



Report to Planning Committee 7 December 2023

Business Manager Lead: Lisa Hughes – Planning Development

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

Report Summary			
Application Number	23/01490/FUL		
Proposal	Change of use of two agricultural buildings to storage and distribution (Class B8)		
Location	Manor Farm, Long Lane, Barnby In The Willows, Newark On Trent, NG24 2SG		
Applicant	Jane Snipe	Agent	Jacqueline Jackson - Marrons Planning
Web Link	23/01490/FUL Change of use of two agricultural buildings to storage and distribution (Class B8) Manor Farm Long Lane Barnby In The Willows Newark On Trent NG24 2SG (newark-sherwooddc.gov.uk)		
Registered	23.08.2022	Target Date Extension	18.10.2023 <i>Requested</i>
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0		

In line with the Council’s Scheme of Delegation, as the Officers recommendation is contrary to the view of the Parish Council (who support the application), the application has been referred to the local ward members. Cllr J Lee has requested the application be referred to the planning committee for consideration for the following reasons:

- 1. Expanded Site Boundary and Additional Access (Drawing 23-275-SK04):** While the intention to accommodate HGV manoeuvrability is understood, the proposed expansion and additional access from Broadsyke Lane raise significant concerns. The potential increase in traffic and environmental impact needs to be thoroughly evaluated, especially considering the possible overestimation of space required for HGV movements.
- 2. Visibility Splays and Road Safety (Drawing 23-275-SK02 Rev C):** The modifications to the visibility splays, particularly the reduction in minor road visibility splay distance, may not adequately safeguard road users, considering the high-speed nature of Long Lane. The

appropriateness of using the DMRB methodology in this context also warrants closer examination.

3. Delivery and Servicing Management Plan: The effectiveness of the proposed plan in mitigating traffic impacts could be limited, particularly during unforeseen circumstances like road works. Additionally, the enforcement mechanism outlined in the plan may not be robust enough to ensure compliance and minimal disruption.

4. Planning Conditions – Need for Stricter Measures: The current planning conditions, while comprehensive, may not fully address potential issues such as noise pollution, air quality, and ecological disturbance. Stricter conditions or additional impact studies might be necessary to ensure the development aligns with local environmental and community standards.

5. Electric Vehicle Charging Facilities: The provision for electric vehicle charging is a positive step; however, the current plan might fall short in promoting broader sustainable transport initiatives and reducing the overall environmental impact of the development.

6. General Considerations: Lastly, the overall scale and nature of the development prompt further consideration regarding its compatibility with the local area's character and the potential strain on existing infrastructure.

1.0 The Site

The application site is located to the north of Barnby in the Willows and relates to a farm site down Broadsyke Lane which lies to the east of Long Lane. Surrounding land is predominately agricultural in nature save for land to the NW which is part of Newark Golf Club. Within the wider site is a farmhouse, a collection of agricultural buildings, a manège and land used for the grazing of horses. This particular application relates to two existing agricultural buildings which lie directly to the south of the existing manège, one of which is c. 673m² and the other 989m². The buildings are modern agricultural buildings, constructed from concrete skirt walls and green/grey cladding.

Other than residential properties and agricultural buildings associated with Manor Farm, there are no residential properties within close proximity to the site; Barnby in the Willows village lies some 800m to the south. The site does not lie within a Conservation Area or in an area at risk of flooding.

2.0 Relevant Planning History

04/00471/FUL - Proposed agricultural crop storage building – Permitted 20.04.2004

04/02105/FUL - Two storey extension and alterations to dwelling – Permitted 04.10.2004

15/00716/FUL - Installation of Ground Mounted Solar Array – Permitted 23.06.2015

17/00858/FUL - Construct a menage including fencing and floodlighting – Permitted 20.07.2017

22/02302/FULM – Change of use of two agricultural buildings to B8 (storage and distribution) – Refused 19.01.2023 due to representing inappropriate development in the open

countryside and failure to adequately demonstrate that the proposed use required a countryside location and how the development would provide or sustain rural employment to meet a local need. It was also considered that the change of use of these buildings could prejudice the existing and future agricultural operation of the farm holding and could result in future pressure for additional agricultural buildings, which would intensify development in the open countryside.

3.0 The Proposal

The application seeks permission for the change of use of two agricultural buildings to B8 (Storage and Distribution) use. The buildings have a combined GEA of 1,662sq m (17,889sq ft).

The supporting statement explains that the buildings are no longer needed on this holding as Barnby Estates has changed their farming contractor and they use larger agricultural machinery that does not fit into these buildings. The statement explains that this is a modernised farming operation where equipment is shared and stored off-site with crops stored in larger off-site storage facilities, reflecting *“modern UK farming practices”*.

The proposal is for the buildings to be used for storage and distribution use for the company Rotom which *“handles equipment, roll cages and metal equipment”*. The business is looking to stock a greater volume of products within its Webshop, as well as allowing it to develop its wooden pallet business (including pallet repairs as an ancillary function of the business). This would result in 3 full time jobs being created at the site.

No physical alterations are proposed to the buildings. The hardstanding to the south of the buildings would be used for parking/vehicles and access into the site is proposed to remain as existing (from the access to the south of the buildings off Broadsyke Lane).

The Supporting Statement explains that in terms of the number of vehicular movements, *“the proposed development would not generate any discernible change to movements when compared to the previous permitted use of the site”*. Additional information has been provided which explains *“Rotom anticipate 1 medium sized vehicle daily to collect any required pallets. They also anticipate 1 trailer every 2 weeks to help restock, as needed. They would also anticipate 1-2 loads per week for the collection or delivery of the wooden pallets, again this would only be a medium sized vehicle.”*

Spaces within the site for car and HGV parking have been provided along with disabled spaces within the land surrounding the buildings. Access would be taken off Broadsyke Lane (east off Long Lane).

For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting information:

- Application Form
- Planning, Design and Access Statement
- Economic Statement
- Appendix 1 Notice of Decision

- Site Location Plan 23.11.2023
- Proposed Site Location Plan – Ref. 23-275-SK04
- Proposed Site Access Visibility Splays – Ref. 23-275-SK02 Rev. B
- Building 1 Floor Plans and Elevations – Ref. 2706-A1-01A
- Building 2 Floor Plans and Elevations – Ref. 2706-A1-02A
- Email from Agent received 02.10.2023.
- Transport Statement
- Magna Transport Highway Note 13.10.2023

4.0 Departure/Public Advertisement Procedure

Occupiers of 4 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

Site Visit Undertaken: 31.08.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy Development Plan Document (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 6 – Shaping our Employment Profile
 Core Policy 9 – Sustainable Design
 Core Policy 13 – Landscape Character

Allocations & Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM5 – Design
 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 (online resource)
 Landscape Character Assessment Supplementary Plan Document (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

Barnby in the Willows Parish Council – Object - Concerns raised:

- Lack of information on vehicle types, numbers and movements.
- Previous application suggested predominant storage whereas this application is more distribution use.
- Concerns about Long Lane weight limit for HGVs which is unlikely to support this business and associated traffic movements.
- Lack of/difficult access at the main road junction with the A17.
- Concerns that agricultural buildings should be preserved with their use maintained for related activities and not that of a new distribution business. A change of use could set a precedent that changes the structure and make up of local businesses in the surrounding area.
- Concerns reiterate the comments made by the Highway Authority.

(c) Representations/Non-Statutory Consultation

NSDC Environmental Health Officer – No comments to make.

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. Background Information
2. Principle of Development
3. Impact on the Character and Appearance of the Area
4. Impact on Amenity
5. Impact on Highways Safety
6. 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.

Background Information

It is noted that The Town and Country Planning (General Permitted development) (England) Order 2015 (The Order) permits the change of use of agricultural buildings to certain uses under permitted development (subject to prior approval), however in this case, given the

floor space of the buildings exceeds 500 sqm the change of use of the buildings to B8 use is not eligible for consideration under Class R, Part 3 of Schedule 2 of The Order.

Principle of Development

The site is located in the open countryside - in accordance with the requirements of Spatial Policy 3 (Rural Areas), development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and limited to certain types of development through Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD.

In the interests of sustainability, DM8 supports the conversion of existing buildings before proposing replacement development, stating that proposals should investigate and assess alternative uses for buildings in accordance with the aims of the Spatial Strategy and present a case for the most beneficial use. DM8 also explains that proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they can contribute to the local economy. Proposals must be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible. Paragraph 84 of the NPPF is also relevant in the assessment of this application which affirms that decisions should enable the diversification of agricultural and other land-based businesses.

Core Policy 6 (Shaping our Employment Profile) also states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by helping the economy of rural areas by rural diversification that will encourage tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.

The application seeks permission for the change of use of two agricultural buildings to B8 (Storage and Distribution) use. It is noted that permission was recently refused in Jan 2023 for the same proposal on this site. This application was refused due to the proposal representing inappropriate development in the open countryside and failure to adequately demonstrate that the proposed use required a countryside location and how the development would provide or sustain rural employment to meet a local need. It was also considered that the change of use of these buildings could prejudice the existing and future agricultural operation of the farm holding and could result in future pressure for additional agricultural buildings, which would intensify development in the open countryside. This application therefore looks to address these reasons for refusal.

This application includes the following changes from the previously refused application:

- Additional information in relation to the end user which is a business that *“handles equipment, roll cages and metal equipment”* known as Rotom which operates from 20 locations across 10 European counties and forms a *“critical part of the logistics supply chain, and a core part of the Midlands economy”*.
- Change in staff numbers from 2-4 full time jobs being created to 3 full-time jobs.

B8 storage and distribution use falls within a wider employment category of uses. The Spatial Strategy of the Amended Core Strategy states that the majority of new employment uses should be located in sustainable locations. This is reflected in Core Policy 6 that states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by providing most growth, including new employment development, at the Sub-Regional Centre of Newark, and that of a lesser scale directed to our Service Centres and Principal Villages, to match their size, role and regeneration needs. However, it is acknowledged that the conversion of agricultural buildings to such uses is permitted under Class R, Part 3 of Schedule 2 of The Order (i.e. under permitted development) and invariably these buildings will be located in rural locations – thus there is a general acceptance that such use could be acceptable in rural locations. In this case the buildings exceed the floorspace criteria to be eligible under Class R and thus the consideration must be whether the scale of the proposed operation would be acceptable in this context.

The case advanced with this application is that the two grain storage buildings are no longer required on this holding as the farm has been subcontracted to a farm manager that operates from an alternative site. The statement also explains that the farming contractor uses larger agricultural machinery that does not fit into these buildings and thus they are redundant for agricultural purposes. The statement also explains that this is a modernised farming operation where equipment is shared and stored off-site with crops stored in larger off-site storage facilities, reflecting “modern UK farming practices”. Nevertheless, the Applicant wishes to retain the buildings to future proof for potential requirements long term and seeks consent for the change of use of the buildings so they can be rented out to Rotom to assist in bringing in additional revenue for the farm.

The Statement explains that *“Within its Tuxford site, Rotom employ circa. 25 staff and requires additional floorspace in order to grow and develop its UK business. The additional floorspace provided at the application site will enable Rotom to expand its storage area, allowing it to stock a greater volume of products within its Webshop, as well as allowing it to develop its wooden pallet business. Wooden pallets, including pallet repairs, are a new core business area of Rotom. Rotom have confirmed that without use of the application site it would not have commenced its wooden pallet storage and repair business, whilst the Webshop would be limited by available storage (with an outstanding need for additional floorspace), thereby affecting its future business and contribution to the local economy.”*

The statement goes on to state that *“Rotom is understood to have taken a wider search of available properties as part of its business expansion, but the search revealed minimal options for a unit in excess of 5,000ft² in close proximity to its existing site at Tuxford. A review of available units in the area is provided at section 4 of the submitted Economic Statement and concludes that there is a lack of suitable alternative accommodation to meet Rotom’s needs. Rotom’s rental contribution will also assist in the future viability of the Manor Farm farming business [...]”*. The Economic Statement sets out a Review of Alternative Sites and considers four other sites ‘in the vicinity of Tuxford’ as follows:

- Moy Park Limited, Brunel Drive (12,051sq ft total, 9,828sq ft for workshop/warehouse floorspace) – discounted as the size of the unit would limit the business’s ability to develop its web shop and wood pallet expansion in one location.
- Units 1-3 Whittle Close, Newark (7,500sq ft on GF and FF) – discounted as the size of

the ground floor of the building is on the 'lower end' of the businesses requirement and would not provide enough space for the business to develop its web shop and wood pallet expansion in one location.

- Sangiar Court, Whittle Close, Newark (7,121 sq ft total, 4,968sq ft GF)– discounted as the unit is too small to accommodate the businesses needs for additional floorspace.
- Sports Direct, Newark (15,000sq ft total, subdivided into three units) – discounted due to the previous rent exceeding the rent of other available units and a planning application for the change of use of the building for office use.

The statement sets out that the re-use of the barns would contribute to the viability of the farm through rental payments, thus supporting their existing 5 full-time employees. Another benefit cited in the Statement is the business paying business rates.

The supporting information puts forward that this proposed change of use would support the farm through additional rental income – given the proposal is for an entirely separate enterprise that would not be linked to the farm other than through rental income Officers have considered whether this can be considered a true farm diversification proposal. It is acknowledged that most farm businesses engage in other activities in addition to those carried out on their own farm. The definition of diversification used by the government also often excludes agricultural work on another farm but is restricted to *“non-agricultural work of an entrepreneurial nature on or off farm but which utilises farm resources”* (Department of Environment for Food and Rural Affairs, 2022).

In this case the Applicant asserts that the *‘resource’* is the existing agricultural buildings, and the *‘diversification’* would be the letting of these buildings, which in turn provides funds to improve the viability of the existing farming business. The Applicant has drawn attention to the fact that the letting of disused buildings for non-agricultural uses is a widely accepted form of diversification, with a government report published in December 2022 identifying *“The main diversified activity is letting out buildings for non-agricultural use, with almost half (47%) of farms in England engaging in this activity”*¹. It is therefore accepted that the letting out of agricultural buildings for a separate business can be considered as an appropriate form of farm-diversification. This is also reaffirmed by Class R, Part 3 of Schedule 2 of The Order which permits such changes of use (subject to prior approval) for smaller buildings.

CP6 and DM8 requires rural diversification schemes to meet local needs, be proportionate to the existing business and small scale in nature to ensure an acceptable scale and impact and be accommodated in existing buildings wherever possible.

In this case the proposal would reuse existing agricultural buildings, and the letting of these buildings would provide a source of income to subsidise the existing farming business and assist its long-term viability and success. The requirement for an additional income stream is driven by farm income being volatile due to fluctuating markets and climate change inhibiting yield and production targets. Additionally, there is a rapid reduction in subsidies that have traditionally supported farming now taking place which have tapered withdrawal to zero by 2028. In order to secure the future of the farm the Applicant states that an additional source of income is needed, and this proposal would utilise currently underutilised buildings for this purpose without compromising the farm’s agricultural productivity. In addition, the Applicant

¹ <https://www.gov.uk/government/statistics/farm-accounts-in-england/chapter-5-diversification>

explains that Rotom is an existing, well established local business, which is already located within the rural area and significantly contributes to the rural economy and rural employment (albeit currently outside the district). The sustainable growth and expansion of this business, which would sustain local jobs and provide an additional small-scale increase in rural employment is considered to accord with the aims of DM8 and CP6. Whilst noting that the buildings on site are large and thus the use of the buildings for the expansion of this business would not be small scale in terms of area, when compared with the wider holding these buildings are a small part of the wider farming enterprise which are understood to be currently underutilised. It is therefore considered that the proposal would be acceptable in this case, based on the additional information supplied throughout this re-submission application.

Officers are also mindful of the direction of travel in relation to the Government's commitment to supporting farm diversification proposals and the agricultural sector/rural economy. Whilst hosting the Farm to Fork Summit back in June, the UK Prime Minister pledged to *"cut the red tape currently holding farmers back from delivering projects on their land to diversify their incomes"*. The Government said it wants the planning system to respond to the immediate challenges facing farmers and give them greater freedoms to make the best use of their existing agricultural buildings and support the wider rural economy. The Government also recently consulted on a proposed reform of permitted development rights contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which include several proposals that could impact the diversification of agricultural holdings². Whilst the outcome of the consultation has not been published and thus does not carry any material weight, the consultation indicates the Government's intended direction of travel to supporting rural businesses by enabling them greater flexibility to diversify and bring underutilised buildings and farmland into a use which can generate additional income.

Concerns were also raised in the most recent application on this site in relation to the impact of the loss of the agricultural buildings on the farm holding and how this might increase future pressure for additional agricultural development on the holding. However, Officers note the intention of the farm to retain ownership of the buildings and lease them out to Rotom to enable them to retain the buildings as assets if they are needed for the farm enterprise in the future.

On this basis it is therefore considered that the business proposal would be relatively small scale in the context of the holding as a whole, and it would enable an existing farm enterprise to diversify in a low-cost way that would help sustain the business and existing employment on site. This in turn would sustain local employment in both the farm enterprise and Rotom business and thus, the rural economy of the district. It is therefore considered that based on the additional information provided as part of this re-submission that the principle of this use in this location, for the purposes of rural diversification, is now considered to be acceptable in principle in accordance with policies CP6 and DM8, subject to a more detailed assessment of other factors below.

Impact on the Character and Appearance of the Area

² Public consultation on these proposed amendments closed 25 September 2023.

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 (Sustainable Design) 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 (Design) of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 13 (Landscape Character) also states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The application site is within the East Nottinghamshire Sandlands Policy Zone 04: Winthorpe Village Farmlands. The landscape condition is defined as being moderate with moderate landscape sensitivity. Specific actions in relation to built features with the Policy Zone are to conserve what remains of the rural landscape by concentrating new development around the existing settlement and create new development which reflects the local built vernacular.

In the assessment of the 22/02302/FULM application the Officer Report stated, *“The proposal is to change the use of two existing agricultural buildings. No external alterations are proposed and therefore any impact on the character and appearance of the area would be very limited. Any visual or character impact would be limited to the associated comings and goings of the proposed business compared with the exiting agricultural use, however this is unlikely to result in any perceivable change given the location and nature of the existing use. It is therefore not considered that the proposed change of use would result in any adverse impact on the character or appearance of the area. [...] Therefore, [...] it is not considered that it would have an unacceptable effect on the character and appearance of the area. It would comply with CP9 and 13 of the Amended Core Strategy and Policy DM5 of the Allocations & Development Management DPD, the aims of the Council’s Landscape Character Assessment Supplementary Planning Document (2013), as well as the provisions of the NPPF where it concerns design and landscape character matters.”*

Given the application at hand proposes no external alterations to the building and is for the same use as proposed in 22/02302/FULM the above conclusion remains relevant.

Impact upon Amenity

Consideration of amenity impacts is required through Policy DM5 which states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Moreover, the presence of existing development which has the potential for a detrimental impact on new development should also be considered and mitigated for in proposals. New development that cannot be afforded an adequate standard of amenity or creates an unacceptable standard of amenity will be resisted.

In the assessment of the 22/02302/FULM application the Officer Report stated, *“Residential dwellings associated with the farm which lie to the SW and across the highway to the south and the closest dwelling not associated with the farm is located some 400 metres to the north*

of the site. The properties to the SW and S are separated from the application site by other agricultural buildings on the holding and the access to the application buildings is via a track to the east of the properties. The supporting statement advances that the proposed B8 occupier would have a relatively small amount of associated vehicle movements and would be less intensive than the operation of the site in agricultural use. Officers are mindful that granting consent for B8 use would mean that any such business could operate from the site, which may have different associated movements than the proposed occupier, however when compared with the lawful use of the site it is not considered likely that the change of use would result in any significant impact on surrounding occupiers. On this basis it is considered that the proposal would comply with policy DM5 in this regard."

Given the application at hand is for the same use as proposed in 22/02302/FULM the above conclusion remains relevant.

Impact upon Highway Safety

Spatial Policy 7 (Sustainable Transport) 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.

In the assessment of the 22/02302/FULM application the Officer Report stated, "No alterations to the access or parking arrangements on site have been made or are proposed as part of this application. As explained in the previous section of this report the supporting statement advances that the proposed B8 occupier would have a relatively small amount of associated vehicle movements and would be less intensive than the operation of the site in agricultural use. Whilst this may not be the case for all B8 users, the comments received from the Highway Authority state that the proposal is unlikely to give rise to highway safety issues given the historic agricultural uses. On this basis the proposal is considered to accord with the requirements of Spatial Policy 7 and Policy DM5 of the DPD in this regard."

During the course of this application the Highway Authority have raised a number of concerns following receipt of an updated Planning Statement detailing the nature of the proposed use of the site. It is noted that their initial objection to this application conflicted with their previous position in relation to the proposed change of use (under 22/02302/FULM), however given they raised concerns in relation to highways safety the comments have been considered and addressed by the Applicant throughout the lifetime of the application. This has included the provision of a Transport Statement and additional Highways Note and amendments made to the Proposed Site Plan and Site Location Plan (which have also resulted in public re-consultations).

The Highway Authority has advised that the amended plans submitted have amended the planning application site boundary to provide additional space within the site and an additional access from Broadsyke Lane (i.e. two points of access into the site off Broadsyke Lane), both measures being necessary to ensure that HGVs can manoeuvre to, from and within the site without impact on the public highway. This drawing also includes the land required for visibility splays at the Long Lane/Broadsyke Lane junction within the revised planning application site boundary. Car, cycle, and HGV parking are illustrated on the amended plan, demonstrating that adequate space is available within the site to

accommodate the proposed B8 use. The details shown the Proposed Site Location Plan (SK04) are therefore considered to be acceptable to the highway authority subject to a condition requiring provision of electric vehicle charging points however the Highway Authority have not justified why the provision of EV charging points would be necessary to make this development acceptable in planning terms and it is noted that the Council's Parking SPD does not advise EV points to be necessary for this proposed use. If provided, EV charging points would be welcomed but they are not considered necessary in planning terms.

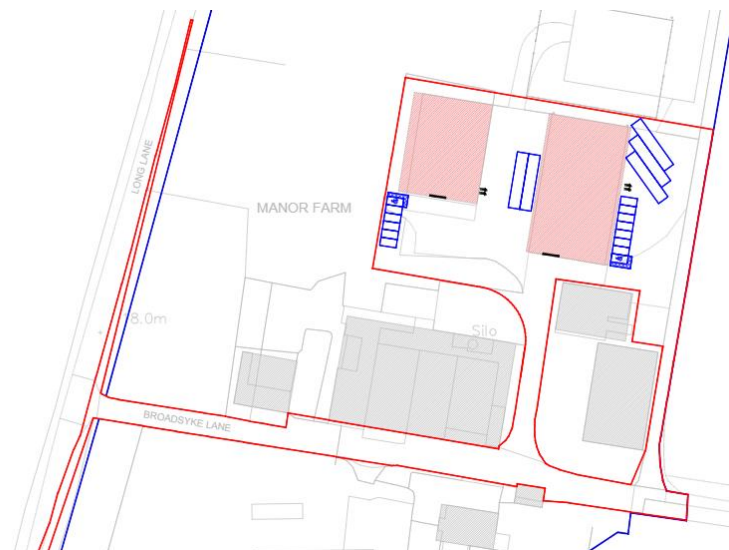
The Highways Authority have also advised in relation to the Proposed Site Access Visibility Splays plan (SK02 Rev. C) that this drawing illustrates proposed visibility splays at the Long Lane/Broadsyke Lane junction which are necessary to safely mitigate the traffic impact of the proposed development at the Long Lane/Broadsyke Lane junction based on the traffic speed surveys undertaken by the applicant and standard Design Manual for Roads and Bridges methodology. The Highway Authority has advised that there has been a minor relaxation of the required splays as a result of speed surveys undertaken by the Applicant, which is justified in this case because the proposed development is likely to reduce the volume of tractor movements at the Long Lane/Broadsyke Lane junction due to the proposed change of use.

The Highways Authority have advised that the splays proposed on drawing number 23-275-SK02 Rev C are acceptable subject to a condition requiring the visibility splays shall be kept clear of obstructions, structures or erections for the life of the development. The condition also requires existing hedgerows within 1m of the visibility splays to be removed and new hedgerows not to be planted within 1m of the visibility splays (with reference to the Highways Design Guide made in this respect in an ongoing email chain between the Highway Officer and Applicant) and it is noted that SK02 Rev. C refers to the hedgerows being removed. This would result in the removal of approx. 120m length of hedgerow to the north of the junction and 160m to the south which would have a significant adverse impact on the landscape character and visual amenity of the area as well as consequential ecological implications – the extent of the visibility splays is roughly annotated on the aerial image below:



Having referred to the Highways Design Guide it is noted that this states that “*Hedges should not **be planted** within 1.0m of the visibility splay if there is potential for the visibility splay to be encroached upon by vegetation during periods of rapid growth*” (emphasis added). In this

case it is noted that the hedgerow along the site boundary/adjacent to the splays is existing rather than new planting, and subject to the proper maintenance of the hedgerow to ensure it does not encroach within this splay (see plan extract below showing the splay is west of the line of the hedgerow) this would ensure that the splays are provided and maintained in the interest of highways safety. Amending the condition to require the hedgerows to be managed to ensure the visibility splays are maintained free of obstruction would be reasonable and would achieve the aim of the condition rather than requiring their unnecessary removal which would have consequential character and ecological implications and is not considered to be reasonable or necessary to make the development acceptable in planning terms.



Plan extract showing the visibility splay

Turning now to delivering and servicing it is noted that the submitted transport notes explain that the site will operate with vehicles exiting the site north (using the A17 to access the site) and therefore will not pass through Barnby-in-the-Willows village. This could be managed by signage at the Broadsyke Lane exits from the site prohibiting left turns. A management plan is also proposed to be submitted to mitigate traffic impacts on Barnby-in-the-Willows and the Highway Authority have considered this to be acceptable and necessary to prevent any adverse impact on the nearby village and have suggested a condition to this effect. Officers have considered whether this is reasonable and necessary, and it is considered that given the nature of the surrounding road networks and that the closest main road is off Broadsyke Lane is to the north of the site, which would avoid travelling south towards the village of Barnby, that this would prevent any adverse impact on the capacity of the highway and therefore highways safety within the village. Consideration has been given to the suitability of the A17 junction with Long Lane for the proposed use and accident reports have been reviewed and explained in the updated transport note – this explains that none of the reported collisions in the last 10 years had been directly related to the A17/Long Lane junction and given the previous use of the barns generated large HGV movements (the majority of which were 16.5m articulated lorries) and these movements occurred at the A17/Long Lane junction this demonstrates the suitability of the junction to accommodate HGVs which would not be different/materially worse with the proposed use.

Overall, in light of the negotiations undertaken throughout the course of the application and the support from the Highway Authority, subject to conditions as explained above the

proposal is considered to accord with the requirements of Spatial Policy 7 and Policy DM5 of the DPD in this regard.

Other Matters

The statement puts forward that the proposal would make effective use of previously developed land (PDL) and that this should be encouraged and given positive weight in the planning balance in accordance with Section 11 of the NPPF. However, Officers note that the definition of PDL in the NPPF specifically excludes land that is or was last occupied by agricultural buildings. The land is therefore not considered to be PDL.

Officers note the concerns raised by Cllr Lee in his request to call the application to planning committee which have been duly considered as part of this assessment. Concerns relating to noise and air pollution are noted but are not considered to arise as a result of this change of use, particularly when comparing the proposed use with the fall-back position that the site can be used for agricultural uses. For this reason there is also not anticipated to be any ecological impact as a result of the proposal as no alterations are proposed to the buildings, no trees/hedgerows are proposed for removal and no additional external lighting is proposed.

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 light of the additional information submitted throughout the course of this application Officers are satisfied that the principle of the development at the site is now acceptable and would support the diversification of this rural enterprise. It is not considered that the proposal would result in any material impact on the character and appearance of the site, highways safety concerns or neighbouring amenity. It is therefore considered that the proposal would accord with the aims of NPPF as well as the abovementioned policies within the Development Plan. It is therefore recommended that planning permission be granted.

10.0 Conditions(s)

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 accordance with the

following approved plans, reference:

- Site Location Plan 23.11.2023
- Proposed Site Location Plan – Ref. 23-275-SK04
- Proposed Site Access Visibility Splays – Ref. 23-275-SK02 Rev. B
- Building 1 Floor Plans and Elevations – Ref. 2706-A1-01A
- Building 2 Floor Plans and Elevations – Ref. 2706-A1-02A

Reason: So as to define this permission.

03

The Site shall be used for Use Class B8 and for no other purpose, including any other use permitted within the Schedule to the Town and Country Planning (Use Classes Order) 1987 or the Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to those Classes or Orders or in any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: To define the permission and to ensure that the local planning authority retains control over the specified use classes of development normally permitted under the abovementioned Orders (or any amending legislation) in acknowledgement of the site's location in the Open Countryside.

04

No raw materials, equipment, finished products or waste materials shall be stored outside buildings.

Reason: In the interests of visual amenity.

05

No part of the development shall be brought into use until the on-site car, cycle and HGV parking areas are provided in accordance with drawing number 23-275-SK04. The car, cycle and HGV parking areas shall not be used for any purpose other than parking, turning, and loading and unloading of vehicles.

Reason: In the interest of highway safety.

06

No part of the development shall be brought into use until the visibility splays at the Long Lane/Broadsyke Lane junction shown on drawing number 23-275-SK02 Rev B have been provided. The area within the visibility splays shall be kept clear of obstructions, structures or erections and shall be maintained for the life of the development.

Reason: In the interest of highway safety.

07

No part of the development shall be brought into use until a delivery and servicing management plan (the plan) has been submitted to and approved in writing by the Local

Planning Authority. The plan shall set out proposals for the management of use of the site accesses onto Broadsyke Lane and to prevent development traffic from using Long Lane to the south of Broadsyke Lane. The approved plan shall include a timetable for implementation and an enforcement mechanism. The plan shall be implemented in accordance with the timetable set out in the plan. The approved delivery and servicing management plan shall operate for the life of the development.

Reason: In the interest of sustainable travel and highway safety.

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 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).

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 - 23/01490/FUL

