



Report to Planning Committee 19 January 2023
Business Manager Lead: Lisa Hughes – Planning Development
Lead Officer: Amy Davies, Planner, Ex. 5851

Report Summary			
Application Number	22/02123/FUL		
Proposal	Demolition of existing dwelling and removal of foundation structure of part-built barn. Erection of replacement dwelling, detached garage and timber garden shed. Erection of retaining wall to secure adjacent footpath.		
Location	Chapel Farm Chapel Lane Epperstone NG14 6AE		
Applicant	Mr Jack Wainwright	Agent	Mr Anthony Northcote TOWN-PLANNING.CO.UK
Web Link	22/02123/FUL Demolition of existing dwelling and removal of foundation structure of part-built barn. Erection of replacement dwelling, detached garage and timber garden shed Chapel Farm Chapel Lane Epperstone NG14 6AE (newark-sherwooddc.gov.uk)		
Registered	01 November 2022	Target Date	27 December 2022
		Extension of Time	23 January 2022
Recommendation	That planning permission be APPROVED subject to Conditions.		

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

1.0 Background

The previous application (22/00291/FUL) was presented to Planning Committee on 11th August 2022, where it was resolved to refuse the application in accordance with the Officer's recommendation. The proposal has subsequently been amended and constitutes this revised scheme to address Members' concerns regarding scale.

2.0 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.

In recent months, some excavation of the site has taken place and works to construct a retaining wall along a section of the public footpath have started.

3.0 Relevant Planning History

22/00291/FUL – Demolition of existing dwelling and erection of replacement dwelling. Refused 12.08.2022 (Inappropriate Development in the Green Belt) as recommended by the Planning Committee.

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) under delegated powers.

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.)

4.0 The Proposal

Demolition of existing dwelling and removal of foundation structure of part-built barn. Erection of replacement dwelling, detached garage and timber garden shed. Erection of retaining wall to secure adjacent footpath.

This revised submission now proposes demolition of the existing dwelling (same as before) but with the added proposal to remove the foundation structure of the part-built replacement barn/dwelling. The relevance of the latter is discussed in Section 8.0 'Comments of the Business Manager – Planning Development' of this report.

As before, 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 22.6 metres by 10.1 metres and comprise of a series of two-storey and single-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, as shown below.



Figure 1 Proposed Elevations

The proposed new dwelling would comprise of a hall, store, kitchen/dining room, utility, office, garden room, games room, and living room 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, timber windows and doors and powder-coated aluminium bi-folding doors.

The proposal also includes a detached two-bay timber-clad garage/car port measuring approximately 6.43 metres by 7.52 metres with a red clay pantile pitched roof measuring approximately 2.4 metres to eaves and 4.7 metres to the ridge and a cat-slide to the rear. The proposed garage would be set back from the east side of the proposed new dwelling. To the rear of the garage, in the northeast corner of the site, would be a domestic timber shed measuring approximately 3-metres by 3-metres with a shallow pitched roof with a maximum ridge height of 2-metres.

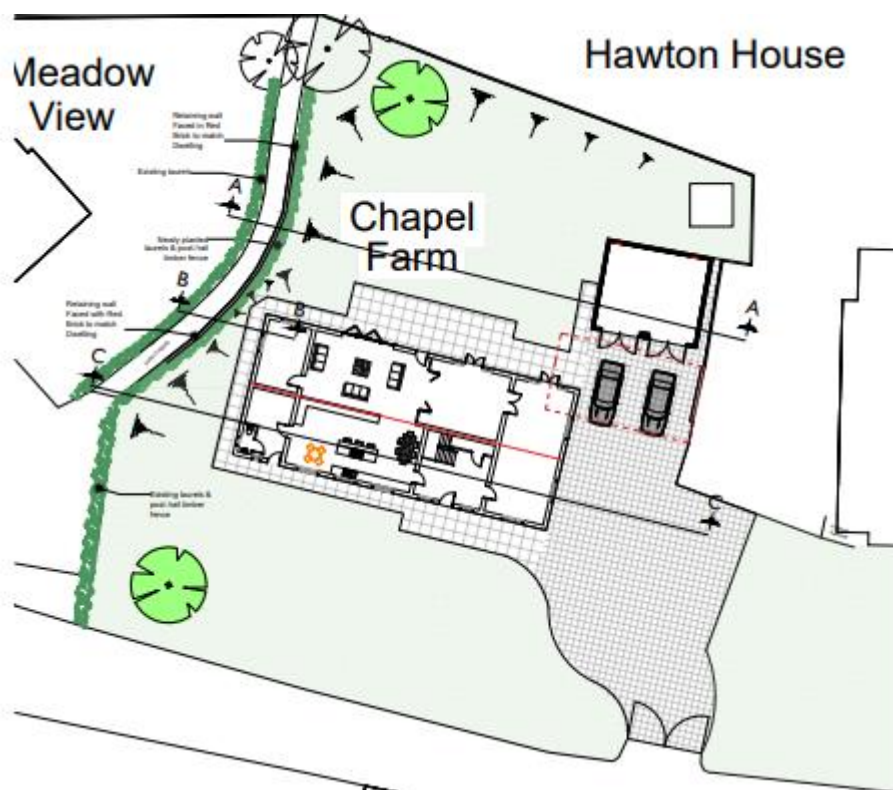


Figure 2 Proposed Site Layout Plan (received 03 January 2023)

The proposed site layout indicates there would be grassed 'front' garden areas to the south and southeast of the proposed new dwelling, which would be intersected by a permeable block paved driveway/turning/parking area. Timber gates would be erected at the site entrance, and all existing boundary treatments, including the existing low-level stone boundary wall to the front, retained. A new retaining wall has been constructed along a section of the public footpath to the northwest. This wall comprises of large concrete blocks and is proposed to be faced with a red brick wall and screened by Yew hedges. The 'rear' garden area to the north is proposed to be regraded and grassed.

Revised Description

The description of development has been amended to include works to erect the retaining

wall. It is not considered that anyone has been prejudiced by this change, which has been agreed with the applicant's agent.

The Submission

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

Received 09 January 2023

Letter from Ernest Arkwright & Sons Engineering Ltd regarding Landscaping plans and planting requests dated 09/01/2023

Received 03 January 2023

556_2021_07 Proposed Site Sections – Updated

Received 12 December 2022

Letter from Ernest Arkwright & Sons Engineering Ltd regarding Retaining Wall Inspection dated 21/10/2022

Letter from Ernest Arkwright & Sons Engineering Ltd containing Retaining Wall Structural Calculations dated 30/09/2022

Received 17 November 2022

Existing Site Levels Plan

Received 31 October 2022

Site Location Plan

556_2021_01 Existing Site Layout Plan

556_2021_02 Existing Plans and Elevations

556_2021_03 REV C Proposed Site Layout Plan

556_2021_04 REV C Proposed Ground Floor Plan

556_2021_05 REV C Proposed First Floor Plan

556_2021_06 REV C Proposed Elevations and Garage

- Planning Statement including Design & Access Statement and Heritage Impact Assessment (October 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
- Photos of Shed

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.

5.0 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.

Site visit undertaken on 03 November 2022.

6.0 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

National Design Guide 2021

Planning (Listed Buildings and Conservation Areas) Act 1990

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

7.0 Consultations

Epperstone Parish Council – Fully and unanimously support this new planning application

NSDC Conservation –

Following receipt of updated site sections 03.01.2023:

- This is an improved scheme, as a red brick wall is a more traditional and less intrusive finish than the concrete shuttering. If this scheme is to be approved it would be imperative to select a nice mellow brick for this retaining wall, rather than a hard baked solid texture engineering brick.
- If this retaining wall can be softened by landscaping (see below) this would be an acceptable scheme in terms of Conservation impact. If approved, it might be prudent to require this landscaping work to be carried out before occupation of the house or within a certain timeframe?
- From Conservation's perspective it would not now be expedient to screen 100% of this red brick retaining wall, but there should still be some legible green softening to it (note Tree Officer's suggestion of a yew hedge)
- A side hedge would be required to provide screening of the retaining wall and engineered approach generally, but in particular at the pinch-point by B-B. A planning condition or TPO would be needed to protect this in perpetuity.
- Conservation would not insist upon additional trees to be planted on the site, although additional tree cover may well be beneficial here, especially to help prevent the potential for a suburban garden appearance to the former paddock/orchard towards the front of the site by the road.
- Conservation would agree [with the Tree Officer] that it would be important that the soil levelling and retaining wall would not undermine the longevity of existing trees on and directly adjacent to the site.
- The Agent has also returned on the various design suggestions put forward by Conservation previously and does not wish to make any alterations. As per previous correspondence these were given purely as ways to improve the overall appearance and are not decisive to Conservation's overall comments.

Previous comments following receipt of application:

- Chapel Farm Epperstone is a positive building within Epperstone CA and has demonstrable heritage value.
- Demolition of the building would lead to less than substantial harm to the character and appearance of the Conservation Area.
- Independent structural advice has been sought and Conservation agrees the building is beyond practicable repair. Clear and convincing justification has been submitted to justify this harm. This does not remove the harm, but is key in moving towards a planning decision.
- The relevant structural surveys (Applicant's and Council's independently commissioned reports) should all be copied across to this application for full transparency and as there has not been a planning approval to date for the demolition of the house.

[Officer note: this has been actioned, reports added 04/01/2022]

- The principle of a replacement dwelling is acceptable in heritage terms.
- The proposed design broadly replicates the existing historic cottage, in its frontage at least, and is a broadly attractive composition. The proposed plan form adopts a full two-story double pile plan form, which is a rather unusual approach on a modest cottage, but which does provide narrow gables and a condensed and relatively simple plan form, which overall makes for a design that does not harm the character and appearance of the CA or the setting of nearby Listed Buildings (LBs).
- Minor modification to a few elements of the windows would improve the submitted design.

- Traditional materials have been detailed, which are key to the suitability of this proposal.
- The proposed garage design and location are acceptable. There is no objection to the proposed shed.
- Landscaping is key to this site, which should retain a relatively open, informal and green appearance, in keeping with its surroundings. At time of writing further clarification is still required (in the form of scaled site sections, advice from the Tree Officer and a potentially amended site plan) to confirm the potential suitability of the proposed landscaping scheme with reference to whether it can successfully mitigate the impact of concrete shuttering currently installed without permission and the retention of an open frontage. Acceptable landscaping is key to the suitability of this application and the principles here should not be left to condition in this case.

NSDC Tree & Landscape Officer – Comments on revised landscaping will be report to members as a late item.

Following receipt of updated site sections 03.01.2023 the Tree Officer comments can be summarised as

- Inadequate information (no tree survey) has been submitted to allow evaluation of retained trees.
- Submitted landscaping is inappropriate due to proximity to retaining wall and not in keeping with the character and history of the conservation area.
- The scale, footprint of the dwelling has not allowed for adequate landscaping in keeping with the character and setting of the conservation area.

NCC Rights of Way –

Following receipt of updated site sections 03.01.2023:

Maintenance of the post and rail fence and the retaining wall is down to applicant and subsequent owners of the house so should be included in the house deeds going forward.

There are no dimensions in terms of width of the footpath shown on the plan. Where a footpath is to be enclosed as part of a development the width of the footpath should be wide enough for two people to pass safely and comfortably. 1.5m will give a suitable width.

Previous comments following receipt of application:

We note that the proposal includes a change in levels between the development site and the footpath of 2.7 metres. The applicant has proposed a retaining wall to support the higher ground over which the Public Footpath passes however there are very few details about the design and suitability of the retaining wall. There is a lack of detail about the dimensions of the wall, its location in relation to the path, the width of the finished footpath, the location of any hedge planting alongside the path on top of the retaining wall. The LPA need to be satisfied that the proposed retaining wall is of a suitably engineered design to protect and prevent collapse of the ground over which the Public Right of Way passes

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

- Main objection is siting of the garage and driveway in front of the garage, both right next to the rear garden boundary of Pantiles

- The proposed new dwelling and detached garage will have an overbearing impact on Pantiles – the old barn had an attractive gable end which hid the main farmhouse providing privacy on both sides
- People and cars using the garage and driveway will cause noise and loss of privacy
- If the garage were to be moved forward to the site of the old barn this would be more acceptable

8.0 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 applications concern 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 possesses."* 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 within 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.

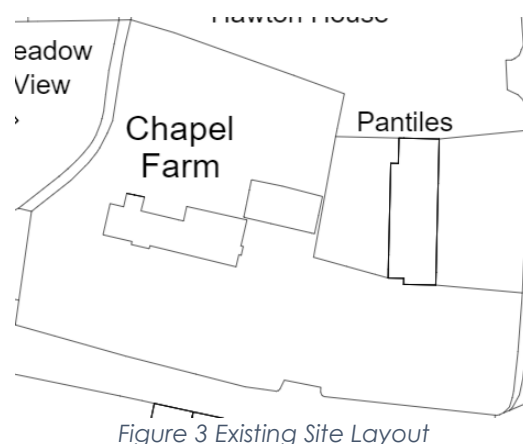
Other exceptions include limited infilling in villages, limited affordable housing for community needs under policies set out in the Development Plan and limited infilling or the partial or

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 2021 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 extent of 'existing development' is shown on Drawing no. 556_2021_01 Existing Site Layout Plan and comprises of the existing farmhouse, which is proposed to be demolished, and the foundation structure of the part-built barn, which is proposed to be removed.



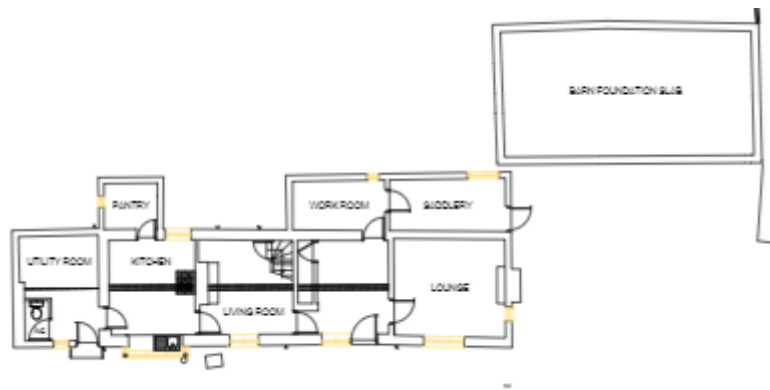


Figure 4 Existing Ground Floor Plan

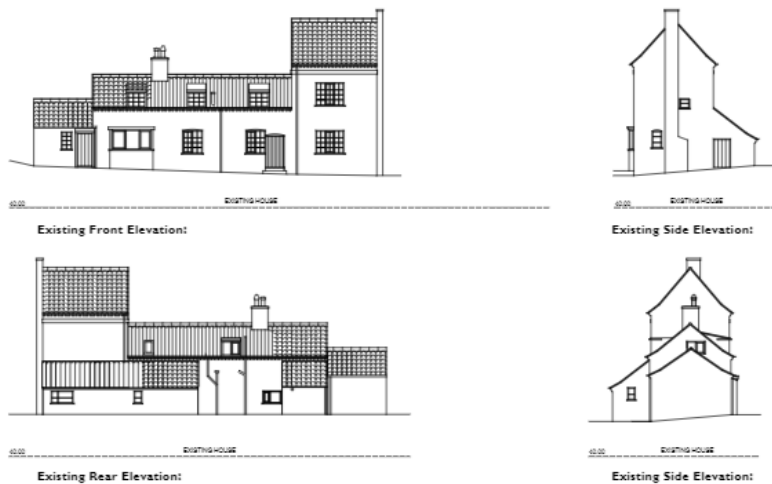


Figure 5 Existing Elevations

The footprint of the existing farmhouse, as shown above, is approximately 110m², which equates to approximately 5% of the total site area. The Planning Statement submitted in support of the application suggests that although the height of the building would be increased, the built footprint would be more compact than the existing dwelling and approved barn thereby reducing impact on openness. However, this would only be true if the replacement barn/dwelling were built, which would only be a possibility if this revised application was unsuccessful.

In terms of the proposed garage/car port and timber shed. The existing property benefits from permitted development rights, under which outbuildings of very similar designs and dimensions could be erected in the same positions. This represents a genuine fall-back position and the very special circumstances required to initially support the principle of these elements of the scheme. Consequently, the green belt calculations presented below do not include the proposed garage/car port and timber shed.

Impact on the Openness of the Green Belt

Proposed new dwelling

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

approved replacement barn/dwelling has not been built beyond foundation stage and, as such, has not been factored into the following calculations.

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

		Existing Dwelling	Proposed Dwelling	% Increase
Foot print (<i>measured externally</i>)*		110m ²	228m ²	108%
Floor space (<i>measured internally</i>)*		147m ²	365m ²	148%
Length		19.5m	22.6m	16%
Depth		4.5m	10.1m	124%
Depth (with outshot)		6.8m	10.1m	49%
Height (<i>highest point measured externally</i>)*	<i>Single storey range</i>	3.8m	4.8m	25%
	<i>2 storey side ranges</i>	5.6m	7.5m	33%
	<i>2 storey middle range</i>	8.8m	9.7m	10%

**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 Planning Statement submitted with the revised application. However, both indicate the proposed new dwelling would be larger than the existing dwelling, with a footprint approximately twice the size and approximately 1.5 times the amount of floorspace. In comparison to the previously refused scheme (under planning application 22/00291/FUL), the scale of the proposed new dwelling has been reduced. However, based on the percentage increases, officers still consider the proposed new dwelling would be materially larger than the existing dwelling in almost all dimensions. Following revisions, the increases in ridge heights are not considered to be 'materially larger' than existing. Given the magnitude of change, it is clear that the proposed new dwelling would have a 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 the existing farmhouse; on what is a prominent site within the village.

The Planning Statement submitted with the revised application comes to a different conclusion by asserting that the proposed new dwelling does not constitute inappropriate development in the Green Belt as it would not be materially larger than the existing dwelling plus the approved replacement barn/dwelling. Whilst the latter may be true, the relevant tests are whether the proposed new dwelling is materially larger than the *existing* dwelling, to be an exception under para. 149(d), or has no greater impact on the openness of the Green Belt than the *existing* development, to be an exception under para. 149(g) part 1. The new dwelling is materially larger and would have a greater impact on the openness of the Green Belt and therefore constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

It is therefore necessary to consider whether there are other considerations that amount to the very special circumstances required to support the proposed development (see 'Other considerations' below).

Detached garage/car port and timber shed

The proposed garage/car port and timber shed are also considered inappropriate development, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. As previously outlined, very special circumstances relevant to these elements of the proposal are that outbuildings of very similar design and dimensions could be erected under permitted development. The proposed garage/car port and timber shed would have no greater impact on the openness of the Green Belt than what could be built under permitted development.

Retaining wall

As outlined under paragraph 150 of the NPPF 2021, there are certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The retaining wall constitutes an engineering operation that preserves the openness of the Green Belt, which is regarded as an exception under para. 150(b).

Other Considerations

Officers acknowledge there is extant permission to extend the existing dwelling and link it, albeit at ground floor level only, to the barn, which has since been demolished but approved to be replaced. The proposed and previously approved schemes are not directly comparable, not least because one seeks to demolish the existing farmhouse, while the other would see it retained. Notwithstanding this, the calculations presented in the table below indicate the footprint of the proposed new dwelling would be just over 10% larger than the approved scheme. However, the proposed new dwelling, by virtue of the extent of proposed first floor accommodation, would provide approximately 66% more floor space.

	Previously Approved Dwelling (i.e. existing cottage, plus extension, plus barn conversion)	Proposed Dwelling	% Increase
Foot print (measured externally)*	202.5m ²	228m ²	13%
Floor space (measured internally)*	220m ²	365m ²	66%

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

Again, the calculations presented in the table above differ from those presented in the Planning Statement submitted with the revised application. However, both indicate the



The permission to extend the existing farmhouse is extant but unlikely to be implemented given it has been agreed that it is no longer feasible to retain the building and bring it back into use. That said, a like-for-like replacement dwelling, albeit of slightly different proportions to account for modern construction practices and requirements, could be achievable under para.149(d), which represents a fall-back position, albeit not one the applicant is seeking to pursue. The permission for a replacement barn/dwelling expires on 20 July 2023, but includes no pre-commencement conditions, and could realistically be implemented within the remaining time. Indeed, the applicant has indicated that if this current application was refused, they would construct the replacement barn/dwelling and consider alternatives for replacing the existing dwelling. It is therefore feasible that the existing dwelling could be replaced, and a replacement barn/dwelling constructed, with the site subdivided in a similar manner as approved under planning permission 20/00536/FUL. Consequently, it is considered there is a fall-back position that can be weighed into the planning balance.

The abovementioned fall-back position would result in similar impacts to those associated with the approved development against which the proposed scheme has been compared and found to have no greater impact on the openness of the Green Belt. In addition, the proposed scheme is, by comparison, a more comprehensively designed development that respects the character of the site and surrounding area and allows for more effective landscaping across the site. In terms of whether such considerations amount to the very special circumstances required to support the development, the final judgement is finely balanced, but nevertheless tipped in favour of supporting the development on this occasion. Consequently, taking all relevant matters into account; including the complex planning history of the site, the potential fall-back position, and the ensuing landscaping opportunities; it is considered there are other considerations that amount to very special circumstances that outweigh the harm that would result from the proposed development.

Finally, it is important to note that the revised application demonstrates that it would be impossible to implement any part of the approved development alongside that which is now proposed as the footprint of the proposed new dwelling overlaps the foundation structure of

part-built barn, which therefore requires removal as part of the proposed development. Consequently, a legal agreement preventing both schemes from being implemented is not required.

Overall, it is considered the revised scheme accords with 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 in March 2022 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 previous 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 plans and is generally supportive of the scheme despite elements of the design lacking authenticity e.g., full length two-storey 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 declined to make further amendments. 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.

Consideration has been given to the removal of householder permitted development rights, which has, in part, influenced the inclusion of a detached garage/car port and timber shed as part of this revised scheme, to which Conservation have raised no objections. Some householder permitted development rights are naturally restricted for dwellings in conservation areas (otherwise known as article 2(3) land) and, as such, it is not considered appropriate to further restrict development under these classes. However, to ensure future development preserves the character and appearance of Epperstone Conservation Area and the setting of the Grade II listed Poplars, it is considered appropriate to remove permitted development rights under Schedule 2 Part 1 Class C – other alterations to the roof and Class

D – porches, so that such alterations can be given due consideration by the local planning authority if required in future.

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).

Turning to the retaining wall, which has been the subject of several discussions since it was first viewed by officers on site in November 2022. Updated site sections were received on 03 January 2023, indicating the wall would be faced with a red brick wall and laurels planted along the sloping bank of soil to soften the visual impact. However, the Council's Tree and Landscape Officer has expressed concerns regarding the proposed laurel hedge and its potential to thrive given its proximity to both the retaining wall and the proposed new dwelling and limited volumes of soil at certain 'pinch-points'. Following discussions, the applicant has been advised to replace the proposed planting of laurels with planting of yew hedges and has confirmed that the proposed site plan and site sections will be updated to incorporate the recommended screening i.e., a red facing brick wall and yew hedges. The revised plans are anticipated to be submitted just after the Committee Report print run and, as such, revised details, plus consultee comments including any recommended conditions, are likely to follow as 'late items' for consideration.

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 no first-floor windows that would directly overlook the neighbouring dwelling or its private amenity space.

Concerns regarding impacts on the adjacent property known as Pantiles have been noted. However, it is considered the proposed detached garage and driveway have been sensitively sited to respect the character of the site and surrounding area and amenities of neighbouring residents. Indeed, the driveway would extend directly from the existing access site to the

proposed garage. Furthermore, it is not unusual for driveways and garages to be sited adjacent to site boundaries shared with neighbouring properties and there is no evidence to support perceived impacts of noise and disturbance.

Future residents of the proposed new dwelling would enjoy a large amount of private amenity space, some of which may be overlooked by the public footpath to the northwest. However, it is anticipated that a revised planting and landscaping scheme incorporating yew hedges would provide effective screening between the footpath and private garden where needed.

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

Impact on Highway Safety and Parking

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's Highway Design Guidance and the Council's Residential Cycle and Car Parking Standards & Design Guide SPD. The existing access to Chapel Farm is adequate in terms of its width and visibility and, subject to standard conditions regarding surfacing and drainage, would be acceptable in terms of highway safety. In addition, the proposed garage is adequately sized to provide sheltered parking and 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 Biodiversity and Trees

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 existing dwelling 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 can be secured by an appropriately worded condition.

The Council's Tree and Landscape Officer has considered the application and noted there is no tree survey to support the application. However, there is only a single tree in the north-west corner which is shown to be retained with the remainder of the site having been cleared of trees at some point following approval of 14/01991/FUL. Details of tree protection measures for retained trees including those on adjacent land to the north plus indicative proposals for new tree planting have been requested and are anticipated to be submitted imminently (revised plans to be submitted between now and January Planning Committee). It is considered appropriate to impose conditions on an approval to secure appropriate landscaping and planting in accordance with consultee advice.

Consequently, subject to 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 considered the application as submitted and noted the inclusion of a retaining wall to stabilise the footpath. Further details have been submitted since the Rights of Way Team initially commented, including copies of letters from the applicant's structural engineer, which confirm the wall has been constructed in accordance with the structural engineer's instructions and calculations and the proposed planting of yew hedges would have no short or long-term effects on the structural integrity of the retaining wall structure. Officers are therefore satisfied that the retaining wall is of a suitably engineered design to protect and prevent collapse of the ground over which Epperstone Footpath 1 passes.

The Rights of Way Team has also considered the updated site sections received on 03 January 2023 and shared a 'note to applicant' regarding future maintenance of the retaining wall and associated post and rail timber fence. Further revised details, anticipated to be submitted between now and January Planning Committee, will also be shared with the Rights of Way Team and any further comments reported under 'late items' for consideration where necessary.

9.0 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.

10.0 Planning Balance and 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 that there is clear and convincing justification for the loss of the existing dwelling, which has been identified as a non-designated heritage asset and are generally supportive of the scheme indicating that the scheme meets the heritage objectives outlined. Harm to bats can be mitigated, avoided or compensated for and there is no identified harm in relation to highways or neighbouring amenity so these are neutral factors in the planning balance.

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 so does not meet the exception to inappropriate development in the Green Belt that the NPPF sets out. However, there are other considerations that apply to the assessment of impacts on the Green Belt. These relate to the planning history of the site, that the applicant could elect to propose a like-for-like replacement of the existing dwelling, which would be a realistic fall-back position, and that the permission for the replacement barn/dwelling adjacent that remains extant with no pre-commencement conditions and could be implemented before its expiry in July. The latter would see the site developed in a similar manner to that approved under planning permission 20/00536/FUL. In my view the proposal before Members constitutes a better designed development that is more respectful of the character of the site and allows for more effective landscaping than the fall-back scheme. Moreover, the proposal would have no greater impact

on the openness of the Green Belt than the fall-back scheme. It is therefore considered that all these factors amount to very special circumstances that sufficiently outweigh the 'inappropriate development' which is by definition harmful to the Green Belt. Consequently, it is considered the revised scheme accords with the relevant provisions of the NPPF and Spatial Policy 4B of the DPD.

Regarding the retaining wall, officers are satisfied that it is of a suitably engineered design to protect and prevent collapse of the ground over which Epperstone Footpath 1 passes. However, discussions have been ongoing regarding appropriate screening, with details agreed but not yet formally submitted for consideration. It is anticipated that revised plans incorporating officer recommended landscaping and planting details, i.e., red facing brick wall and yew hedges, will be submitted for consideration just after the Committee Report print run and, as such, will likely follow as 'late items' for consideration alongside consultee comments/recommended conditions. It is not anticipated that this will alter the officer's recommendation to approve the development.

It is therefore recommended planning permission be approved subject to appropriately worded conditions.

11.0 Conditions

Given that some further revisions are still required as outlined above, a comprehensive list of **conditions will follow on the late representations schedule.**

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 22/02123/FUL

