



Report to Planning Committee 6 July 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, Ext. 5834

Report Summary			
Application Number	23/00890/OUT		
Proposal	Outline application for residential development to erect 1 dwelling with all matters reserved		
Location	Willow Hall Farm, Mansfield Road, Edingley, NG22 8BQ		
Applicant	Anthony Tyler	Agent	Jigsaw Planning & Development Ltd
Web Link	23/00890/OUT outline application for residential development to erect 1 dwelling with all matter reserved Willow Hall Farm Mansfield Road Edingley NG22 8BQ (newark-sherwooddc.gov.uk)		
Registered	06.06.2023	Target Date	26.07.2023
Recommendation	That planning permission be Refused for the reasons detailed at Section 10.0		

This application has been referred to the Planning Committee for determination by the local ward member, Councillor P Rainbow on the grounds of a need for bungalows and the applicant's personal need for a single storey dwelling.

1.0 The Site

The site comprises 0.19ha of land and forms part of a field located in the open countryside located towards the south-west of the main built-up area of Edingley village. It is accessed via an access track (approximately 180 metre long) from Mansfield Road (classified) which also serves Willow Hall Farmhouse to the west of the site. Access into the field is via a metal field gate.

The site is occupied by a number of sheds and structures. A touring caravan is also present /stored on this land. The wider field is surrounded by relatively matures trees/hedgerow. Agricultural fields are located immediately to the north, east and south of the site.

It should be noted that part of the field (the south-western corner) falls within flood zone 2 (medium risk) whereas the remainder of the site falls within zone 1, at low risk of fluvial flooding.

The site is immediately adjacent to two Local Wildlife Sites (LWS), namely 'Edingley Grassland LWS' and 'Mansfield Road, Pasture LWS' which are located to the east. A small watercourse is located along the southern boundary of the site. Edingley FP16 runs parallel with and beyond the northern boundary of the application site.

2.0 Relevant Planning History

22/01743/OUT - Outline application for residential development to erect 1 no. dwelling house with all matters reserved. Refused 13.03.2023 for the following reason:

In the opinion of the Local Planning Authority, the site lies in the open countryside where there is a presumption against new development as set out by Spatial Policy 3 and Policy DM8 of the Development Plan, unless it meets one of the exceptions set out. The proposal does not meet any of the exceptions set out in that it is not for a rural workers dwelling nor (as an outline application with all matters reserved) does it advance a dwelling of exceptional quality or innovative design. A proposed dwelling in this location, as a matter of principle, would likely result in an incongruous feature and would constitute encroachment into the countryside, that would adversely impact upon the setting of the surrounding rural landscape. Development of this site would result in an unsustainable form of development and undermine strategic objectives contrary to Spatial Policy 3 (Rural Areas) and Core Policies 9 (Sustainable Development) and 13 (Landscape Character) of the Amended Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management Development Plan Document (DPD) which together form the relevant parts of the development plan as well as the NPPF, a material planning consideration. There are no material considerations that outweigh the harm identified.

14/01848/FUL – A full application for a prefabricated self build two bedroom bungalow was refused on 8th January 2015 by the Planning Committee in accordance with the recommendation on the basis that; 1) it was unjustified development in the open countryside and 2) due to a lack of ecological information. The application site related to the whole field.

02/02416/OUT – Outline planning permission for a bungalow was refused on the grounds of the sites location outside the village envelope, refused 22.01.2003.

3782525 – Extend and renovate cottage 6 outbuildings, approved 08.09.1982.

37870815 – Site residential caravan, approved 06.10.1987.

3.0 The Proposal

This is a resubmission of a previously refused application (22/01743/OUT) on a slightly enlarged application site (now 0.19ha compared to previous 0.15ha according to the SLP)

extending further west towards the host property.

Outline planning permission is sought for a new dwelling. For clarity, an outline application allows for a decision on the general principles of how a site can be developed and if granted, requires a subsequent application called 'reserved matters' to be submitted on one or more of those matters. Reserved matters are defined in secondary legislation as 'access', 'appearance', 'landscaping', 'layout' and 'scale'.

Whilst in this case all matters are reserved, access would however need to be taken off Mansfield Road, and is shown on the submitted site location plan to be within the red line. Notwithstanding the fact that all matters are reserved for later consideration, indicative site plans have been submitted to demonstrate how a dwelling could be sited within the plot.

The application is advanced citing a change in circumstances since the refusal which will be explored in the principle section of this report.

The Submission

JPD/MSE/4091-5 (Site Plan) Context only (as confirmed by agent 20.06.2023)
JPD/MSE/4091-1B (Site Location Plan)
JPD/MSE/4091-4B Outline proposal
JPD/MSE/4091-3C Outline proposal
JPD/MSE.4091-2 Site Plan (existing)
Planning Design and Access Statement, 23.05.2023
Ecological Appraisal by CBE Consulting, January 2022
Flood Risk Assessment (map)

4.0 Departure/Public Advertisement Procedure

Occupiers of two properties have been individually notified by letter. A site visit was undertaken on 2nd March 2023 and on 21st June 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 and 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

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

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

6.0 Consultations

(a) Statutory Consultations

NCC Highways Authority – No response received to date

NCC Public Rights of Way – No response to date.

(b) Parish Councils

Edingely Parish Council – Support - ‘The planned development will replace agricultural buildings/nissen huts which have a deteriorated. This will improve the look of the area, particularly from the footpath.’

(c) Representations/Non-Statutory Consultation

NSDC Environmental Health – Indicate that given the potential for agricultural land contamination the application should have a contingency plan should the construction phase reveal any contamination and request notification of such.

One letter of support has been received stating that the development would not be detrimental to anyone or anything and would replace the agricultural buildings that have fallen into disrepair.

7.0 Comments of the Business Manager – Planning Development

The key considerations are:

1. The Principle of Development;
2. Impact on Visual Amenity;
3. Ecology & Trees;
4. Highways and Parking;
5. Impact on Residential Amenity;
6. Flood Risk; and
7. Other Issues such as Local Need.

These issues will now be discussed in turn with a conclusion that follows.

Preliminary Matters

Like the last application, this is also presented as being part of a well defined extensive residential curtilage. The site location plan has been amended to show additional land within the applicant's control, including Willow Hall Farm and its domestic curtilage as well as the field between it and the highway. At the officer site visit it was noted the application site is distinctly separate from the farmhouse, was grassed and bounded by hedgerows and accessed via a field gate. My view is that the site is likely to have operated in the same way that a paddock/small holding would and that the residential curtilage is likely to be confined to the west, extending north and south of the farmhouse and defined by established mature trees and vegetation. I am not satisfied that this forms part of the residential curtilage. No certificate of lawful development has been issued to establish or clarify the extent of the curtilage.

This application is a resubmission of a previously refused scheme and is also outline with all matters reserved. The agent indicates there has been changes in circumstance since the previous refusal which warrant consideration. The assessment that follows remains as previously set out with consideration of the new assessment added in where appropriate.

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 site lies within the parish of Edingley and therefore development needs to be considered against Spatial Policy 3 (Rural Areas). This states that beyond principle villages, new development will be assessed against the 5 criteria of location, scale, need, impact and character. It also provides that 'development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting...'

The settlement of Edingley does not have a settlement boundary and therefore it is necessary in the first instance to consider, as a matter of judgement, whether the site falls within the village or outside of it. It is noted that the applicant advances a case that the site is not open countryside.

The form of development along Main Street/Mansfield Road is predominantly ribbon development whereas this site is set away from the built form, in the countryside adjacent to Willow Hall Farm(house). I therefore concur with the previous assessment (noting the 2014 refusal and that from earlier this year) that the site does not form part of the built up part of Edinley and is located in the open countryside. I have already concluded (in my preliminary matters section) that it appears the site is agricultural in nature, rather than residential. Indeed I note that the 2014 amended application form described the land as 'numerous storage of buildings'.

The agent advances a case that because an agricultural barn at Elmtree Barn has received approval for conversion to residential use through the prior approval route (22/00273/CPRIOR), this readjusts the village footprint placing the current application in an altered context which is well related to the village form and facilities. The barn in question lies to the north-west of the site (highlighted in yellow on the image below) and does not appear to have been converted to date.

I note the agent has once again advanced an argument that a dwelling would assist in tidying up the site and removal existing buildings. However the existing buildings are very modest in scale, dilapidated (have no formal consent – albeit I expect have been in situ for a period of more than 10 years) and could be removed without requiring a new dwelling to facilitate this.

As such, the erection of a new dwelling in this location is considered to be an unsustainable location for a new dwelling, contrary to the aims of the NPPF and the Development Plan. Furthermore, noting the previous applications (14/01848/FUL refused by the Planning Committee in 2014 and 22/01743/OUT refused under delegated powers in March 2023) the latter of which was determined under the current Development Plan which concluded that the site was considered to lie in the open countryside and given that there are no new material factors, it would be considered perverse to conclude anything otherwise.

Impact on Visual Amenity

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. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Hockerton Village Farmlands (MZ PZ 34) which is described as a gently rolling and undulating topographical area, dominated by arable farming with few detracting features. The landscape sensitivity is defined as ‘moderate’ and condition is defined as ‘good’ and the proposed action for the area is to ‘conserve and reinforce’ including conserving the rural character of the landscape by limiting any new development around the settlement of Edingley.

A public footpath crosses the access to the site and runs immediately along the north side of the field on which the proposed dwelling would be situated. The footpath is unlikely to be unaffected physically by the proposed development.

No details of the dwelling’s design or appearance have been submitted given these are reserved. However a proposed dwelling by its very nature would likely be incongruous in an open countryside setting. It would be positioned beyond the residential curtilage of Willow Hall Farm and create an additional domestic curtilage with its associated paraphernalia including parking which would all impact on the open character of the countryside. Whilst only intermittent views of the proposed dwelling would be likely to be achievable from both the public footpath and other public vantage points such as a the highway due to the existing levels of landscape screening provided by the existing trees/hedgerow which bound the site, encroachment into the open countryside would still result. It is not considered that the benefits of removing the small number of existing sheds/storage buildings which are more agricultural in appearance and temporary in nature from the land would outweigh the harm identified. Overall, the proposed development as a matter of principle would likely have an adverse impact on the rural character of the landscape through encroachment contrary to Spatial Policy 3 and Core Policies 9 and 13 of the Core Strategy and Policy DM8 of the Allocations and Development Management Development Plan Document (DPD).

Ecology and Trees

Core Policy 12 and Policy DM7 of the development plan, seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

As an outline application, it is not known where the proposed dwelling is proposed to be sited or whether any trees and or hedgerows would be affected. However access would utilise an existing field gate and the majority of the natural features form the site boundaries.

An Ecological Appraisal by CBE Consulting has been undertaken which does not identify any barriers to development. Reasonable avoidance measures are recommended to protect species such as reptiles, nesting birds etc which could be controlled by condition in the event of an approval. Subject to suitable controls the proposal would be acceptable and in line with the relevant policies.

Highways and Parking

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Details of the means of access have been 'reserved' albeit the access would need to be taken from Mansfield Road. At the time of writing, neither NCC Highways Authority nor the Public Rights of Way team have responded to the consultation request. However I am satisfied that a suitable access could be advanced for this site noting that no objections were raised in principle on the previous refused applications.

Impact on Residential Amenity

Given the position of the site away from the built up area and its physical separation from Willow Hall Farm(house), I am satisfied that a scheme could be designed to avoid adverse impacts on the residential amenity of existing dwellings in accordance with CP9 and DM5.

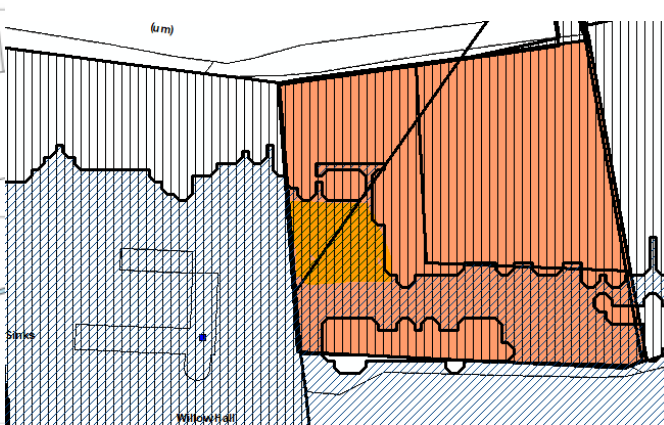
Flood Risk

The majority of the site lies within flood zone 1 which is at lowest flood risk. The south-western corner of the field annotated in yellow highlight on the right hand image below) falls within flood zone 2, at medium fluvial risk.

Site Location Plan



Extent of Flood Zone 2



Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk which is reflected in Policy DM5.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

No site specific flood risk assessment was submitted with this application. However taking a pragmatic approach, I am satisfied that in the event outline consent was granted for a dwelling, the site is large enough to place a dwelling and the majority of its garden within zone 1 (as has been suggested on the indicative layout) such that the flood risk would not warrant further consideration.

Other Issues – Local Need

As previously stated, the ‘need’ criterion cited within Spatial Policy 3 of the Core Strategy is not relevant in the assessment of new housing in open countryside locations. Even if it were, *Spatial Policy 3 is intended to serve the public interest rather than that of individuals and consequently the proven local need to which its refers must be that of the community rather than the applicant.* Although it is accepted that these may be interlinked it should not be solely reliant on the needs of the applicant.

I have taken into consideration the position advanced by the applicants; in that they have lived in Edingley for many decades, take an active part in the community and that Willow Hall Farm is too large and a maintenance burden. I understand they wish to move to a more manageable, energy efficient dwelling and stay in the community and that they say releasing the larger dwelling will contribute to the overall housing supply and needs of Edingley.

Whilst I appreciate the case advanced, the circumstances of the applicant does not justify the principle of building a new house in the open countryside and I am unable to attach any material weight to ‘need’ in this instance.

I note the suggestion from the local ward Member that the scheme could contribute to

housing need by providing a bungalow. However the application is advanced as a dwelling (with no mention of its scale) which does not necessarily mean a single storey unit, albeit it would be open to Members to condition this in the event the recommendation is overturned. There is no up to date parish survey of housing need for Edingley; the last one was published in 2016 and is now unreliable. At that time it identified a market preference for 7 open market dwellings comprising 3x2 bed house, 2x4 bed house, 1x2 bed bungalow and 1x3 bed bungalow. Planning records suggest that permissions granted since that time may have at least met that need in part. For example 2 x two bedroom bungalows have been approved (22/00626/FUL a conversion at Redfields and 21/02206/FUL land at The Mill, 2 bed dormer bungalow) as have 3 x three bedroom bungalows (20/00985/FUL – Manor Close, and two conversions under the prior notification process: 19/00516/CPRIOR and 22/00273/CPRIOR).

The most up to date housing need evidence available is contained within the District wide Housing Needs Survey by Arc4 in 2020. It indicates that in the Southwell Sub Area the need is for 3 bedroom dwellings (33.3%), 4 or more bedroom dwellings (24%) only then followed by 3 bed bungalows (15.2%) and 2 bedroom bungalows (14.8%) etc. It should also be remembered that this need is expected to be focused primarily in the more sustainable settlements within the sub area including Southwell and within villages.

Overall, I do not consider this perceived need to outweigh the harm that would result from the proposed development by virtue of its unsustainable open countryside location and its likely adverse impact upon the setting of the surrounding rural landscape.

8.0 Planning Balance and Conclusion

It has been concluded that the site lies within the open countryside where there is a policy presumption against development unless it meets a specific exception, which it does not in this case. The erection of a new dwelling is not considered to be acceptable in this open countryside location and no special justification has been demonstrated. An assessment of 'local need' should not be applied in open countryside locations and in any event does not outweigh the environmental harm. Neither do the minor economic benefits of the proposal.

A proposed dwelling in this location would result in an incongruous feature and encroachment into the countryside, and is likely to adversely impact the setting of the surrounding rural landscape. It is therefore considered that development of this site would result in an unsustainable form of development contrary to the Development Plan.

9.0 Implications

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

10.0 Recommendation of refusal for the following reason:

01

In the opinion of the Local Planning Authority, the site lies in the open countryside where there is a presumption against new development as set out by Spatial Policy 3 (Rural Areas) and Policy DM8 (Development in the Open Countryside) of the Development Plan, unless it meets one of the exceptions set out. The proposal does not meet any of the exceptions set out in that it is not for a rural workers dwelling nor (as an outline application with all matters reserved) does it advance a dwelling of exceptional quality or innovative design. A proposed dwelling in this location, as a matter of principle, would likely result in an incongruous feature and would constitute encroachment into the countryside, that would adversely impact upon the setting of the surrounding rural landscape. Development of this site would result in an unsustainable form of development and undermine strategic objectives contrary to Spatial Policy 3 and Core Policies 9 (Sustainable Development) and 13 (Landscape Character) of the adopted Newark and Sherwood Amended Core Strategy 2019 and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management Development Plan Document (DPD) 2013 which together form the relevant parts of the Development Plan as well as the National Planning Policy Framework, a material planning consideration. There are no material considerations that outweigh the harm identified.

Notes to Applicant

01

The application is refused on the basis of the following documents and plans:

JPD/MSE/4091-5 (Site Plan) Context only (as confirmed by agent 20.06.2023)

JPD/MSE/4091-1B (Site Location Plan)

JPD/MSE/4091-4B Outline proposal

JPD/MSE/4091-3C Outline proposal

JPD/MSE.4091-2 Site Plan (existing)

Planning Design and Access Statement, 23.05.2023

Ecological Appraisal by CBE Consulting, January 2022

Flood Risk Assessment (map)

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 - 23/00890/OUT

