



Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	22/02394/FUL		
<b>Proposal</b>	Change of use of land to residential, erection of a two storey extension and alterations to the dwelling		
<b>Location</b>	Green Bank Lodge, Barnby Road, Balderton, Newark On Trent, NG24 3NE		
<b>Applicant</b>	Mr R Hutchinson	<b>Agent</b>	Evolution Design Mr Olav Holm - Johansen
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/02394/FUL">22/02394/FUL   Change of use of land to residential, erection of a two storey extension and alterations to the dwelling   Green Bank Lodge Barnby Road Balderton Newark On Trent Nottinghamshire NG24 3NE (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	14.12.2022	<b>Target Date:</b>	08.02.2023
		<b>Extension of Time:</b>	17.03.2023
<b>Recommendation</b>	That planning permission is Approved subject to the Conditions detailed at Section 10.0 of this report and subject to the expiration of the press notice/site notice advertising the application as a departure from the Development Plan.		

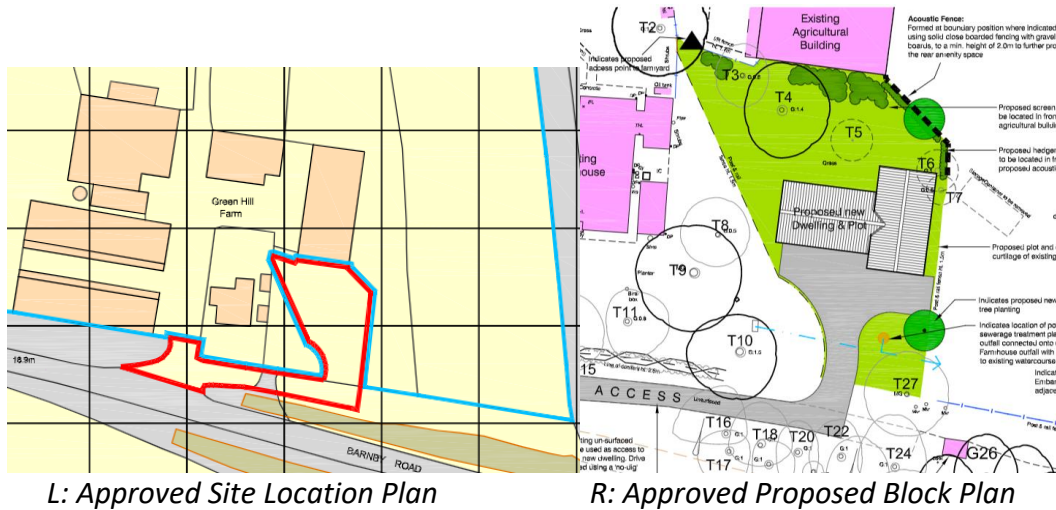
**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.**

## 1.0 The Site

The application site relates to a dwelling, Green Bank Lodge, located on the northern side of Barnby Road within the Newark Urban Boundary and land that forms as part of the ‘Land East of Newark’ strategic site allocation in the Council’s Development Plan. The site is accessed via an access to the west that is shared with Greenhill Farmhouse and was constructed recently following permission in 2016. To the north and east are farm buildings and farmland and approx. 70m to the east is the A1 dual carriageway. The dwelling is constructed from red brick and pantile and land to the north of the dwelling has been enclosed by a post-and-rail fence.

**2.0 Relevant Planning History**

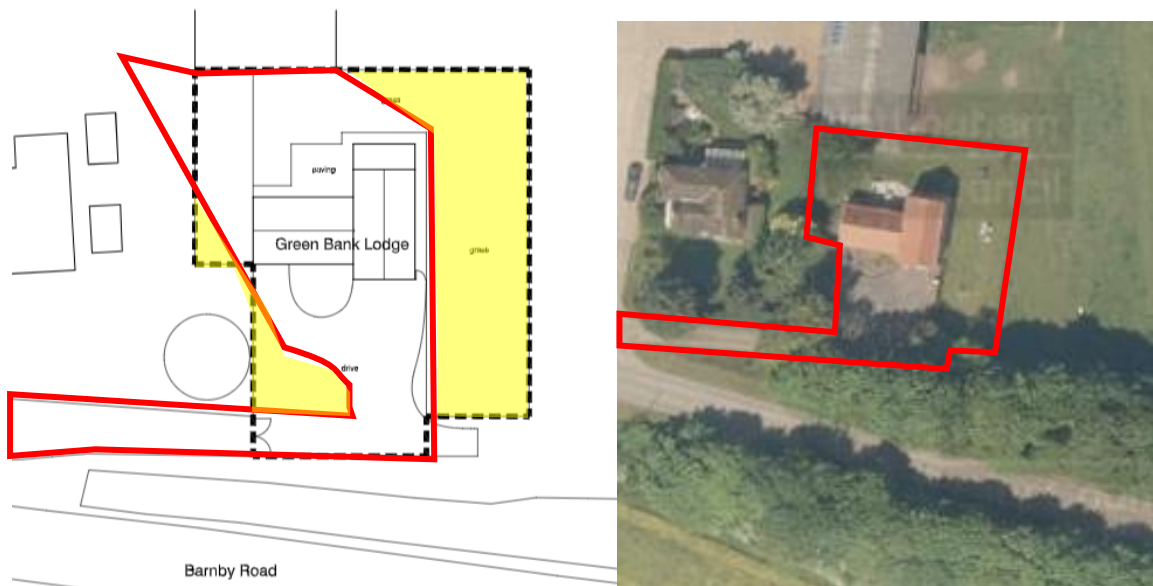
**16/00378/FUL – Erect New Workers House to support existing farm operations – Permitted 06.07.2016**



**3.0 The Proposal**

Permission is sought for the (retrospective) change of use of approx. 364m<sup>2</sup> of land to residential use and erection of a two-storey extension and alterations to the dwelling.

The land subject to the proposed change of use is highlighted broadly in yellow on the left hand plan below which shows the ‘red line’ of the site for the dwelling as approved under 16/00378/FUL. This land was proposed to form the residential curtilage for the dwelling and was shown on the approved proposed block plan as being enclosed by a post and rail fence (see plan extract in the Planning History section above). The land in yellow roughly amounts to 364m<sup>2</sup> with 300 m<sup>2</sup> of this lying to the east. This has been enclosed to the north and east by a post and rail fence (which is understood to have been undertaken at the time of construction of the dwelling).



The two-storey extension is proposed to the eastern side of the dwelling and would measure approx. 6.45m max. width x 9.5m max. depth, 7m to the ridge (0.5m below the host dwelling) and 5m to the eaves (0.2m below the host dwelling). The main body of the extension would adjoin the host dwelling by an approx. 6m high link and would project past the principal elevation by approx. 0.6m. The extension is proposed to be constructed in brickwork and pantiles to match the host dwelling with off-white/cream uPVC windows and doors also to match. Windows/openings are proposed at Ground Floor (GF) and First Floor (FF) on the front and rear elevations and a window is proposed at FF in the eastern side elevation.

*NB: All measurements above are approximate*

For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting information:

- Amended Application Form (deposited 24.01.2023)
- Site Location Plan – Ref. 434 H 1
- Existing Floor Plans, Elevations and Site Plan – Ref. 434 H 2A
- Proposed Floor Plans, Elevations and Site Plan – Ref. 434 H 3C

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

Occupiers of 2 properties have been individually notified by letter. A site notice has been displayed and an advert has been placed in the local press.

Earliest Decision Date: 24.02.2023

Site Visit Undertaken: 27.01.2023

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

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Core Policy 9: Sustainable Design

Area Policy NAP 2B: Land East of Newark

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

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

DM5: Design

DM6: Householder Development

DM12: Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Householder Development SPD 2014

## 6.0 Consultations

*NB: Comments below have been summarised. Full Consultee comments can be found on the online planning file.*

**Balderton Parish Council** – Support the proposal.

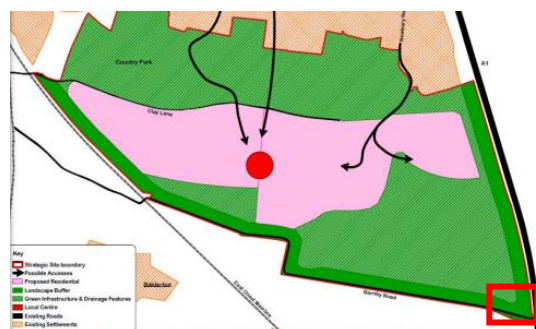
**No comments have been received from any interested party/local resident.**

## 7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

### Principle of Development

The application site is surrounded by fields over 600m from the northern edge of Balderton and could be assumed to be located within the open countryside where new development is strictly controlled. However, the site forms part of land allocated as a strategic housing development site NAP2B (Land East of Newark). By virtue of this site allocation the site is also located within Newark Urban Area, the District's Sub-Regional Centre, where policies SP1, SP2, NAP1, NAP2B and DM1 identify this area as the focus/main location for growth. The principle of the change of use of land to residential (or new residential use in principle) within the urban boundary of Newark would not technically be contrary to the aims of these aforementioned policies. However, Area Policy NAP2B sets out the intention for the application site and land around it to provide *"Green Infrastructure in accordance with an agreed Green Infrastructure Framework and in line with Spatial Policy 8, including... buffer zones to Barnby Road and the A1;"*. This is indicatively shown on Figure 6 in the Core Strategy and illustrates the application site to be situated within the landscape buffer zone.



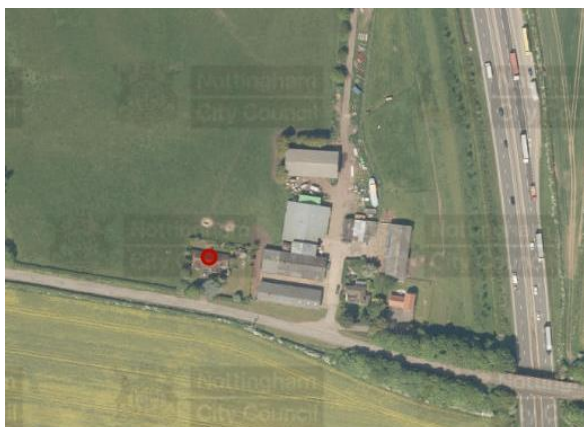
Given the indicative nature of Figure 6, the precise form and depth of the landscape buffer is a matter to be determined through the Development Management process. There are currently no planning permissions for the comprehensive delivery of the wider site, and it is difficult to ascertain the wider

context of this site at the current time. Notwithstanding this, the policy requirement for the provision of such a landscape buffer is clear and so the impact of the proposal on the ability to deliver this is material to any application proposal. The extent of the buffer may be indicative, but it is essential that it is of sufficient depth and form to achieve the intentions of the policy requirement. Given the position of the site, it would clearly be within the indicative buffer area and therefore has the potential to prevent delivery of an effective buffer along this part of Barnby Road, which would be contrary to the intentions of the Area Policy in principle.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the planning history for the site and the site-specific context are material considerations.

Under 16/00378/FUL permission was granted for the construction of the dwellinghouse on site. Consent was originally sought for a rural workers dwelling to support the existing farm enterprise, however it was concluded by the Council's Agricultural Consultant that the dwelling was not considered necessary for the farm as the existing farmhouse was considered to provide sufficient accommodation and the essential/functional needs of the enterprise. Nevertheless, the Officer's report concluded that given the site is technically located within the Newark Urban Boundary there was no requirement for a demonstrated agricultural need for the dwelling and permission was granted with no condition restricting the dwelling to only be occupied by persons employed in agriculture/i.e., as an agricultural workers dwelling. The Site History and Description of the Proposal sections of this report show the land that was approved to be associated with the dwelling as its curtilage, this reflected the land in existing residential use as part of the Farmhouse at the time – as such there was no consideration of the potential for the proposal to impact the aims of the wider Site Allocation as previously discussed.

On the ground, the land is laid to grass and is enclosed by a post-and-rail fence. The land to the west comprises the main farmhouse and its garden area, to the north and north-west and large agricultural buildings associated with the farm enterprise. To the east is the remainder of the agricultural field which banks up to a landscape bund/buffer between the A1 dual carriageway. This can be seen on the aerial image below (L) along with an extract of the site allocation plan which shows the site relative to the wider allocation. Given the location of the application site in the south-easternmost corner of the site allocation and the amount of land this proposal relates to, it is not considered likely that the incorporation of this land into the residential curtilage of the dwelling would significantly undermine the strategic objectives of the site allocation. This is particularly because the site would still leave the existing land and landscape buffer to the east between it and the A1 (allowing for a comprehensive landscape buffer to be established as part of future proposals if necessary) and relates to an existing pocket of development.



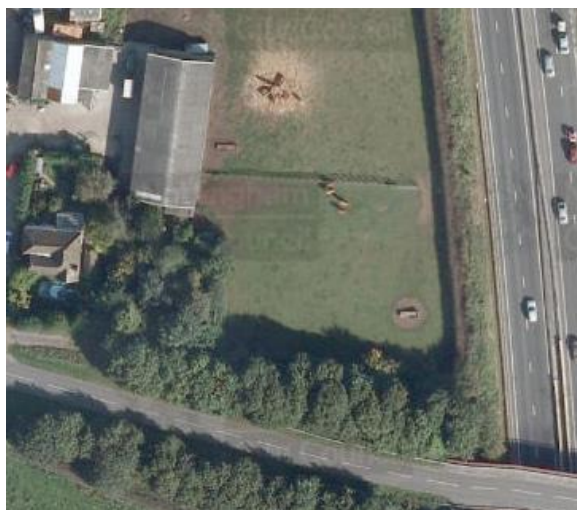
Whilst the impact of the development on the character and appearance of the area will be explored in greater detail below it is concluded overall that the change of use of the land would not, given the site-specific context, result in any visual harm on the wider character of the area. This, coupled with the conclusion relating to how this proposal would not significantly impact the delivery of the wider strategic site allocation objective, will weigh into the overall planning balance.

### Impact on the Character of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In relation to the extensions to the dwelling, policy DM6 of the DPD is relevant and states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and the existing dwelling in terms of design and materials.

#### *Change of Use of Land*

From an aerial view, the site reads visually as being part of the dwelling's domestic curtilage by virtue of it being enclosed by a post-and-rail fence, separated from the agricultural land to the north and east and from the A1 landscaping bund. In the street scene the site is largely obscured from view by existing mature trees to the south of the site along Barnby Road as the road rises to the bridge over the A1. Prior to the erection of the dwelling the land where the dwelling is located was covered with trees as part of the domestic land associated with the Farmhouse (to the west). The eastern part of the land that is subject of this change of use application formed part of a wider agricultural field.



2009



2019

Visually the change of use of approx. 300m<sup>2</sup> of land to the east of the dwelling to form part of the garden area has not resulted in any greater impact on the character of the area than the erection of the dwelling itself. The land was formerly, and is currently, laid to grass and is separated from the remaining land to the north and east by a post and rail fence. Because of the existing earth bund to the east (between the site and the A1) and the belt of trees along the highway to the south, this land

already has a somewhat enclosed character associating it with the cluster of built form to the west surrounding the farm, rather than it reading visually as open farmland. Therefore, on the ground the change of use of this land (which is small when considered relative to the wider land enclosed by the bund to the north) is not considered to result in any perceivable impact from either inside or outside of the site. The boundary fencing installed also provides enclosure of the land and any further encroachment would be prevented by the physical landscape bund barrier and the A1.

Overall, whilst noting the objectives of the strategic site allocation to ensure an effective landscaping buffer can be delivered between the A1, it is considered that given an approx. 40m wide area of land would be retained between the existing A1 landscape bund and the site boundary, the ability to provide a buffer in the remaining land would not be significantly undermined. It is also considered that, based on the site-specific circumstances in this case, the change of use of land does not result in any adverse impact on the wider character or appearance of the area in accordance with the aims of policies CP9 and DM5 and the provisions of the NPPF in this regard.

#### *Proposed Extension to the Dwelling*

The Council's Householder Development SPD provides guidance in relation to additions to dwellings and states that the overall objective for any proposed addition should be based around its successful integration with the host dwelling and the surrounding area. To help achieve this a balanced visual relationship with the host dwelling and its features should be struck, and the character and appearance of the surrounding area respected through the design, proportions and detailing of the proposal. For side additions, regard should be given to whether the roof type and the eaves and ridge heights respect and are able to be successfully integrated into the existing roofscape.

The proposed extension would be of a reasonable scale when compared to the footprint of the main body of the host dwelling, the design shows a subservient (in height) projecting gable range connected to the host dwelling by a smaller scale link. The style of the extension reflects the overall style of the host dwelling and would be constructed in materials (and with architectural detailing) to match. Whilst looking purely at the GIA/footprint of the extension it would not be clearly subservient to the host dwelling, but in this context this is not necessarily considered to be fatal given the property is not in an area where there is a prevailing uniformity in the street scene and is not prominent from public vantage points. Nevertheless, notwithstanding the scale of the additional GIA proposed, the extension would integrate successfully with the dwelling overall resulting in a balanced visual relationship without adversely impacting the character and appearance of the surrounding area.

It is therefore considered that the extension would be acceptable in terms of its scale, mass and design and impact upon the wider area and would therefore accord with the aims of Policies DM5 and DM6, the provisions of the Householder Development SPD and the NPPF in this regard.

#### Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policies DM5 and DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development.

The only dwelling in close proximity to the site is the farmhouse to the west, however given the degree of separation from the proposed extension (which would be screened by the main body of the host dwelling itself) it is considered that there would be no overlooking, overshadowing or overbearing implications that would result from this proposal. The application therefore complies with Policy DM6 and DM5 of the DPD in this regard.

## **8.0 Implications**

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

## **9.0 Planning Balance and Conclusion**

Whilst the extension to the property as a householder development would ordinarily be acceptable in principle and has been found to be acceptable in relation to design, character and amenity impacts, owing to the positioning of the extension within land that was not originally consented for residential use, the proposal would result in the change of use of land to residential. Whilst the site is located within Newark Urban Area where residential uses are acceptable in principle, given the site is part of a wider area of land allocated as a strategic housing development site NAP2B (Land East of Newark) and falls within the sites allocated green infrastructure and landscape buffer the proposed residential use would be contrary to the intentions of the Area Policy in principle.

However, it has been concluded that given the location of the application site in the south-easternmost corner of the site allocation and the amount of land this proposal relates to, it is not considered likely that the incorporation of this land into the residential curtilage of the dwelling would significantly undermine the strategic objectives and ultimate delivery of the site allocation. Particularly given the site would still leave land to the east between it and the A1 (allowing for a more comprehensive landscape buffer to be established as part of future proposals) and relates to an existing pocket of development. Furthermore, given the site-specific context, it is not considered that the change of use of the land results in any visual harm on the wider character and appearance of the area.

Therefore, whilst noting that the development would be contrary to the Development Plan, it is considered in this case that the lack of any identified visual or character harm on the area, coupled with the site history and limited impact the proposal would have on the wider site allocation, are material considerations that weigh in favour of the proposal such that the harm through changing the use of a small portion of land is outweighed in this case. It is therefore recommended that planning permission is granted subject to the conditions outlined in Section 10.

## **10.0 Conditions**

01

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



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

02

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

- Site Location Plan – Ref. 434 H 1
- Proposed Floor Plans, Elevations and Site Plan – Ref. 434 H 3c

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application and the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in terms of type, colour and texture, size, profile and bonding pattern.

Reason: In the interests of visual amenity.

### Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as less than 100m<sup>2</sup> of floorspace is proposed.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/02394/FUL

