



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

Report Summary			
Application Number	23/00333/FUL		
Proposal	Demolition of existing stable block and erection of single storey dwelling.		
Location	Field Reference Number 9208, Moor Lane, East Stoke		
Applicant	Mr. Spencer Davies	Agent	Gavin Boby Planning Permissions Ltd - Mr Gavin Boby
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	07.03.2023	Target Date	02.05.2023
Recommendation	REFUSAL subject to the reasons within Section 10.0		

This application is being referred to the Planning Committee for determination at the request of Councillor I Walker due to the land being considered as an infill plot, the condition on the land would be improved and personal reasons of the applicant.

1.0 The Site

The site comprises of an existing paddock of approximately 0.13ha with a single stable building within it. The paddock is located to the east of dwellings on Brownlow Close and to the south of Moor Lane. The site is located outside of the defined East Stoke Conservation Area and within Flood Zone 1 as defined by the Environment Agency data maps.

Existing dwellings immediately west of the site are two storey and single storey detached properties on Brownlow Close. The land is laid to pasture with a hedgerow boundary to the perimeter boundaries to the north, west and east. A lean to stable/storage building is located

to the western boundary with a field access gate within the northern boundary. The land is relatively undulating from north to south with no consistent ground level. There are some trees to the eastern and western boundary.

2.0 Relevant Planning History

20/01027/FUL Erection of two dwellings with garages and new vehicular access Refused
27.08.2020 **Appeal Dismissed**

In the opinion of the local planning authority, the greenfield and open nature of the site and its siting away from existing residential properties result in the site being located outside of the village settlement of East Stoke. It is therefore considered to be located in the countryside following an assessment as required against Spatial Policy 3 (Rural Areas) of the Amended Core Strategy 2019. Policy DM8 of the Allocation and Development Management DPD strictly controls development in the open countryside and states new dwellings will only be granted where they are exceptional quality or innovative nature of design and significantly enhance the locale. It is considered that this proposal does not meet any of that identified criteria and is a speculative application which would result in an unnecessary encroachment and elongation of the built form of East Stoke in to the open countryside, thus resulting in unsustainable development and harm to the open character of the countryside. As such the proposal is considered contrary to the principles of Spatial Policy 3 and Core Policy 13 of the Amended Core Strategy and Policy DM8 of the ADMDPD which together form the relevant part of the adopted Development Plan as well as the NPPF, NPPG and the Landscape Character Assessment SPD which are material planning considerations.

17/01870/OUT Up to four residential dwellings on land south of Moor Lane Refused
01.12.2017

In the opinion of the Local Planning Authority the application site lies outside of the main built up part of East Stoke and therefore falls to be assessed as development in the open countryside. Both national and local planning policy restricts new development in the countryside. Spatial Policy 3 (Rural Areas) of the Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD seek to strictly control development in the countryside and limits this to a number of exceptions. This application does not meet any of the exceptions. This proposal represents an unsustainable form of development where there is no justification and the proposal could lead to pressure for similar developments elsewhere in the open countryside that consequently would be difficult to resist if this scheme were to prevail. The proposal is therefore contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD which together form the Development Plan as well as being contrary to the NPPF which is a material consideration.

3.0 The Proposal

The proposal is for the demolition of the existing stable block and the erection of a detached

single storey 1 bedroomed bungalow which is adapted for the specific medical requirements of the proposed occupant.

The building would be constructed of an oak frame with clay rooftiles, bricks and timber boarding.

The approximate dimensions of the resulting dwelling are:

18.5m (length) x 12.5m (width) x 6.1m (ridge) x 2.3m (eaves)

Plans and documents submitted with the application

DRWG no. TQRQM23048060717103 Existing site plan;
DRWG no. TQRQM23051171053343 Proposed site plan;
DRWG no. TQRQM23052093913222 Proposed layout plan;
DRWG no. SK02 Rev B Plan;
DRWG no. SK02 Rev B Elevations;
DRWG no. TQRQM23048053908373 Site location plan;
Bin store details
Planning, Design and Access Statement (February 2023);
Preliminary Ecological Appraisal (April 2020);
Ecological Addendum update (06/03/2023);
Confidential information relating to medical needs of the occupant.

4.0 Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter. The application has been advertised as a departure by a site notice displayed near to the site and an advert placed in the local press.

Site visit undertaken on 20.03.2023

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
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type & Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2: Development on Allocated Sites
Policy DM3: Developer Contributions and Planning Obligations
Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM8: Development in the Open Countryside
Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Householder Development SPD 2014

6.0 Consultations

East Stoke Parish Council – No comment

Environmental Health (contaminated land) Advice Note - This application includes the demolition of farm buildings (stables) and construction of a new dwelling. The site is also adjacent to a sewerage pumping station and there is the potential for contamination to be present from these uses.

The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000

9 Neighbour/Interested party comments of support

- Improve the look of the entrance off Moor Lane as new gates will be a big improvement;
- Building will hardly be visible;
- Welcome addition to Moor Lane;
- No suitable properties for senior citizens in the village;
- Development is in keeping and would enhance and improve the area;
- The site is not open countryside;
- The access would not appear to cause any restrictions on Moor Lane.

7.0 Comments of the Business Manager – Planning Development

Principle of development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless

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

The amended Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Amended Core Strategy sets out the settlements where the Council will focus growth throughout the District. East Stoke does not feature on the settlement hierarchy and is therefore classed as an 'other settlement' under Spatial Policy 1. Spatial Policy 3 (Rural Areas) therefore applies where the site is considered to meet the 5 criteria as stated in the policy requirements. These are Location, Scale, Need, Impact and Character.

The location of the site is one which is on the very extremities of the settlement. There is a commercial building to the east, residential development beyond the highway to the north and residential development beyond the adjacent pumping station to the west. Despite this existing development, the character of this particular area is open countryside and the development at Brownlow Close to the west of the site, represents the limits of residential development to the south of Moor Lane. Spatial Policy 3 of the ACS states new development should be located in villages, which have sustainable access to the Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Within villages, consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues.

The site does not represent previously developed land nor is it built development currently in operational use i.e. a farmyard/scrapyard. Spatial Policy 3 states whereby the site is not located within the settlement, it will be considered as in the open countryside, and will be strictly controlled and restricted to uses which require a rural setting and assessed under policy DM8 of the ADMDPD. This is also the same conclusion the Inspector took when considering the appeal against 20/01027/FUL. The Inspector stated that *'The small housing development of Brownlow Close, where the pedestrian footpath terminates, abruptly signifies the end of the continuous built development on the south side of Moor Lane. The substantial hedgerow presents a natural boundary to the road which sets it apart from the strong built boundary form within the settlement and reflects the typical field enclosures of surrounding countryside. Visually, physically and functionally therefore, the appeal site relates to the countryside rather than to East Stoke.'*

It should be noted that the Development Plan is up to date with the Amended Core Strategy adopted after the publication of the NPPF, thus the Development Plan carries full weight. The DP requires a judgement as to whether a site is in or out of the settlement. In this case the site is judged to be outside of it and therefore the site cannot be considered as an infill plot.

Paragraph 80 states policies and decision should avoid isolated homes in the countryside unless one or more of the stated circumstances apply. Whilst the site is not isolated in the true sense, it does not have to be, to be contrary to the up-to-date Development Plan. The exceptions listed in the NPPF refer to, amongst other things, there being an essential need for a rural worker, located on previously developed land or the design is of exceptional quality. It is considered that the design of the scheme is not of such high architectural quality so as to outweigh the siting within the open countryside and no evidence has been presented for compliance with this in the form of a Design Review.

Officers are aware of the very specific reasoning for the dwelling, however this is personal to the applicant and represents a moment in time but the effects of the permission (if Members resolve to approve) in terms of the impact upon the open countryside, would be permanent, and those personal reasons alone do not represent a reason to tip the balance of acceptability and go against national policy in terms of the appropriate use within the open countryside. Therefore, as defined under policy DM8 of the ADMDPD and the requirements of the NPPF it is considered that the proposal fails for this reasoning.

Impact on design and landscape character

Core Policy 9 'Sustainable Design' 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" and "demonstrate an effective and efficient use of land that, when appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character".

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 Allocation and Development Management DPD.

Policy DM5 of the ADMDPD states the local distinctiveness of the District's character in built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals. The NPPF paragraph 130 states that decisions should ensure proposals will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The character of the area is borne out of two and single storey properties of an atypical traditional design of red brick, sited against the roadside edge either gable end with secondary or lower status buildings, or lengthways to the highway. The proposal is for a wide fronted single storey dwelling which is timber clad in part. Whilst this would ensure an active frontage to the highway and public realm, the detached nature of the site and the design would be at odds with the prevailing character of Moor Lane, however it would add to the general mix of character along Moor Lane which becomes looser as it transitions along Moor Lane.

The proposal also includes a brick building to house the bins. This is approximately 1.8m in height and located to the front of the site adjacent to the highway. This would further introduce harsh built development to the front of the site where the hedge was once located. This would further erode the open character of the area to its detriment.

Core Policy 13 of the ACS states proposal should positively address the implications of relevant landscape policy zones and should be consistent with the landscape conservation and enhancement aims for the area ensuring that landscapes have been protected and enhanced. The site is located within the South Nottinghamshire Farmlands (SN PZ 07 Elston Village Farmlands) policy zone as stated within the Landscape Character Assessment SPD 2013. This is stated as having a moderate landscape sensitivity with intermittent tree cover giving moderate visibility value. The landscape features are to create new hedgerows and restore existing and contain new development within existing historic boundaries. In addition to enhancing tree cover and conserving ecological diversity and biodiversity and creating new development which reflects the local built vernacular and conserving what remains of the rural landscape by concentrating the creation of new development around existing settlements.

Overall, the policy zone has a moderate sensitivity and moderate condition with an outcome of conserving and creating. It is considered that eroding the landscape with further unnecessary built development in the open countryside would be directly contrary to the provisions of the SPD.

It is the design with its wide frontage and use of timber cladding and siting outside of the built up area which would be harmful to the established character and appearance of the area. The proposal is therefore considered contrary to the provisions of Policy DM5 'Design' of the ADMDPD which requires new development to reflect the local distinctiveness and be in keeping with the general character and density of existing development in the area. The proposal would also result in removal of approximately 6m in length of existing hedgerow to create a new driveway when there is an existing access to the site which could be utilised (see the discussion in the highway section below). The removal of additional established hedgerow would be unnecessary and cause harm to the existing established hedgerow which is a strong boundary to the public realm.

The proposed development would also feature further encroachment into the open countryside which is a contrary to the provisions of the Landscape Character Assessment SPD.

Impact on highway safety

Spatial Policy 7 (Sustainable Transport) of the ACS states development proposals should provide safe, convenient and attractive accesses for all, be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. In addition, it states to provide appropriate and effective parking provision, avoid highway improvements which harm the area. Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all.

Policy DM5 of the ADMDPD states provision should be made for safe and inclusive access and

parking provision for vehicles and cycles should be based on the scale and specific location of the development.

The proposal would introduce a new vehicular access to the site and break through an existing established hedgerow. The width of the driveway as shown on the layout plan is approximately 6m wide with a hedgerow on either side of the access point. NCC Highways standing advice states that the minimum width of the driveway should be 3.6m where it is bound on either side by treatments. As this driveway is in excess of this, the proposed width would be acceptable, although excessive. However the accuracy of the plans in terms of the amount of hedgerow to be removed is not clear and this could be limited to that necessary to serve the development or utilise the existing field access where the removal of hedgerow to the north-west of the site would be less significant to the character.

The design features parking to the side and front of the site. The Council's Residential cycle and car parking SPD states that only 1 parking space is required which is achievable within the site.

East Stoke is served by a bus to Newark, however this is not frequent but still provides a sustainable access to a more sustainable settlement, as East Stoke itself has no facilities to support further development.

As such the proposal is in accordance with Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD.

Impact upon ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up-to-date ecological assessment. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

The NPPF (2021) states when determining planning application LPAs should apply the following principles as stated within paragraph 180 of the NPPF. This states that if "significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity."

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which has assessed the site for its ecological value to protected species. The results of the survey found that the site is highly unlikely to feature any great crested newts but a precautionary approach should be taken (outlined at section 5.1.2 of the PEA) to ensure no breach in legislation. Bats are

considered highly likely to use the wider site for foraging and commuting and the development of the site may have an impact on the availability of foraging areas for them. The ecologist has recommended measures which are outlined in section 5.2.2 of the PEA which relates to the imposition of lighting and its spill ensuring the hedgerows are kept as 'dark areas' so as not to affect the areas for foraging or commuting bats. The survey of the stable block confirmed that no evidence of bats was found and it is considered to have negligible potential to support roosting bats.

In terms of satisfying the NPPF, the starting point is to ensure the impacts upon ecology are avoided before adequate mitigation is imposed. In this case the site is understood to be used as a transient foraging/commuting site and does not contain any identified roosts. An ecologist has recommended measures of compensation and mitigation within the site due to the loss of hedgerow and the LPA can impose conditions to cover this and any details of lighting. The removal of the existing stable building and any hedgerows should be carried out outside of active bird nesting season and the GCN hibernation season. Biodiversity enhancements are also proposed within the PEA which includes the replanting of hedgerows lost to the access points and the planting of trees and installation of nest boxes for swallows, bat boxes and hedgehog friendly boundary treatments. Therefore, although the site would be disturbed by an increase in activity, this is not considered to result in harm which could not be mitigated for and achieve a biodiversity net gain and compliance with the NPPF.

As such it is considered that the site is not likely to have such a harmful impact upon the ecological value of the site or indeed, subject to precautionary measures as recommended in the PEA, upon protected species. The NPPF states biodiversity enhancements and net gains should be achieved and this would be possible through the imposition of appropriate conditions if the scheme was considered acceptable. Therefore, the scheme is considered to comply with Core Policy 12 of the ACS and policy DM7 of the ADMDPD and the NPPF.

Impact upon Residential Amenity

Policy DM5 of the DPD states planning permission will be granted 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, due to the siting of the windows and the juxtaposition to neighbouring occupiers (being 25 metres away from the nearest neighbour), the proposal as a whole is not considered to result in harm to the amenities of neighbouring occupiers and complies with Policies DM5 and DM6 of the ADMDPD, the NPPF which is a material planning consideration.

Impact on Flooding/surface water run-off

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within an area at risk from surface water. It is not considered that the additions would result in harm to surface water run off to the neighbouring or application site.

8.0 Implications

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

9.0 Conclusion

The site is considered to be located within the open countryside due to the undeveloped nature of the site and the edge of settlement location, meaning it is not located in village under Spatial Policy 3. Whilst the proposal is for a specific medical reason for the occupant, this is only a snapshot in current time and personal to the applicant. In the opinion of Officers, due to the siting in the open countryside, this personal reason does not meet the criteria within policy DM8 or the NPPF and is market housing located within the open countryside.

The design of the building and the intrusion within the open countryside would further erode the open verdant character of the site, to its detriment.

Although the scheme is considered acceptable from a neighbour amenity and highway safety perspective, the proposal would result in erosion of the character and although it is recognised the specific reasoning for the application, this is not considered sufficient to tip the balance of acceptability to support the scheme. It is therefore considered that the proposal would result in a poor overall design which fails to relate or improve the character and distinctiveness of the area.

The proposal is therefore contrary to Core Policy 9 and 13 of the ACS and policy DM5 and DM8 of the ADMDPD and the NPPF and PPG and the Landscape Character Assessment SPD which are material planning considerations.

10.0 Reasons

01

In the opinion of the Local Planning Authority, given the open and verdant character of the site and its siting away from existing residential properties, the site is considered to be located outside of the built up part of East Stoke in the open countryside. Spatial Policy 3 (Rural Areas) and Policy DM8 (Development in the Open Countryside) of the Allocation and Development Management DPD strictly controls development in the open countryside and states new dwellings will only be granted where they meet one of a number of limited exceptions. This proposal does not meet any of that identified exceptions criteria and is a speculative application which would result in an unnecessary encroachment and elongation of the built form of East Stoke into the open countryside, thus resulting in unsustainable development and harm to the open character of the countryside. As such the proposal is considered contrary to the principles of Spatial Policy 3 and Core Policy 13 (Landscape Character) of the Amended Core Strategy and Policy DM8 of the Allocations and Development Management Development Plan Document which together form the relevant part of the adopted Development Plan as well as the National Planning Policy Framework, Planning Practice

Guidance and the Landscape Character Assessment SPD which are material planning considerations.

02

In the opinion of the Local Planning Authority, the main character of Moor Lane features dwellings or buildings set traditionally against the back of the highway at single or two storey height creating a sense of enclosure. The design of the wide frontage to the dwelling, coupled with the use of materials, results in an urban form which is out of character with the local vernacular, traditional layout and grain of Moor Lane. As such the proposal is considered to fail to adhere to the character and distinctiveness of the area, contrary to Core Policy 9 (Sustainable Design) of the Amended Core Strategy and policy DM5 (Design) of the Allocations and Development Management Development Plan Document, as well as the National Planning Policy Framework and Planning Practice Guidance which are material planning considerations.

Informatives

01

For the avoidance of doubt, the plans considered are:
DRWG no. TQRQM23048060717103 Existing site plan;
DRWG no. TQRQM23051171053343 Proposed site plan;
DRWG no. TQRQM23052093913222 Proposed layout plan;
DRWG no. SK02 Rev B Plan;
DRWG no. SK02 Rev B Elevations;
DRWG no. TQRQM23048053908373 Site location plan;
Planning, Design and Access Statement (February 2023);
Preliminary Ecological Appraisal (April 2020);
Ecological Addendum update (06/03/2023);
Confidential information relating to medical needs of the occupant.

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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 - 23/00333/FUL

