



Report to Planning Committee 8 June 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, 5907

Report Summary			
Application Number	23/00729/FUL		
Proposal	Erection of site manager dwelling		
Location	Land Off Clipstone Road, Edwinstowe		
Applicant	Mr M Wenman	Agent	IBA Planning Limited Mr Nick Baseley
Web Link	23/00729/FUL Erection of site manager dwelling Land Off Clipstone Road Edwinstowe (newark-sherwooddc.gov.uk)		
Registered	02.05.2023	Target Date	27.06.2023
Recommendation	Approve, subject to the conditions set out in Section 10.0		

The application is being reported to committee in line with the Scheme of Delegation as the proposal represents a departure from the Local Plan.

1.0 The Site

The application site relates to a broadly rectangular plot of land and its associated access to the north of Vexation Lane. Vexation Lane is a public right of way.

The site is within the open countryside albeit close to the settlement of Edwinstowe. Neighbouring land uses include ‘Amen Corner’ go-karting on the opposite side of Vexation Lane and Center Parcs accessed from Rufford Road. Rufford Abbey Registered Park and Garden is around 230m at its closest point.

Land immediately to the west of the site is recognised of being of local ecological importance as a notable acid grassland albeit there is an extant planning application to develop this land for 86 holiday lodges and associated facilities.

To the east, there is a former piggery unit, comprising two identical handed single storey blockwork clad buildings, supporting a timber roof structure all built off concrete ground floor slabs. Both roofs are covered in corrugated fibre-cement cladding panels. It is this unit which has been approved for conversion to a dwelling as per the application below.

2.0 Relevant Planning History

20/02544/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of Agricultural Buildings to form a single dwellinghouse and for building operations reasonably necessary for the conversion.

Approved February 2021.

20/01034/AGR - Erection of an agricultural building

Decision prior approval not required July 2020. This building would replace the piggery complex.

As above, land immediately to the west of the site has been granted planning permission for redevelopment to create 86 holiday lodges with ancillary facilities (**20/01291/S73M**).

3.0 The Proposal

The proposal seeks permission for a site manager's dwelling in the form of a single storey log cabin with an approximate foot print of 148m². The dwelling would have 2 bedrooms with an approximate ridge height of 5.8m and eaves of 2.4m. The dwelling would have a timber clad finish intended to be read alongside the consented holiday lodge development to the west.

The application has been considered based on the following plans and documents:

- Location Plan – 23/442-01 dated Apr 2023;
- Site Layout Plan – 23/442-03 dated Apr 2023;
- Block Plan and Location as Existing – 20/371-01 dated Sept 2020;;
- Existing Floorplans and Elevations – 20/371-02 dated Sept 2020;
- Floorplan and Elevations – 23/442-03 dated Apr 2023;
- Design and Access Statement – WenmanCabin/1 dated 27 April 2023;
- Protected Species Report – RSE_6736_01_V1 dated February 2023.

4.0 Departure/Public Advertisement Procedure

There are no immediately adjacent neighbours to consult directly by letter so a site notice has been posted at the site.

Site visit undertaken on 25th May 2023.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile

Core Policy 7 – Tourism Development

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

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

6.0 Consultations

(a) Consultations

NCC Right of Way - Vexation Lane is Edwinstowe Byway 17 but is also fully adopted Highway which takes precedence over the byway designation. Therefore my colleagues in Highways would need to be consulted.

NCC Highways – There are no highways objections to this proposal, on the basis of that it is a substitution for the previously approved prior approval application.

It is noted that it is to be used as a manager's dwelling, in connection to the adjacent holiday accommodation under construction. Whereas the manager's dwelling would be accessed from Vexation Lane, which is a narrow, rural byway, it appears that in the future, the dwelling would be directly accessible from the holiday accommodation site. It should be pointed out at this stage, that whilst not for consideration as part of this specific application, it should not be possible for vehicles associated with the holiday accommodation to gain access onto Vexation Lane through the joining up of the two sites.

(b) Parish Council

Edwinstowe Parish Council - No comments received to date.

(c) Representations

Ramblers Association - No comments received to date.

No letters of representation have been received to date.

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 Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted 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 Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.

Given the location of the site, clearly outside of the village of Edwinstowe, the site falls to be considered as within the Open Countryside – Policy DM8 of the Allocations and Development Management document is therefore applicable. Policy DM8 reflects the National Planning Policy Framework in containing criteria for considering development in the open countryside, focusing on strictly controlling development to certain types.

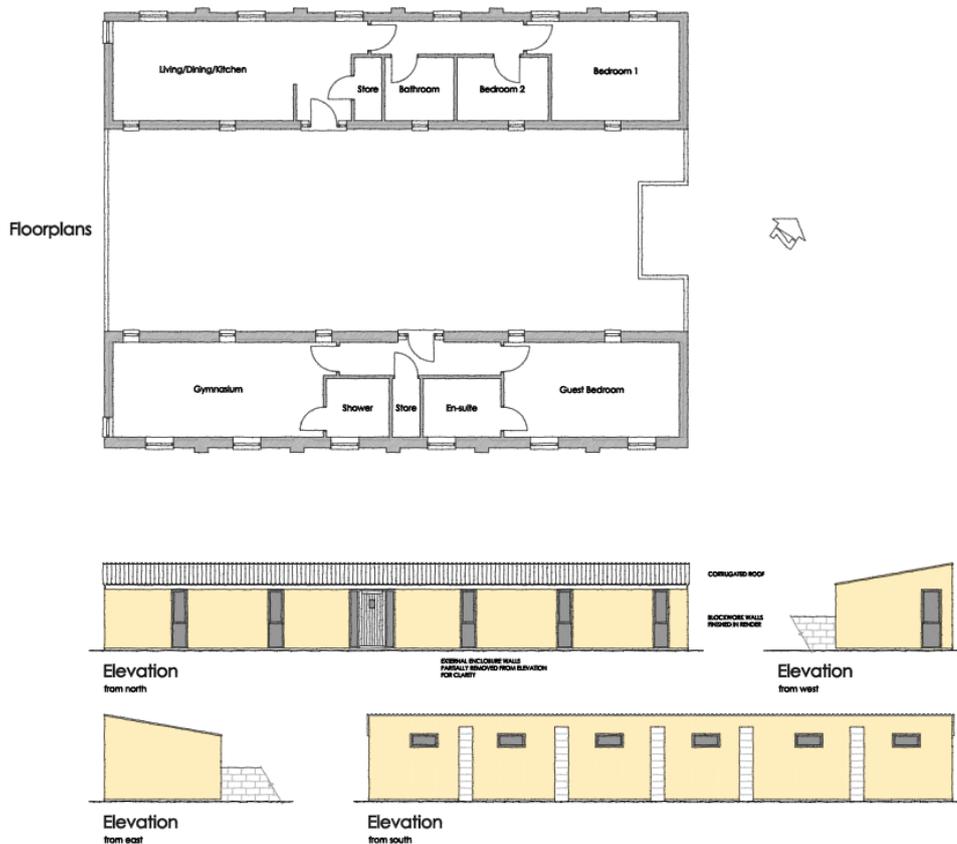
With reference to new dwellings, the policy stance is that: 'planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.' Para.80 of the NPPF provides more details advising that the design of new dwellings in the open countryside must be of exceptional quality, in that they are:

- truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance the immediate setting, and be sensitive to the defining characteristics of the local area.

The application submission does not seek to suggest the log cabin design of the proposal would be of exceptional quality or innovative design and thus in principle the development would be contrary to DM8. The application has been advertised as a departure on this basis.

It is noted that the intention is for the dwelling to be a manager's dwelling in association with the extant holiday lodges adjacent. Policy DM8 does have a potential allowance for rural workers dwellings but on the basis that there is a functional and financial need in relation to the operation being served. It would be extremely difficult to demonstrate a functional need for a manager's dwelling on the site given the close proximity of Edwinstowe (i.e. the functions of a site manager could be operated just as effectively from a close by, more sustainable location or indeed one of the holiday lodges) and indeed the application does not seek to present compliance with this element of DM8.

Notwithstanding the above, it is presented that the application would come forward alongside the acceptance that an existing change of use prior approval consent would be relinquished. This unit is to the east of the site and has an extant consent for conversion to a three bedroom dwelling:



A 'fall back' position is something that either has the benefit of planning permission or would not require express planning permission that could be carried out without any further consent and which can be considered against a current proposal and which has a likelihood of coming forward. On the basis that prior approval has already been granted, I am minded to accept that there is a reasonable fall back position for residential occupation of the piggery unit to the east and this can therefore be a material consideration to which significant weight can be attached as the principle of a dwelling has been established.

As such, whilst the development is technically contrary to DM8 in principle, whilst 20/02544/CPRIOR remains implementable and could be completed within the necessary 3 years, this is considered to be a realistic fall-back position in that the conditions attached to the prior approval notifications remain extant and could be built out.

However, it is noted that the building is in a different location and therefore as suggested by the application submission, the demolition of the piggery unit and the removal of all materials from site prior to any separate dwelling being constructed would need to be secured by a pre-commencement condition.

Impact on the Open Countryside and the Visual Amenities of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 of the Core Strategy 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. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

The position of the proposed dwelling would be further west in comparison to the piggery unit – it is stated that this is for security and supervisory purposes. The site has a relatively discrete position in the landscape and therefore this is not disputed in principle. Indeed, if the holiday lodges were to come forward as approved, then there would be advantages in the dwelling being further westwards in that it would clearly be visually read alongside the wider development being of a similar design and appearance.

The proposed manager's dwelling would be single storey. In the (unlikely) event that this proposal were to come forwards in the absence of the adjacent holiday lodge development, I do not consider that the proposed log cabin would have harmful visual impacts above the impacts which have already been accepted through the conversion of the piggery unit (i.e. in either scenario there would be an isolated single storey dwelling).

The site is within (albeit at the border of) the Sherwood Policy Zone 9 (Old Clipstone Estate Farmlands) as defined by the Landscape Character Assessment for the District. Characteristic features include small patches of deciduous woodland; coniferous forestry plantations with broad leaved margins and intensive arable farming in medium geometric fields. The landscape condition and sensitivity is defined as moderate with a policy action to conserve and create.

One of the landscape actions for the policy zone is to conserve and create field boundary and road hedgerows where these have become degraded or lost. Another action is to create small scale woodland / tree planting to soften new development, preferably in advance of development.

The previously approved holiday lodge development to the west was supported by a Landscape Visual Appraisal which concluded that the adjacent site essentially sits in a shallow bowl at a slightly lower level. There is also a large extent of tree cover to the east and south of the site. Taking account of the scale of the proposal, both in terms of it being for a single unit but also in terms of the proposed height, I do not consider that the development would have an imposing impact on the character of the landscape. I have carefully considered whether it would be reasonable to impose a landscaping condition but given the existing tree cover around the site I do not consider that additional landscaping would be necessary. The red line curtilage is drawn relatively tight and therefore to insist on additional landscaping is likely to have a negative impact on the available amenity provision for the proposed occupiers.

Impact upon Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The highways authority have raised no objections in the acknowledgement that this dwelling would substitute the previously consent prior approval dwelling. Reference is made to the future intention to access the dwelling through the approved extant holiday park but as acknowledged in the application submission, this would require separate permission at a later date and is therefore not for consideration as part of this application.

The proposed block plan annotates two car parking spaces which would meet the requirements of the Supplementary Planning Document on residential car parking standards.

Impact upon Residential Amenity

Policy DM5 of the Allocations and Development Management document states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. An assessment of amenity impact also relates to both the existing neighbouring occupiers and the occupiers of the proposed dwellings in terms of the amenity provision.

The site is isolated in relation to neighbouring occupiers such that I have identified no adverse amenity impacts which would warrant concern.

The dwelling would be afforded an area of amenity space commensurate to a two bed dwelling. It is noted that there is a strong likelihood that the adjacent land will be developed for holiday lodge purposes which could bring about some associated noise and disturbance. However, this land is within the same ownership and as per the application submission the intention is for this dwelling to be associated with the holiday lodge development. If

ownership were to be separated in the future then any occupiers of this proposed dwelling would be aware of the site circumstances.

Impact upon Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

The application has been accompanied by a protected species report. Given the need for the demolition of the piggery unit to the east to make this development acceptable in principle, the survey also includes the relevant areas to the east.

The piggery buildings were identified as having negligible potential for roosting bats and therefore no further surveys or mitigation are considered necessary. Recommendations are made for sensitive lighting within the site noting the potential for foraging and commuting bats, this could be secured by condition as could the other precautionary methods of working set out within the report.

There are a number of trees to the south of the site but these are intended for retention and the siting of the building has been placed outside of their canopy spread. Subject to a condition seeking tree protection measures prior to the commencement of development, there would be no adverse impact on the existing trees arising from the development.

Overall, no ecological harm has been identified which would warrant resistance of the proposal.

Other Matters

I have considered whether it would be necessary to remove permitted development rights given the countryside location of the site. The way the dwelling would sit within the site would mean that the rear elevation would abut the defined curtilage and therefore there would be limited opportunity for extensions. However, I do consider it reasonable and necessary to remove permitted development rights for alterations to the roof to prevent the bulk of the dwelling being increased outside of the control of the planning authority.

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 principle the development would be contrary to the provisions of Policy DM8 which restricts development in the Open Countryside to certain types. The design of the new building would not meet the innovative or outstanding test required by the policy to justify a new dwelling in the open countryside.

However, it is noted that the existing building adjacent has consent for conversion to residential use under a recently consented prior notification and it is understood the applicant would be willing to relinquish this consent through the demolition of the adjacent buildings. There would therefore be no net increase in dwellings within the open countryside and taking this material planning consideration into account, the proposal would be acceptable.

The design would accord with the adjacent extant holiday lodge development but even in the scenario that it were to come forwards as a sole development the landscape and character impacts are not considered harmful to warrant refusal provided the adjacent piggery buildings are demolished.

No other harm has been identified which would prevent the grant of planning permission subject to the conditions set out below.

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

Prior to the commencement of the development hereby approved, the existing buildings serving the piggery unit to the east of the site, as shown on plan references Block Plan and Location as Existing – 20/371-01 dated Sept 2020 and Existing Floorplans and Elevations – 20/371-02 dated Sept 2020 shall be demolished in full and all materials removed from the hatched area and the red line area annotated as the 'Location Plan' on plan reference Block Plan and Location as Existing – 20/371-01 dated Sept 2020

Reason: In acknowledgement that this dwelling would only be acceptable subject to the relinquishment of the extant prior approval permission.

03

No works or development shall take place within the application site until an arboricultural method statement and scheme for protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees including details of hand digging of the re-aligned footpath (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

04

The development shall be carried out in accordance with the mitigation measures set out within the Protected Species Report – RSE_6736_01_V1 dated February 2023, specifically but not limited to:

- Lighting or light spill must be avoided and lighting should only be used where necessary;
- Open pipework greater than 200mm external diameters shall be capped off at the end of each working day;
- Any log or brash piles shall be removed by hand;

Reason: To protect the ecological value of the site.

05

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of species on site.

06

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

- Location Plan – 23/442-01 dated Apr 2023;
- Site Layout Plan – 23/442-03 dated Apr 2023;
- Floorplan and Elevations – 23/442-03 dated Apr 2023;

Reason: So as to define this permission.

07

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside.

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/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked

positively and pro-actively, seeking solutions to problems arising in coming to its decision.

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.

