



Report to Planning Committee 16 March 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

Report Summary			
Application Number	22/02396/HOUSE		
Proposal	Single storey extension to the south east elevation		
Location	The Mistal, Chapel Lane, Epperstone, Nottingham, NG14 6AR		
Applicant	Mr & Mrs Peake	Agent	GraceMachin Planning & Property Mr George Machin
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	20.12.2022	Target Date	14.02.2023
		Extension of time agreed	20.03.2023
Recommendation	That planning permission be Refused for the reasons detailed at Section 10.0 of this report		

This application is being referred to the Planning Committee by Councillor Jackson in accordance with the Council’s Scheme of Delegation as the recommendation differs from that of the Parish Council, which was of Support.

1.0 The Site

The property is a brick and tile single storey rectangular building, connected to the adjacent barn by virtue of a single storey link (it was formerly an annexe to Leek Barn). The building is located within the washed over Nottingham – Derbys Green Belt, within flood zone 1 as defined by the Environment Agency data maps and within an area at risk from surface water flooding.

Parking is available to the front of the dwelling for approximately 1 vehicle and the amenity space is directly to the front (south) of the dwelling, surrounded by a 1m high brick wall.

The building is located within an existing farmstead with other brick buildings within the complex.

2.0 Relevant Planning History

22/00645/LDC Certificate of Lawfulness for existing use in breach of condition 4 attached to planning permission 87920654 as the holiday let has been used as a permanent residential dwelling. Certificate issued granting the building as an independent dwelling. 08.06.2022

11/01714/FUL Removal of Agricultural Occupancy Condition, Condition No. 2 of planning permission 87860102 (Re-submission) Refused 30.01.2012 Appeal dismissed

11/00142/FUL Removal of condition 2 (agricultural occupancy condition) attached to planning approval 87860102 Refused 25.03.2011

920654 Conversion of farm out- buildings to holiday flat Approved 09.09.1992

860102 Convert redundant farm buildings to one dwelling Approved 30.04.1986

3.0 The Proposal

The proposal comprises of a single storey front extension to result in the building being a L shape.

The approximate dimensions of the proposed extension are:

9.0m (length) x 4.4m (width) x 4.1m (ridge) x 2.2m (eaves)

The drawings submitted with the applications are:

DRWG no. 01 Existing plan and elevations;
DRWG no. 02 Rev F Proposed plans and elevations;
DRWG no. 04 A Block plan;
Site location plan;
Design and Access Statement;
Photographs of the site;

4.0 Departure/Public Advertisement Procedure

Occupiers of 1 property has been individually notified by letter and a notice has been displayed at the site.

Site visit undertaken on 13.01.2023

5.0 Planning Policy Framework

Epperstone Neighbourhood Plan 12.12.2019

Policy EP11: Design Principles

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

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 10 – Climate Change

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted 2013) (ADMDDP)

DM5 – Design

DM6 – Householder Development

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- Householder Development SPD 2014
- Conversion of Traditional Rural Buildings SPD 2014
- Landscape Character Assessment SPD

6.0 Consultations

Epperstone Parish Council – Support

Conservation – The application is for the extension of a historic barn associated with Ricketwood Farm. An application for its conversion was approved in the 1980s. The conversion has introduced many domestic features into the building. However, the historic and architectural interest of the building as a vernacular agricultural building is still legible. The building has been too altered to be considered to be a nondesignated heritage asset.

As a traditional agricultural building the District's SPD on the conversion of traditional rural building is relevant. As set out in the SPD in paragraph 4.25 that extensions of existing conversions is to be assessed the same way as proposed conversion schemes. Extensions to rural agricultural buildings are not typically supported. Where it is permissible, the extension should be subordinate in scale and respectful of the design of the existing building. The extension more than doubles the size of the building and is located to the front of the building. This results in a prominent addition to the building. The inclusion of the porch adds a very domestic feature which does not respect the agricultural character of the building.

One neighbour commented saying they have no objections.

7.0 Comments of the Business Manager – Planning Development

Neighbourhood Plan

The PPG 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 17 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.

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 (including Green Belt assessment)

Householder developments are acceptable in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD. These criteria include the provision that the proposal should respect the character of the surrounding area including its local distinctiveness and have no adverse impact upon the amenities of neighbouring properties from loss of privacy, light and overbearing impacts.

Therefore in principle the alterations to domestic properties are acceptable, subject to other site specific criteria which are outlined below.

The site is located within the Green Belt where new development is strictly controlled through Spatial Policy 4B of the Core Strategy which defers assessment to national green belt policy contained in the NPPF. The NPPF does allow for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 149c). This Authority does not define what is meant by disproportionate. However as a guide, where other authorities have set limits, these tend to be around a 30 to 50% increase from the original building. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that '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.

I have carried out an assessment of the increase in size of the proposal taking footprint, floorspace (internal) and volume into consideration. I have also considered the figures within the agent's submitted statement.

	Footprint m²	Floorspace m²	Volume m³
Existing dwelling	62	51	206.21
Proposed dwelling	102	85	330.95
Total % increase	65%	67%	58.19%

It can be seen from the above table that the increase in size of the dwelling is around a 65% increase in footprint, 67% increase in floorspace and 58% increase in volume over the original dwelling. This is already well above the generally accepted approach of a 30-50% increase and anything above this is considered a disproportionate addition to the original dwelling. Therefore, the addition of extensions above this, would constitute inappropriate development within the Green Belt unless very special circumstances exist to outweigh this harm to which have neither been presented or identified. The proposal would not comply with paragraph 149 (c) of the NPPF (2021) and is therefore unacceptable and results in a disproportionate addition to the dwelling.

It is worth Members noting that the application has been amended to remove the porch from consideration, however this has resulted in minor changes to the overall figures. Concern was expressed to the agent on the scale of the extension but this was the only amendment which was brought forward and they are not willing to amend the scheme further.

Other material considerations also have to be taken into account and these are explored below.

Impact on the Visual Amenities of the Area and heritage impact

Policy DM6 of the ADMDPD states planning permission will be granted providing the proposal "respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling." Policy DM5 of the ADMDPD states that the character and distinctiveness of the District should be reflected in the scale, form, mass, layout, design, materials and detailing of the development. The NPPF (2021) states proposal should be visually attractive as a result of good architecture, layout.....are sympathetic to local character (Para 130).

One of the main considerations in this application is the scale and massing of the proposed extension and its visual impact on the traditional character of the building.

The Council's Conservation Officer has provided comments on the proposal stating that due to the level of alterations taken place during the original conversion of the building and subsequently, the building is not considered a non-designated heritage asset. It would however still be considered a traditional rural building whereby the Conversion of Traditional Rural Buildings SPD applies.

Paragraph 4.25 of the SPD states *Proposals to alter or extend previously converted buildings will be assessed in the same way as proposals to alter or extend buildings as part of a conversion scheme. Buyers of converted traditional rural buildings should be aware of any restriction or removal of permitted development rights.* As part of the consideration, it is generally accepted by the SPD that extensions to existing traditional buildings are unacceptable however some exceptions apply. Exceptions can include extensions to buildings within settlements providing it is designed sensitively and does not conflict with any other planning requirements and enhances the character and appearance of the immediate surroundings. Where the applicant can prove compelling evidence that there was once an extension/building in that location, then this may also be acceptable. However where an extension is permissible, the new build element should be subordinate in scale to the existing building and respectful of it in the design detailing (para 4.16). Extensions to traditional rural buildings should not compromise its architectural integrity and building form (para 4.17).

The proposal would result in a L shaped building which although the ridge height would be subordinate to the main dwelling, the siting to the front of the building and its scale would dominate the traditional form of the rural building and diminish its character. The removal of the porch is welcomed as this removes the typically domestic character the resulting building would have given, however the scale of the extension is also dominating to the original building, thus being of an inappropriate form and scale and fails to complement the existing built and landscape environment, being contrary to Core Policy 9 of the ACS.

The Council's Householder Development SPD states that extensions should be designed sensitively to the host dwelling and prevailing character of the surrounding area.

Therefore, the erection of the extension would result in an extension which is disproportionate to the scale of the original building and located to the front of the building, and results in a prominent addition to the building.

The NPPF advises that openness is an essential characteristic of Green Belt policy. Openness has a spatial as well as visual dimension. The Green Belt is clearly evident around the property and the wider area. The site is located within the Mid Nottinghamshire Farmlands Policy Zone (MN PZ 39) Thurgarton Village Farmlands with Ancient Woodlands as stated within the Landscape Character Assessment SPD. The SPD describes the landscape condition as very good with high landscape sensitivity. Overall the landscape action is to conserve. The siting of the extension is such that it is contained within the existing built up area of the farmstead within a small cluster of existing buildings. However the inclusion of additional built development in an open landscape would further impact upon the openness of the landscape. The introduction of further harsh built development would increase the form, volume and massing of the existing building and in doing so would result in a harmful loss of openness, although this would be limited due to the scale it would weigh negatively for the proposal in the planning balance.

It is therefore unacceptable and fails to accord with Core Policy 9 and 13 of the ACS, policy DM5, DM6 of the ADMDPD, the Council's Householder Development SPD and Conversion of Traditional Rural Buildings SPD and the NPPF which is a material planning consideration as well as the Epperstone Neighbourhood Plan.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the erection of an extension provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF (2021) states in Paragraph 130 that developments should ensure a high standard of amenity for existing and future users.

The proposal does not feature any unacceptable overlooking impacts to the siting of this dwelling nor loss of light or overbearing impacts.

It is therefore concluded that the proposal is acceptable from a neighbour amenity perspective and complies with Policies DM5 and DM6 of the ADMDPD, the NPPF and the Householder development SPD which are material planning considerations.

Impact on highway safety and parking provision

Spatial Policy 7 of the ACS states proposals should provide appropriate and effective parking provision both on and off site. The SPD states as key principle 2, that proposals should ensure effective parking provision both on and off site and does not create new or exacerbate existing.

The Council's Residential Parking SPD states for a 2 bedroomed dwelling in the Epperstone area, there should be a recommended minimum car parking provision of 2 spaces. The site has 1 space allocated within the red line site plan, although realistically additional parking can be provided within the land stated in blue within the site location plan. Additional parking to this degree would not result in harm to highways safety.

Therefore on this basis the proposal for the parking and impact on highway safety is considered acceptable and accords with the Spatial Policy 7 of the ACS and policy DM5 of the ADMDPD and the Council's Residential Parking SPD.

Flooding/surface water run-off

The site is located within flood zone 1 (low risk) and an area at risk from surface water flooding. The proposed extension would be designed to be able to dispose of surface water adequately without resulting in increased flood risk to surrounding properties. The site contains other areas of porous surfacing which is considered would assist with acceptable disposal.

8.0 Implications

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

9.0 Conclusion

In conclusion, the proposal would, due to the scale of the addition over the original dwelling, result in spatial and visual harm to the openness of the Green Belt, thus resulting in inappropriate development. The harm to the Green Belt would not be outweighed by the other considerations and, no very special circumstances required to justify a grant of planning permission have been presented or identified. The proposal would also, due to the design of the extension, result in harm to the traditional rural character of the building.

Matters of highway safety, neighbour amenity and flood risk are considered acceptable.

The proposal however fails to comply with the Epperstone Neighbourhood Plan, Spatial Policy 4B, Core Policy 9 and 13 of the Newark and Sherwood Amended Core Strategy and Policies DM5, DM6 of the Allocations and Development Management DPD and Conversion of Traditional Rural Buildings SPD and the Landscape Character Assessment SPD, Householder development SPD and the NPPF which is a material planning consideration. Accordingly I recommend that planning permission be refused.

10.0 Reasons for Refusal

01

The NPPF states that the essential characteristics of Green Belts are their openness and their permanence. The site is located within the Nottingham-Derby washed over Green Belt whereby development is considered inappropriate unless it meets one of the listed exceptions. The extension or alteration of a building is considered one of those exceptions (paragraph 149c) provided that it does not result in a disproportionate addition over and above the size of the original building. Due to the scale of the extension over the original dwelling the proposal is considered to be disproportionate and therefore constitutes inappropriate development in the green belt. The proposal would result in spatial and visual harm to the openness of the Green Belt and there are no very special circumstances which would outweigh this harm. There are no other exceptions within paragraph 149 of the NPPF that the proposal would comply with.

In the opinion of the Local Planning Authority the proposal is considered to be contrary to the Spatial Policy 4B and Core Policy 9 of the adopted Newark and Sherwood Amended Core Strategy 2019, and policies DM5 and DM6 of the Allocations and Development Management DPD 2013 which together form the adopted Development Plan and NPPF (2021), which is a material planning consideration.

02

In the opinion of the Local Planning Authority, the proposal, by virtue of the siting to the front of the property and its scale, it would result in an extension which compromises the traditional form of the rural building. The addition adds a dominating and uncharacteristic extension to this traditional rural building which would not only be jarring with the existing building but would result in further built development which would detrimentally affect this sensitive landscape.

The proposal is therefore contrary to the provisions of Core Policy 9 of the Amended Core Strategy (2019) and Policy DM5 of the Allocations & Development Management DPD (2103), the Conversion of Traditional Rural Buildings SPD, and the Landscape Character Assessment SPD as well as the NPPF which forms a material planning consideration.

Informatives

01

Plans and documents considered:

DRWG no. 01 Existing plan and elevations;

DRWG no. 02 Rev F Proposed plans and elevations;

DRWG no. 04 Rev A Block plan;

Site location plan;

Design and Access Statement;

02

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

03

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

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 - 22/02396/HOUSE

