



Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner (Development Management), ext. 5823

Report Summary			
Application Number	23/01552/FUL		
Proposal	Conversion of stable building into a single dwelling		
Location	Stable Building, Newhall Lane, Edingley		
Applicant	Mr and Mrs R Islip	Agent	Mrs Briony Barrett
Web Link	23/01552/FUL Conversion of stable building into a single dwelling Stable Building Newhall Lane Edingley (newark-sherwooddc.gov.uk)		
Registered	05.09.2023	Target Date:	31.10.2023
		Extension To:	15.12.2023
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10.		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan. This application was not presented before the meeting was adjourned on the 9th November 2023.

1.0 The Site

The application site is located on the north-west side of Newhall Lane in the open countryside, outside of the village of Edingley. The site comprises a linear red brick-built building accessed in the southern corner of the site via a 5-bar gated access. To the north is open countryside, to the north-east is a menage, to the east is countryside and sporadic properties exist to the south. Immediately to the west is a large, detached dwelling known as ‘Woodendale’. The stable building is understood to have been constructed in the 1990’s and is of red brick and pantile construction with stable door openings in the north-west side elevation. The site is not located in an area at risk of flooding and does not lie within a Conservation Area.

2.0 Relevant Planning History

95/50468/FUL - HAY STORE – Permitted 29.12.1995

37910967 – ERECT STABLES – Permitted 30.09.1991

37910160 - ERECT STABLES – Permitted 23.05.1991

3.0 The Proposal

For the avoidance of doubt amended plans have been submitted throughout the course of this application to address comments made by Officers.

Permission is sought for the change of use of the existing stables building to one dwelling.

Physical alterations proposed to the building are as follows:

- Replacement of the existing timber lean-to on the north-east side elevation with a new garden store 4.3m long x 4.2m wide, 3.6m to the ridge and 2.2m to the eaves (existing lean-to is approx. 7.5m long x 4.4m wide, 2.6m in height). The garden store would be faced in brick with a pantile roof and would have a window in the gable end. A sparrow terrace box is also proposed in the gable end. A timber louvred screen is also proposed under the canopy overhang of the building.
- Front (NW) Elevation: glazing of existing stable door openings (with three of the stable doors pinned back), re-glazing of an existing larger opening with bi-folding doors and insertion of a half-glazed stable door opening.
- Rear (SE) Elevation: insertion of 2 no. rooflights.
- Side (SW) Elevation: No change save for the addition of a bat box on the gable end.
- Windows and doors are proposed to be timber.

The dwelling would comprise an open plan kitchen/dining/sitting room, two bedrooms, a bathroom, a hallway and a garden store. The gross internal area is: 87.2m².

Access would be taken via the existing access into the site at the south-west corner where space is shown for manoeuvring within the site. Parking space for two vehicles is shown to the SW of the building, with an area identified for bin storage and an electrical vehicle charging point. Secure cycle storage is proposed to be accommodated in the garden store. The existing access gate is proposed to be replaced with a timber 5-bar gate (as per the agent's email of 04.10.2023), set 6.3m back from the edge of the highway to allow for a car to pull off the road when accessing the site.

The proposed plan includes additional landscaping such as the planting of a new tree to the south-west of the car parking spaces and planting of a native hedgerow (hawthorn and blackthorn) to the north-east and north-west boundaries with timber post and rail fencing on the inside for security. A wildflower meadow is proposed on the north-east side of the garden.

NB: All measurements above are approximate.

The assessment outlined below is based on the following plans and supporting information:

- Application Form
- Planning Statement
- Structural Report
- Bat Roost Assessment
- Site Location Plan – Ref. 2323 P00 Rev. B
- Existing Ground and Roof Plans – Ref. 2323 P01
- Existing North East and North West Elevations – Ref. 2323 P02
- Existing South East and South West Elevations – Ref. 2323 P03
- Existing Site Plan – Ref. 2323 P04 Rev. A
- Proposed Site Plan – Ref. 2323 P05 Rev. A
- Proposed Ground and Roof Plans – Ref. 2323 P06 Rev. A
- Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A
- Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A
- Agent Supporting Email 04.10.2023

4.0 Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. The application has been advertised as a 'departure' in the local press and by site notice which expired on 19.10.2023.

Site Visit Undertaken: 21.09.2023

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 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

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 2023
 Planning Practice Guidance
 NSDC Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
 NSDC District Wide Housing Needs Assessment 2020
 NSDC Landscape Character Assessment SPD 2013

6.0 Consultations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

NCC Highways – No objection subject to conditions.

(b) Town/Parish Council

Edingley Parish Council – Support the Application – “It will bring a redundant building back into use.”

(c) Representations/Non-Statutory Consultation

NSDC Biodiversity and Ecology Lead Officer – No objection.

Ramblers Association – No comments received.

Environmental Health Contaminated Land – General advice given to be attached via an informative note to the Applicant.

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

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Housing Mix
3. Impact upon the Character and Appearance of the Area
4. Impact upon Amenity
5. Impact upon Highways Safety
6. Impact upon Ecology
7. Other Matters

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 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 Council's position is that it can demonstrate a 5-year housing supply. Therefore, the Development Plan is up to date for the purpose of decision making. 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 Adopted Development Plan for the District is the Amended 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 2 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 (policy DM8).

Edingley is defined as an 'other village' according to SP1 and SP2 - SP3 is therefore relevant. SP3 identifies that new housing should be directed towards existing settlements which have good access to services and facilities. It states that development outside principal villages should be appropriate to the location and be small scale in nature and should not have a detrimental impact on the character of the location or its landscape setting. There is no defined settlement boundary for Edingley. Therefore, whether or not the site lies 'in the village' is a matter of judgment. According to the subtext to SP3, sites in edge of built form locations comprising undeveloped land, paddocks, fields, or open space will not normally be considered as being within the settlement boundary.

The application site has an Edingley address but clearly does not lie within Edingley village or within any other defined settlement. The site is surrounded by open countryside – whilst there are some dwellings on Newhall Lane, the site is well separated from the main village of Edingley to the north. It is therefore considered that the site lies in the open countryside and could not reasonably be considered to be within any village and thus Policy DM8 is applicable.

Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development, limited to a exceptions of certain types. One of these exceptions relates to the conversion of existing building. Point 5 of DM8 states that: *"[...] Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. Detailed*

assessment of proposals will be made against a Supplementary Planning Document.”

In this case, the building is not considered to possess any architectural or historic merit given it is a typical brick built stable with a timber lean-to, constructed in the 1990's. The information submitted with this Application sets out that the existing building is constructed from concrete blockwork with facing brickwork, the roof is formed using timber trussed rafters spanning from the rear wall to the front wall which then cantilevers over the front wall to form a roof overhang (typical of stable buildings). The roof covering is clay pantiles. Existing window and door openings have concrete or steel lintels over the openings and the floor is laid as a concrete floor slab that is in good condition. The Structural Survey concludes that the building is of a robust and permanent construction and in a good structural condition, fit for conversion into a dwelling without structural alterations. The plans also show that the building would remain as its existing form, albeit it is proposed to have the timber lean to on the north-east gable end replaced with a smaller extension, and windows and doors are proposed to be added.

Given the building is not considered to be of any architectural or historic merit, the conversion of the building to residential use would not currently be supported under Policy DM8. However, Officers are mindful that paragraphs 79 and 80 of the NPPF advise that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, avoiding the development of isolated homes in the countryside subject to a number of exceptions (as set out at para. 80). One such exception is the re-use of *redundant* or *disused* buildings provided the proposal would enhance its immediate setting (para.80c). This paragraph does not require such buildings to be of architectural or historic merit in order to be supported for conversion and thus the approach of this part of DM8 does not completely align with the NPPF, the latter being the most up to date policy position in this regard.

There is no statutory definition of what constitutes an *'isolated home'*. However, giving judgement in *Braintree District Council v SOSCLG & ORS* (2018) EWCA Civ 610 (reaffirmed in *City & Bramshill v SoSHCL* (2021) EWCA Civ 320), Lindblom J said paragraph 80's advice was to avoid *'new isolated homes in the countryside'* which *'simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement'*. The Judgement goes on to explain that *'whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand'*.

In this case, the site is situated along Newhall Lane where there are sporadic properties along the lane, however the site is well separated from the main village of Edingley to the north. Therefore, whilst the building itself is not considered to be *isolated* given it is sited around other dwellings, this building is separated from any defined settlement or village. Therefore, arguably, this proposal is eligible to be considered under para.80 of the NPPF, having regard to the abovementioned judgements.

The aim of the NPPF is to promote sustainable development in rural areas and support local housing where it will enhance or maintain the vitality of rural communities. Paragraph 80c of the NPPF supports the re-use of *redundant* or *disused* buildings for housing, provided that it enhances its immediate setting. In light of this, the intention of the amendments to DM8 as part of the Plan Review process is to omit the restriction of the conversion of existing buildings to *only* those of architectural

or historic merit. On this basis giving weight to the NPPF's stance on the conversion of rural buildings which is up to date and taking into account the Plan Review intention to align DM8 with the NPPF, it is concluded that this should be given more weight than the current version of DM8. That is, subject to this proposal demonstrating that the building is redundant/disused, capable of conversion without significant re-building, alteration or extension and provided the proposal can be concluded to enhance its immediate setting the principle of development could be acceptable under para.80c of the NPPF.

In this respect, comments made in the supporting statement about the building reflecting the local vernacular and being *disused* are noted. It is understood that the building is no longer required for equestrian purposes as the Applicant's children have grown up (and no longer ride), and the current tenants have vacated the site (and it was noted on a recent site visit that the land around the stables no longer appeared to be in use for horse grazing). As such the building is redundant for its current purposes. In light of the structural condition of the building and the proposal only seeking to add a small-scale replacement extension and windows and doors, but otherwise utilise the building's existing structural walls, it is considered that the building is capable of conversion without significant re-building etc.

In terms of whether the proposal would enhance its immediate setting, a full assessment of the proposals impact on the character and appearance of the area, will follow, however it is noted that the proposal would look to enhance the exterior of the building through replacing the existing low-quality timber lean to with a smaller garden store extension of a higher quality (constructed from brick and pantiles) and would use high quality joinery to reglaze existing openings and new discrete openings. Additional soft landscaping is also proposed to be used to enhance the visual amenity of the site such as the planting of a new tree at the site entrance and the addition of approx. 60m length of new native hedgerow (such as hawthorn and blackthorn as promoted by the Mid-Nottinghamshire Farmlands Landscape Character Area). New hedgerow planting has been included along the north-western boundary with the wider countryside as a result of negotiations made during the course of this application to enhance the countryside setting of the site and provide a definitive boundary with the countryside beyond. The proposal also includes the creation of a wildflower meadow on the north-east side of the site to enhance the setting of the building and the site's overall biodiversity value.

The overall improvement of the exterior of the building (upgrading it to a higher quality finish, removing the timber lean-to), landscaping, removing the equestrian use and the associated paraphernalia that comes with it could be said to enhance the building and site overall. Whilst not significant changes, in this particular context it is considered that given the location of the building, adjacent to other residential properties where a residential use would be more appropriate than a redundant or vacant building, that the changes proposed would meet the requirements of para.80c of the NPPF.

Therefore, whilst on the basis of the information submitted with this application it is not considered that the proposal would be compliant with the current wording of policy DM8, it is considered that the stance in the NPPF in relation to the reuse of redundant or disused buildings for housing in the open countryside is a material consideration that weighs in favour of this proposal in principle, in that it would enhance its immediate setting, and the conversion could be undertaken without significant re-building or alteration (and would align with the direction of travel of the amended version of policy

DM8 in the plan review). On this basis, in this specific context the principle of development is therefore considered to be acceptable.

Housing Mix

Core Policy 3 seeks to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the Local Planning Authority (LPA) will secure an appropriate mix of housing types to reflect the local housing need. The most recent Housing Need survey (2020) undertaken for the district identifies a need in the Southwell sub area (of which Edingley is a part) for 3-bed houses (33.3%), followed by 4+ bed houses (24%). Whilst a 2-bed bungalow is not the most required property type, it does still account for 14.8% of the total housing need for this sub-area and the provision of a smaller (2-bed) single storey unit is promoted by CP3. It is therefore considered that the proposal is acceptable in this regard.

Impact upon the Character and Appearance of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. 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. The Council's Conversion of Traditional Rural Buildings is also relevant as set out above.

With regard to landscape character impact, CP13 explains that new development which positively addresses the implications of relevant landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported. The site is within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 37: Halam Village Farmlands with Ancient Woodland. The landscape condition is defined as very good, and the landscape sensitivity is defined as high with the landscape action to 'conserve'. In terms of built features, the policy actions are to conserve the rural character of the landscape by limiting new development, maintain the use of vernacular materials, style and scale in any new development and promote measures for reinforcing the traditional character of existing farm buildings by using vernacular building styles.

The application building is a linear building of red brick and pantile construction with stable door openings in the north-west elevation. The building is reflective of the local vernacular and material palette and makes a neutral contribution to the character of the countryside where low profile stable buildings are not uncommon. The southeast boundary of the site with the highway is formed by an existing hedgerow with a large tree close to the south-easternmost section of the stable. The highway boundary is typical of this rural location and makes a positive contribution to the character of the area.

The alterations proposed to the building mainly relate to the replacement of the existing timber lean-to on the north-east elevation with a smaller extension to form a garden store and glazing of existing and new openings as detailed in the description of the proposal section of this report. Following amendments made, the materials for the garden store have been amended to brick and pantile to better reflect the local vernacular and the number of new openings has been reduced to reduce the

domestication of the building. Whilst ordinarily conversions should be limited to the existing confined of the building, in this case the extension would replace a bigger timber lean-to on the building which would enhance its current appearance and this garden store would negate the need for a domestic shed or similar which could be more harmful on the character of the area if not suitably scaled and positioned. Given the conversion approach has been very carefully considered and negotiated to respect and retain the character of the building and preserve its rural setting, it is considered reasonable in this case to restrict the buildings permitted development rights for any extension or alteration to the building and the erection of domestic outbuildings. Subject to precise details of the proposed materials, technical specifications of new windows/doors/roof lights and other external accretions, it is considered that the alterations proposed would enhance the appearance of the building compared with the existing situation and would reinforce its traditional appearance in accordance with the LCA policy aims for this location.

Turning now to the alterations proposed to the site – the proposed change of use would result in horse grazing on the fields to the north-west ceasing and the removal of any associated equestrian equipment. Whilst this would be replaced with a domestic use, the area of land within the proposed curtilage of the dwelling has been restricted to the field immediately around the building which would reduce any potential for sprawl and would reinstate the remaining fields back to countryside (given the stables would be lost from the site and the equestrian occupation of the land has already ceased). The plans also show the existing highway boundary vegetation and hedgerow along the south-western boundary would be retained and approx. 60m of new native hedgerow would be planted along the north-east and north-western boundaries behind a post and rail fence. This is proposed to enhance the rural setting of the site and prevent any encroachment into the surrounding fields which would conserve the areas rural character. The use of a native hedgerow mix, in accordance with the landscape character aims for this area would materially enhance the existing appearance of the site which, until recently, has been dominated by horseculture paraphernalia. Additional planting has also been included within the proposal to enhance the setting of the building and the wider site.

The improvement of the site landscaping, removal of the equestrian use and associated paraphernalia and planting of additional native hedgerow, along with the enhancement of the building itself (through the alterations proposed and use of high-quality materials/finish) will result in the overall enhancement of the site and its setting which would align with the LCA aims and the aforementioned requirements of para. 80c of the NPPF. It is therefore considered that the proposal would comply with Policies CP9 and DM5 of the Development Plan in addition to complying with the advice contained within the Council's LDF DPDs and the NPPF.

Impact upon Amenity

Policy DM5 states that 'The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.' New housing developments should ensure a layout and design that provides high standards of privacy and outlook for both existing and proposed residents. Proposals should avoid the following in order to encourage high levels of amenity and privacy:

- Siting new dwellings close to existing properties such that overlooking of existing windows and gardens occurs, significantly reducing existing levels of amenity.

- Significant overbearing impacts on existing properties and their private amenity space.

The proposal would be mostly limited to the existing confines of the building, save for the replacement garden store extension on the north-east side of the building. However, given this would replace an existing (larger) element of the building and is well separated from any surrounding property it is not considered that this element would result in any overbearing or overshadowing impact on any neighbouring property. Similarly, given the separation distances between the building and neighbouring occupiers, it is not considered that the addition of windows and doors into the building would result in any overlooking impact either. Consideration has been given to the use of the building as a dwellinghouse and whether this would result in any material disturbance to the closest dwelling to the west, however given the lawful use and separation distances between the properties it is not considered that any unacceptable impact would arise.

Turning now to consider the impact on the amenity of future occupiers – it is noted that the internal floorspace of the dwelling would exceed the national space standards for a unit of this size and that all habitable rooms would be served by adequate sources of natural light and outlook. The building would also be served by an external amenity area that would be commensurate with the size of the unit. Therefore, on the basis of the above conclusions, it is considered that the proposal would be acceptable in this regard in accordance with DM5.

Impact upon Highway Safety

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

NSDCs Residential Cycle and Car Parking Standards Design Guide SPD sets out recommended minimum car parking standards which would require 2 car parking spaces and 2 cycle parking spaces for a 2-bed dwelling in this location. To accord with Spatial Policy 7 (bullet 5) of the Amended Core Strategy and to implement Paragraph 110 of the Framework, the District Council will seek to encourage these minimum car parking standards for new residential development. These figures are considered as the recommended minimum standards. The proposed plans show space for two cars to park within the site in addition to space for turning/manoeuvring. An EV charging point has also been annotated on the proposed site plan and the agent has confirmed that secure cycle storage could be accommodated within the garden store. As such the proposal is considered to accord with the requirements of the SPD.

Access is proposed to be taken via the existing access in the south-west corner of the site – Notts County Council Highway Authority have reviewed the proposal and advised that given the lawful use of the site, the proposal is unlikely to give rise to highway safety issues. However, the Highway Authority would wish to see the driveway surfaced in a bound material as proposed and for the vehicular crossover/bell mouth to be resurfaced to highway authority specification as it is in a poor condition, with loose material present. It is noted that the application proposes a tarmac apron; given this is not a permeable surface, to prevent surface water runoff from discharging onto the public highway, it will be necessary to install an aco drain, on private land immediately behind the highway

boundary. A new gate is also proposed to be set back 6.3m from the highway edge to allow for a car to pull off the highway whilst accessing the site. Subject to conditions as recommended the Highway Authority raise no objection to the proposal.

On the basis of the above it is therefore considered that the development would be acceptable in this regard in accordance with SP7 and DM5, in addition to the provisions of the NPPF.

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.

In order to consider the potential impacts of the development on protected and priority species, and the potential scope to avoid or mitigate any impacts further surveys to confirm the presence or absence of these species are required prior to determination. Specifically for bats and other protected species it is a requirement to consider whether a European Protected Species License would be granted for the development in the event that these species are identified on site. In order to carry out the derogation test and consider the potential mitigation measures it is necessary to ascertain whether such species are present. As such, upon request, a Bat Roost Assessment (BRA) has been submitted to accompany the application.

The BRA concludes that the building has low potential for roosting bats. No evidence of bats was found during the surveys and no bats were recorded emerging during the subsequent emergency surveys. The surveys therefore demonstrate likely absence of bats and no further survey was recommended as necessary or proportionate for this site. The BRA does recommend however that if any part of the roof needs to be replaced, a precautionary approach be adopted during the initial site works. It is noted that the application does not seek to remove or replace any of the existing roof. The BRA does however recommend site enhancements through inclusion of a range of nest birds for bats and birds and this could be controlled by condition.

It is also noted that the application proposes biodiversity enhancements to the site as is encouraged through the NPPF. The proposed site plan includes the planting of a new tree at the site entrance, installation of bat and bird boxes and the addition of approx. 60m length of new native hedgerow (such as hawthorn and blackthorn as promoted by the Mid-Nottinghamshire Farmlands Landscape Character Area). The application does not seek to quantify the potential for biodiversity net gain (BNG) on the site, however there is no minimum threshold included within policy at the time of writing this report. Furthermore, the NPPF states that proposals that include biodiversity enhancements should be encouraged, therefore irrespective of a quantifiable BNG calculation, the biodiversity enhancements proposed attract positive weight in favour of the proposal.

Overall, it is not considered that the proposal would result in an ecological impact that would warrant withholding permission. The proposal would therefore comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Other Matters

Community Infrastructure Levy – The Agent has confirmed that the building has been in lawful use for at least 6 months out of the last 3 years, as such the existing GIA (and proposed, given this is less than the existing GIA) is exempt from a CIL charge.

Contaminated Land – The Contaminated Land Officer has provided general advice given to be attached via an informative note to the Applicant in relation to the potential for contamination which can be attached to any decision if issued.

Flood Risk and Drainage – The site lies in a low-risk area for flooding. The application form explains that surface water would be disposed of to soakaways and that foul sewerage would be discharged using a package treatment plant. The use of soakaways for disposal of surface water would accord with the sustainable drainage hierarchy, as would the use of a package sewage treatment plant where a connection to the public sewer is not feasible. However, no details have been provided on the submitted plans showing where the surface or foul water drainage is proposed within the application site and how it has been designed to cater for the proposed development – however this can be secured by a suitably worded condition.

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

Whilst the principle of this proposal, relating to the conversion of a modern equestrian building to residential use would not be compliant with the current wording of policy DM8, it is considered that the stance of para.80 of the NPPF which supports the reuse of redundant or disused buildings for housing in the open countryside (under para. 80c) is a material consideration that weighs in favour of this proposal given it has been concluded that the proposal would enhance its immediate setting, and the conversion can be undertaken without significant re-building or alteration.

Furthermore, given the amendments made throughout the course of the application it is considered that the proposal would enhance the visual amenity and character and appearance of the wider area. The proposal is also considered to be acceptable in terms of the housing mix and how this relates to local need and would not result in any adverse impacts on amenity, ecology or highways safety.

Therefore, whilst the proposal would be contrary to the current wording of policy DM8 in principle, it has been found to be acceptable in all other respects in accordance with the abovementioned policies in addition to the provisions of the NPPF, the Council's SPDs and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are materials considerations, this, along with support from para.80c of the NPPF is considered to outweigh the initial conflict with the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

10.0 Conditions

01

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

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

02

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

- Site Location Plan – Ref. 2323 P00 Rev. B
- Proposed Site Plan – Ref. 2323 P05 Rev. A
- Proposed Ground and Roof Plans – Ref. 2323 P06 Rev. A
- Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A
- Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A

Reason: So as to define this permission.

03

Prior to the installation or use of any external facing materials manufacturers details (and samples upon request) of the following materials (including colour/finish) shall be submitted to and approved in writing by the Local Planning Authority:

- Bricks
- Roofing Materials

Development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;

- Rainwater goods;
- Timber panels/screens (including precise materials);
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required);
- Entrance Gate.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

05

No works or development shall take place until a Scheme showing details and positions of measures for protection during construction of the south-east boundary hedgerow and trees has been submitted to and agreed in writing by the Local Planning Authority. This Scheme shall include:

- Details and positions of the ground protection areas
- Details and position of protection barriers.

All works/development shall be carried out in full accordance with the approved tree/hedgerow 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.

06

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- means of enclosure;
- car parking layouts and materials;
- access gate;
- hard surfacing materials.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

07

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1- Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

08

During the construction period the following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.

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

09

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

10

No part of the dwelling hereby permitted shall be first occupied until such time that the parking and turning space/driveway have been provided as per approved drawing Proposed Site Plan – Ref. 2323 P05 Rev. A to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

11

No part of the dwelling hereby permitted shall be first occupied until a means of surface water runoff disposal has been installed on private land and maintained in perpetuity, to the rear of the highway boundary with the details of which, first submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

12

No part of the dwelling hereby permitted shall be first occupied until the vehicular crossover has been resurfaced to Highway Authority specification, to the satisfaction of the Local Planning Authority.

Reason: In the interest of Highway Safety on Newhall Lane.

13

No part of the dwelling hereby permitted shall be first occupied until the site enhancements listed below are installed. The site enhancements shall thereafter be retained for the lifetime of the development:

- New native hedgerow planting to the north-east and north-west boundaries, new native tree to the south-west of the dwelling and new wildflower meadows as shown on the approved plan: Proposed Site Plan – Ref. 2323 P05 Rev. A
- Bird and Bat boxes as shown on the approved plans: Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A and Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A

Reason: In recognition of the special circumstances justifying the principle of the development relating to site enhancements and in the interests of visual amenity and nature conservation.

14

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 A: The enlargement, improvement or other alteration of a dwellinghouse.

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.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

Class G: Chimneys, flues etc on a dwellinghouse.

Or Schedule 2, Part 2:

Class C: The painting of the exterior of any building.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted building, do not adversely impact upon the openness of the countryside and in order to preserve or enhance the character and appearance of the area.

Informatives

01

The works required by Condition 12 will require licencing by the Highway Authority. Please contact VIA East Midlands on 0300 500 8080 or by emailing licences@viaem.co.uk. The Highway Authority will not support the discharge of any associated planning condition, unless evidence to demonstrate that this process has been followed is submitted.

02

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

03

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 given that there is no net additional increase of floorspace as a result of the development.

04

Advice from Environmental Health Contaminated Land

This application includes the conversion of a stable building to residential use. 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.

In addition to the above, the proposed development is in a potentially Radon Affected Area*. These

are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the UK Health Security Agency and British Geological Survey Dec 2022 <https://www.bgs.ac.uk/datasets/radon-data-indicative-atlas-of-radon/>

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 - 23/01552/FUL



