate the existing dwelling, although eaves and ridge heights would be higher than existing and the footprint, floor space and volume would be significantly increased.

The proposed new dwelling would measure approximately 27.5 metres by 12.1 metres and comprise of a series of single-storey and two-storey elements to partially emulate the design of the existing building (with two-storey side and rear extensions). There would be an M-plan/'double pile' roof shape along the length of the building to achieve the desired floorspace / accommodation and conservation roof lights to the rear facing roof slope above the proposed garden room.

The proposed new dwelling would comprise of a hall, store, kitchen/dining room, utility, office, living room, games room, garden room and integrated double garage to the ground floor and five bedrooms to the first floor, including a master bedroom with en-suite bathroom and dressing room, two bedrooms with en-suite shower rooms, two further bedrooms, a separate bathroom and a study. The proposed materials as stated on the proposed revised plans would be red brick, red clay pantile and timber windows and doors.

The Submission

The following plans and supporting documents have been submitted for consideration:

Received 19 July 2022

AMENDED PROPOSED SITE LAYOUT (Drawing no. 556_2021_03 REV B)
AMENDED PROPOSED GROND FLOOR (Drawing no. 556_2021_04 REV B)
AMENDED PROPOSED FIRST FLOOR (Drawing no. 556_2021_05 REV B)
AMENDED PROPOSED ELEVATIONS (Drawing no. 556 2021 06 REV B)
Supporting Statement prepared by TOWN-PLANNING.CO.UK dated 19th July 2022

Received 14 February 2022

556_2021_01 Existing Site Layout Plan
556/2021 Location Plan

NB: This plan is inaccurate as it includes several buildings that are no longer on site as they were removed/demolished before August 2021

556_2021_02 Existing Plans and Elevations

NB: This plan is inaccurate as it includes elevations of a barn that is no longer on site as it was demolished before August 2021 (date on plan)

- Planning Statement including Design & Access Statement and Heritage Impact Assessment (February 2022)
- Visual Inspection – Structural & Building Fabric Appraisal of Chapel Farm, Epperstone, NG14 6AE prepared by Robert Walker dated January 2022
- Bat Survey Report (ref: 210872) prepared by Whitcher Wildlife Ltd. Ecological Consultants dated 15 September 2021

Structural Report Commissioned by NSDC

Structural Appraisal of Chapel Farm, Chapel Lane, Epperstone, NG14 6AE for Newark Sherwood District Council (Ref: 9548) prepared by GCA Consulting dated 10 May 2022.

4.0 Departure/Public Advertisement Procedure

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

5.0 Planning Policy Framework

Epperstone Neighbourhood Plan (adopted December 2019)

Policy EP 11: Design Principles

Policy EP 16: Epperstone Conservation Area

Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 4A – Extent of the Green Belt

Spatial Policy 4B – Green Belt Development

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

Allocations and Development Management DPD (adopted 2013)

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2021

Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 Consultations

Revised scheme (14-day re-consultation commenced 20 July 2022 and expires on 03 August 2022)

Epperstone Parish Council – No comments received at time of writing but previously indicated support for a replacement dwelling.

NSDC Conservation –

Following receipt of the Structural Appraisal of Chapel Farm prepared by GCA Consulting, Conservation conclude that the harm identified from demolition of the cottage can now be justified in a planning decision.

The revised scheme is much improved. Whilst there are elements of the design that lack authenticity, the overall impact of the design would be to preserve the character and appearance of the Conservation Area.

There are three key ways the design could be readily improved which would bring extra value to the scheme but not alter the extent of accommodation:

- Catslide roof to the single storey section closest to the road
- Minor revision to the rear window proportions
- Minor revision to the window headers

Ramblers Association – Epperstone Footpath 1 adjoins the western boundary of this application site, but is not acknowledged on the plans. The Right of Way appears to be sited some distance from where construction would take place and it is considered that the proposed development could be carried out without any impact on the footpath. However, Nottinghamshire Ramblers requests that a guidance note requiring the footpath to remain open and unobstructed is attached to any planning approval.

One representation received from local resident, which can be summarised as follows:

- Raised height of the roofline of the majority of the property with a number of windows at second floor are not acceptable
- Rooflines should stay the same height as existing to keep the openness of the plot
- Increase of 79.8% in footprint is very large
- Height increase, very large increase in footprint and many windows not in keeping with the original property and too large an increase in mass

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.

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.”* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *“shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”* Section 72(1) also requires the Local Planning Authority

(LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

National Planning Practice Guidance 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.

Following public consultation and independent examination, at its council meeting on 12th December 2019 Newark and Sherwood District Council adopted the Epperstone Neighbourhood Plan. The Neighbourhood Plan now 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 Epperstone. 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.

Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial hierarchy of development for the District and define Epperstone as an 'other village'. Epperstone is washed over by the Green Belt. Spatial Policy 1 states that within the Green Belt development will be considered against Spatial Policy 4B - Green Belt Development.

Principle of Development

The site is located within the Nottingham Derby Green Belt as shown on the Newark & Sherwood Local Development Framework Policies Map.

Epperstone Neighbourhood Plan acknowledges that national and local planning policy allows for some limited and carefully controlled development to take place within the Green Belt and, as such, includes no specific policy on the subject. Spatial Policy 4B 'Green Belt Development' of the DPD indicates housing development over the plan period will be focused in the Principal Villages of Blidworth and Lowdham, along with Gunthorpe and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by Village Envelopes.

The Government attaches great importance to Green Belts, the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that the general extent of Green Belts across the country is already established

and that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.

In terms of decision-taking, the NPPF defines inappropriate development as being harmful to the Green Belt and concludes that such development should not be approved except in very special circumstances. In considering proposals, substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The construction of new buildings in the Green Belt is deemed as inappropriate save for a limited number of exceptions, as listed in paragraph 149 of the NPPF 2021. Such exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. However, with reference to 'The Proposal' outlined above and the 'Impact upon Green Belt' assessment outlined below, the proposed new dwelling would be materially larger than the one it would replace, so is not considered to meet the test for this exception.

Other exceptions include limited infilling in villages, limited affordable housing for community needs under policies set out in the Development Plan and limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). However, the last form of allowance is dependent upon there being no greater impact on the openness of the Green Belt than the existing development; or it not causing substantial harm to openness, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.

Spatial Policy 4B - Green Belt Development of the DPD outlines that no villages 'washed over' by the designation have been identified for limited infill. However, in all other respects, the policy defers to national Green Belt planning policy. This wording has its roots in the original NPPF and was assessed for soundness as part of the transitional arrangements that allowed the Amended Core Strategy DPD to be assessed against the original NPPF. However, as part of the recent examination of the Bulcote Neighbourhood Plan, the Local Planning Authority (LPA) suggested modifications to ensure that content within that plan properly reflected the position over limited infilling in national policy. Notwithstanding that the wording within the 2018 and 2019 Frameworks was identical on this point, the LPA took the view that the specific wording in Spatial Policy 4B on this matter was inconsistent with the 2019 Framework and so out-of-date. The Examiner concurred with the LPAs view. It is therefore considered that the wording in Spatial Policy 4B is unnecessarily strict, and out-of-date with national policy. On this basis, limited infilling in Green Belt villages could be acceptable as an exception to what would otherwise be inappropriate development.

Consequently, it is necessary to determine which category of 'limited infilling' the proposal could be considered against. The proposal does not constitute limited affordable housing for community needs as it is for a single private dwelling. Furthermore, 'limited infilling in villages' is listed separately to 'limited infilling or the partial or complete redevelopment of previously developed land', so the two are separate and distinct from each other. Based on the previously developed characteristics of the site, the proposal falls to be considered against

the latter. It must, therefore, be demonstrated that there would be no greater impact on the openness of the Green Belt than the existing development. The applicant has advanced a similar principle of development, but has compared the proposed development to that which previously occupied the site, including a barn which is no longer present (see 'Relevant Planning History' and 'Submission' sections for details). Relevant [case law](#) and [planning appeals](#) confirm that for something to be considered as a replacement, the element that it replaces must exist at the time the replacement development is considered. Relevant planning history indicates there are no extant permissions to replace former agricultural buildings other than the barn subject of planning applications reference 14/01991/FUL, 17/01330/FUL and 20/00536/FUL.

Impact on Green Belt

In order to determine whether the proposed development would have 'no greater impact on the openness of the Green Belt than the existing development', it is necessary to compare the existing and proposed dwellings. As outlined in previous sections of this report, the LPA does not consider it necessary, or indeed appropriate, to consider buildings that have already been demolished or removed from the site, including the abovementioned barn.

The following table outlines the differences between the existing and proposed dwellings.

		Existing Dwelling	Proposed Dwelling (including integrated garage)	% Increase
Foot print (<i>measured externally</i>)*		110m ²	334.5m ²	204%
Floor space (<i>measured internally</i>)*		147m ²	590.3m ²	302%
Length		19.5m	27.5m	41%
Depth		4.5m	12.1m	169%
Depth (with outshot)		6.8m	12.1m	78%
Height (<i>highest point measured externally</i>)*	<i>Single storey range</i>	3.8m	4.9m	29%
	<i>2 storey side ranges</i>	5.6m	7.75m	38%
	<i>2 storey middle range</i>	8.8m	10.5m	19%

**Measurements are approximate and derive from measuring the submitted plans electronically using the scales provided.*

The calculations presented in the table above differ from those presented in the Supporting Statement submitted with the revised application on 19 July 2022, in part, because the calculations presented in the Supporting Statement take into account the footprint and floorspace of the barn that has been demolished. However, in both scenarios the proposed new dwelling would be larger than the existing dwelling. Indeed, based on the LPAs calculations the proposed new dwelling would be significantly larger than the existing dwelling in all dimensions – twice the size in terms of footprint and three times the floor space. It would also be considerably longer and wider than the existing building

(notwithstanding individual gable widths would be of traditional size). Given the magnitude of change, it is clear the proposed new dwelling would have a much greater impact on the openness of the Green Belt than the existing dwelling, both visually and spatially. Indeed, the proposed new dwelling would be a substantially larger dwelling that would be much more visually intrusive than existing; on what is a prominent site within the village.

However, it is acknowledged that there is an extant permission to extend the existing dwelling and link it, albeit at ground floor level only, via an extension to the barn, which has since been demolished. However, it is not considered this approved scheme represents a realistic fall-back permission as it would no longer be implementable as a result of other development that has taken place. The calculations presented in the table below also show the submitted scheme would also be significantly larger than what has previously been approved.

	Previously Approved Dwelling (i.e. existing cottage, plus extension, plus barn conversion)	Proposed Dwelling (including integrated garage)	% Increase
Foot print (<i>measured externally</i>)*	202.5m ²	334.5m ²	65%
Floor space (<i>measured internally</i>)*	220m ²	590.3m ²	168%

Furthermore, whilst it is acknowledged that there is this extant permission, it does not then directly follow that on numerical terms the combined footprint/floor space of the two extant buildings can justify one larger building. The extant permission, as well as having less floorspace and footprint is also of a lesser height whereas the proposed would create a dwelling of substantial scale and mass that would have greater impact on the openness of the Green Belt than the existing development.

The Supporting Statement submitted in support of the revised application suggests the dwelling meets the ‘limited infilling or the partial or complete redevelopment of previously developed land’ exception and therefore “it is not necessary to go on and consider very special circumstances”. Conversely, the assessment of impact outlined in the preceding paragraphs clearly illustrates that the proposal would not meet the test for the relevant para. 149 exception, as it would have a greater impact on the openness of the Green Belt. The proposed new dwelling is therefore considered inappropriate development, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances.

Notwithstanding the Applicant’s view that it is not necessary to demonstrate very special circumstances, the Supporting Statement submitted in support of the revised application suggests the support of the Parish Council plus other factors including an improved inter-relationship with the neighbouring rear garden of The Pantiles and the introduction of a new young family into the village could constitute the very special circumstances required to support the scheme. However, such benefits could easily be achieved via an alternative

scheme for a more modestly sized family home that, in terms of scale and mass, is more akin to the existing dwelling.

It is also acknowledged that the site is a large plot, however, historically, the domestic curtilage of the farmhouse covered a much smaller area as it did not include the historic farmyard and associated agricultural buildings since demolished. The Supporting Statement also contests that the large plot could accommodate several outbuildings under householder permitted development, however, this has not been formally demonstrated through the submission of certificates of lawful use/development, so can be given limited weight in determining this application. Evidence of the agricultural land having been used for a continual period of 10-years or more as a residential garden would need to be provided as Council information would indicate that this is not the case. Furthermore, the position and orientation of the existing dwelling would also limit the amount of development that could feasibly be achieved under householder permitted development as any development forward of the principal elevation would require planning permission in its own rights.

On balance, it is considered there are no very special circumstances that would outweigh the identified harm to the Green Belt and, as such, it is recommended planning permission be refused as the proposal is contrary to the relevant provisions of the NPPF and Spatial Policy 4B of the DPD.

Impact on Character and Heritage Assets

Policy EP 11: Design Principles of the Epperstone Neighbourhood Plan requires development proposed to respond positively to the character and historic context of existing developments within the Parish by having regard to specific design principles a)-e).

Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD requires new development proposals to, amongst other things, "*achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments*". In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design of the Allocations & Development Management DPD.

Core Policy 14 'Historic Environment' of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance; and the preservation and enhancement of the special character of Conservation Areas including that character identified through Conservation Area Character Appraisals which form the basis for their management.

In accordance with Core Policy 14, development proposals should take account of the distinctive character and setting of individual conservation areas including open space and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing (Policy DM9 'Protecting of the Historic Environment' of the Allocations & Development Management DPD). Development proposals for development affecting or within the curtilage of listed buildings will be required to demonstrate that the proposal is

compatible with the fabric and setting of the building.

The application site is located within Epperstone Conservation and the setting of Poplars, which is a Grade II listed farmstead. Consequently, special regard should be given to the desirability of preserving or enhancing the character or appearance of that area in accordance with the duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, for development which affects a listed building or its setting, preserving the building or its setting or any features of special architectural or historic interest which it possesses in accordance with the duty contained within Section 66(1) of the 1990 Act.

Furthermore, Chapel Farm itself is identified as a positive building within Epperstone Conservation Area Appraisal (2006) and a non-designated heritage asset, as a result of its historic and architectural interest as a typical local vernacular cottage and farmstead. In accordance with Government policy, and associated guidance from Historic England, the LPA has developed criteria for identifying non-designated heritage assets i.e. Non-Designated Heritage Assets – Criteria March 2022 (hereafter referred to as the Council's NDHA Criteria). This document, following public consultation, was adopted earlier this year and, as such, can be given weight in determining this application in accordance with paragraph 203 of the NPPF.

The proposal would result in the loss of the NDHA, and, as such, regard must be given to the scale of any harm or loss and the significance of the heritage asset, which is also identified as a positive building within the designated Conservation Area.

During the planning application process, the LPA commissioned an independent structural appraisal of Chapel Farm, which was carried out by GCA Consulting and a Conservation Accredited Engineer. The brief was to assess the structural condition of the building, consider the findings and conclusions of the Structural Report submitted in support of the application by the applicant and confirm whether the building is capable of retention and refurbishment and, if so, what the likely extent of structural interventions would be involved. The Council's Conservation Team has considered the report prepared by GCA Consulting and concluded *"Given the extent of rebuilding identified, alongside issues of potential differential settlement and risks to operatives in executing this retention scheme, weighed against the amount and significance of the fabric that could be retained, Conservation conclude that the harm identified from demolition of the cottage could now be justified in a planning decision."* This does not remove the heritage harm that would result from the loss of building but does represent the required 'clear and convincing justification' for this harm in accordance with paragraph 200 of the NPPF. Demolition of the existing dwelling is therefore accepted.

The Council's Conservation Team has reviewed the revised plans received on 19th July and are generally supportive of the scheme despite elements of the design lacking authenticity e.g. full length M-plan or 'double pile' roof, windows not directly under eaves and use of quadruple small paned casements to the rear upper floor windows. The Conservation Team has, within their comments, offered suggestions on ways to improve the design to give extra [conservation] value to the scheme without altering the extent of accommodation. The applicant has been made aware of these suggestions but has not, to date, submitted any further revised plans for consideration. Based on the Conservation response, several conditions would need to be imposed on an approved scheme, to ensure it takes the form

envisaged and is of the quality required to preserve the character and appearance of the Conservation Area and preserve the setting of the listed building.

In summary, loss of the existing building, which has been identified as a non-designated heritage asset using the Council's NDHA Criteria, has been clearly and convincingly justified. Subject to the recommended conditions, the proposed replacement dwelling would accord with the duty to preserve significance as imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and planning policies that require the continued preservation or enhancement of the character, appearance and setting of the District's heritage assets (Core Policy 14 of the DPD) and particular attention to be paid to reflecting locally distinctive styles of development (Policy EP 11 of Epperstone Neighbourhood Plan and Policies DM5 & DM9 of the DPD).

Impact on 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.

The closest neighbouring dwelling is Pantiles, which is sited approximately 20 metres east of the existing dwelling at Chapel Farm. The proposed new dwelling would be sited further from and south of the boundary shared with this property than the previously approved/extant scheme under planning permission 20/00536/FUL. The separation distance between Pantiles and the proposed new dwelling, compared with the approved scheme, would therefore be slightly greater given the angle of the boundary and that of the rear elevation of Pantiles. Furthermore, the element closest to the Pantiles would be single storey and, as such, would not give rise to unacceptable overshadowing or overbearing impacts. In addition, there would be one small first floor window to the east facing side elevation that would serve a landing and not directly overlook the neighbouring dwelling or its private amenity space.

Future residents of the proposed new dwelling would enjoy a large amount of private amenity space. Little to no detail has been provided on landscaping (including any planting) although this could also be secured by appropriately worded conditions, if the LPA was minded to approve the application, to ensure adequate privacy.

Overall, it is considered there would be no unacceptable loss of amenity in accordance with Policy DM5 of the DPD.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

The application has been assessed with reference to Nottinghamshire County Council Highway Authority Standing Advice. The existing access to Chapel Farm is adequate in terms of width and visibility and, subject to standard conditions regarding surfacing and drainage,

would be acceptable in terms of highway safety. In addition, there would be sufficient space for on-site parking, to ensure no displacement of vehicles onto the highway. The proposal is therefore considered acceptable in highway safety terms.

Impact on Landscaping, Trees and Ecology

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The application is supported by a Bat Survey Report (ref: 210872) prepared by Whitcher Wildlife Ltd Ecological Consultants dated 15th September 2021. The Bat Survey Report indicates the building has a high potential for roosting bats, given the presence of suitable roosting features and bat droppings, with the surrounding area having a high value for bat foraging habitat. A dusk Emergence Survey carried out on 18 August 2021 confirmed the likely presence of bats, as did follow-up daytime and dawn swarming surveys on 27 August 2021 and 13 September 2021. Consequently, the works qualify for a Low Impact Bat Class Licence.

Natural England advises that planning permission can be granted when the proposal is likely to affect a protected species if:

- an appropriate survey was carried out by a qualified ecologist at the time of year specified in the standing advice
- a wildlife licence is likely to be granted by Natural England if one is needed
- mitigation plans are acceptable
- compensation plans are acceptable when mitigation isn't possible
- review and monitoring plans are in place, where appropriate
- all wider planning considerations are met.

In considering whether to grant planning permission, the Local Planning Authority must also consider the following 3 derogation tests:

- the activity must be for a certain purpose (for example, for scientific research or in the public interest)
- there must be no satisfactory alternative that will cause less harm to the species
- the activity must not harm the long-term conservation status of the species (new habitats may need to be created to offset any damage)

The proposal would re-develop previously developed land which would be of benefit to the local economy. There is also no satisfactory alternative that would cause less harm to the species, as it has been resolved that it would not be possible to retain and refurbish the existing building without significant intervention. Finally, any potential bat roost is likely to be of low conservation significance and any harm could and would be offset by the creation of new habitats. Consequently, it is considered the tests are met.

The Bat Survey Report includes a mitigation strategy that could be secured by an appropriately worded condition. In addition, little to no detail has been provided on landscaping (including any planting) although this could also be secured by appropriately

worded conditions, if the LPA was minded to approve the application. Consequently, subject to the recommended conditions, the proposed development would accord with relevant provisions of Core Policy 12 and Policy DM5 of the DPD, which require developments to maximise the opportunities to conserve, enhance and restore biodiversity.

Rights of Way

Public Rights of Way (PROW) are the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network (i.e. all classes of roads including motorways). They are a material consideration in the planning process and due attention should be made to the treatment and impact of and on them in the application for development.

Epperstone Footpath 1 abuts the western boundary of the site. Nottinghamshire County Council Rights of Way Team have been consulted but submitted no comments on the scheme. However, it is considered the proposed development would not impact on the footpath, which is sited a sufficient distance from where construction would take place. A guidance note requiring the footpath to remain open and unobstructed could be attached to a planning as suggested by the Ramblers Association.

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

The application relates to the demolition of an existing dwelling and erection of a new dwelling at Chapel Farm in Epperstone. Officers are satisfied there is clear and convincing justification for the loss of the existing dwelling, which has been identified as a non-designated heritage asset using the Council's NDHA Criteria, and are generally supportive of the scheme although note it could be improved to give extra conservation value / integrity.

However, the site is within the Nottingham-Derby Green Belt where development is strictly controlled in-line with national Green Belt planning policy. The proposed new dwelling would be materially larger than the existing dwelling and is therefore considered inappropriate development in the Green Belt which cannot be justified by any special circumstances i.e. there are no other considerations that would outweigh the substantial harm that would be caused to the openness of the Green Belt. The proposal is therefore considered unacceptable in principle, as it would be contrary to Spatial Policy 4B of the Amended Core Strategy DPD and Chapter 13 of the NPPF (2021). Although no harm has been identified in respect of character and heritage, residential amenity, highway safety or landscaping, trees and ecology, such absence of harm does not outweigh the in-principle objection and, as such, the development is recommended for refusal.

10.0 Reason(s) for Refusal

01

The site is located within the Nottingham-Derby Green Belt. Spatial Policy 4B of the Amended Core Strategy DPD (adopted March 2019) requires development in the Green Belt to be determined in accordance with national planning policy. In the opinion of the Local Planning Authority, the proposed new dwelling would be materially larger than the existing dwelling in all dimensions and thus have a greater and unacceptable impact on the openness of the Green Belt. The proposed development is therefore considered inappropriate development, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. There are no very special circumstances considered to exist that would outweigh the identified harm to the Green Belt. The development is therefore contrary to the relevant provisions within the National Planning Policy Framework and Spatial Policy 4B as set out above.

Informatives

01

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/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. The District Planning Authority has attempted to work positively and proactively with the applicant to make some revisions to the proposal, however, the applicant has not responded to any correspondence and, as such, it has not been possible to overcome problems arising in relation to dealing with application.

03

Refused drawings:

Received 19 July 2022

AMENDED PROPOSED SITE LAYOUT (Drawing no. 556_2021_03 REV B)
AMENDED PROPOSED GROND FLOOR (Drawing no. 556_2021_04 REV B)
AMENDED PROPOSED FIRST FLOOR (Drawing no. 556_2021_05 REV B)
AMENDED PROPOSED ELEVATIONS (Drawing no. 556 2021 06 REV B)

Received 14 February 2022

556_2021_01 Existing Site Layout Plan

556/2021 Location Plan

NB: This plan is inaccurate as it includes several buildings that are no longer on site as they were removed/demolished before August 2021

556_2021_02 Existing Plans And Elevations

NB: This plan is inaccurate as it includes elevations of a barn that is no longer on site as it was demolished before August 2021 (date on plan)

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00291/FUL

