

Report to Planning Committee 04 April 2024

Business Manager Lead: Lisa Hughes Planning Development

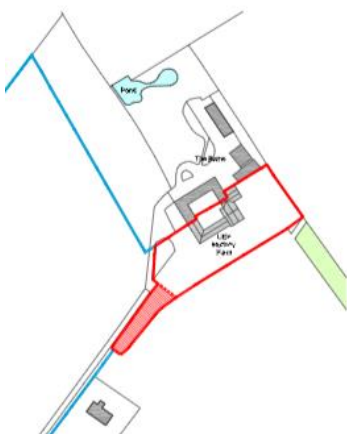
Lead Officer: Yeung Browne – Planner (Development Management)

Report Summary			
<b>Application Number</b>	24/00046/FUL		
<b>Proposal</b>	Change of use of unused land to garden and erection of a Polycrubb		
<b>Location</b>	Little Rudsey Farm, High Cross, Goverton, NG14 7FR		
<b>Applicant</b>	Mr Stephen Smith	<b>Agent</b>	Joseph Kemish Architects LTD - Joseph Kemish
<b>Web Link</b>	<a href="#">24/00046/FUL - Change of use of unused land to garden and erection of a polycrubb</a>		
<b>Registered</b>	12.01.2024	<b>Agreed Extension of time</b>	10.04.2024
<b>Recommendation</b>	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.

## 1.0 The Site

The site lies within the rural area of Goverton at Bleasby. The surrounding area to Little Rudsey Farm is predominantly fields and open countryside. Little Rudsey Farm is set back from High Cross by approximately 150 metres, served by a single track road.



The parcel of land subject of this application lies immediately to the southwest of the existing domestic curtilage, measures approximately 40m in length and c.6m on the most southwestern end and c.11.5m adjoining to the existing garden area as showing to the site plan to the left in red area. Little Rudsey Farm is a two storey dwelling with single storey outbuilding and a garage adjoined to The Barn - an adjoined dwelling shares a courtyard. One other dwelling sharing the same single track off High Cross is a cottage known as The Bungalow at Little Rudsey Farm, sited approximately 25m southwest from the most southwest point of the proposed site. No other residential dwellings are nearby. The site is not within a conservation area, nor nearby to any listed buildings.

## **2.0 Relevant Planning History**

20/01570/FUL - Extension of dwelling and extend existing outbuildings to create additional storage / workshop / office space. Approved on 08.12.2020. *The development has started and in the process of completion.*

21/00957/DISCON - Application to discharge condition 04 of planning permission 20/01570/FUL. Condition fully discharged on 07.06.2021.

21/01088/NMA - Application for a non-material amendment to planning permission 20/01570/FUL for minor amendments to the fenestration and re-location of the covered corridor in the extension. Approved on 07.06.2021

23/01272/NMA - Application for non material amendment for minor amendments to fenestration attached to planning permission 20/01570/FUL. Approved on 15.08.2023.

23/01695/FUL - Change of use of storage/offices to Annexe. Approved on 29.11.2023.

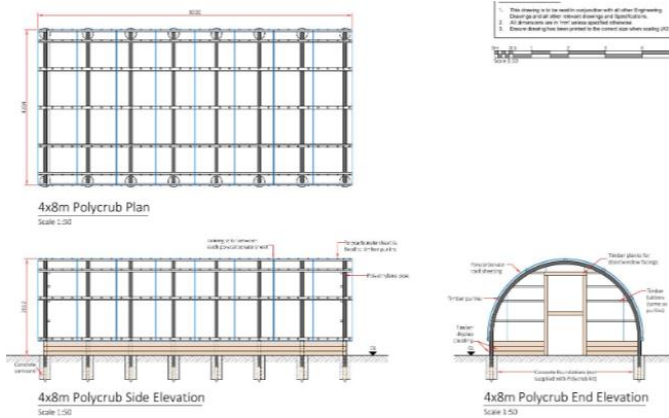
Although the following site histories are included in the site history search, they appear to be related to The Barn rather than Little Rudsey Farm. Nevertheless, they are included in this report for information.

- 33881059 – Conversion of existing barn and outbuildings to form one dwelling and garages.
- 02/00672/FUL - Retrospective change of use from pig unit to catering kitchen.

## **3.0 The Proposal**

This application seeks retrospective consent to change the use of the land to garden associated with the adjacent dwelling Little Rudsey Farm. The land in question measures approximately 11.50 metres in width on the northeast and c.6.0m on the southwest, spanning approx. 40m in depth, which calculate into approx. 320m<sup>2</sup> of land to residential use.

Permission is also sought for the erection of a 4m by 8m Polycrub on the land with the change of use proposal. The applicant confirmed that the Polycrub would be for personal use as a domestic green house. A Polycrub is a more sturdy poly tunnel type structure, the supporting statement states that the Polycrub was developed and produced in the Shetlands to withstand more extreme weather conditions and is generally more robust than a traditional polytunnel. The Polycrub would have a total height of C.2.6m.



**Elevations and layout of the Polycrub**



**Image of the proposed Polycrub**

*NB: All measurements above are approximate.*

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

- Site location plan, ref: 1938 P3 00 received 09 January 2024
- Proposed Block plan, ref: 1938 P3 01 received 09 January 2024
- Supporting Statement with details of the Polycrub received 09 January 2024

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of four properties have been individually notified by letter. A site notice has also been displayed near to the site on 21 February 2024. An advertisement was placed on Newark Advertiser, published on 29 February 2024.

#### **5.0 Planning Policy Framework**

##### The Development Plan

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 3 – Rural Areas
- Core Policy 9 - Sustainable Design
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 13: Landscape Character

##### ***Allocations & Development Management DPD***

- DM5 – Design
- DM8 – Development in the open countryside
- DM7 - Biodiversity and Green Infrastructure
- DM12 – Presumption in Favour of Sustainable Development

*The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the current application has been assessed in-line with policies from the adopted Development Plan.*

## Other Material Planning Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance
- 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**

None.

### **(b) Town/Parish Council**

**Bleasby Parish Council** – No comments received.

### **(c) Representations/Non-Statutory Consultation**

**Gadent Gas** – stated that the proposed site is in close proximity to their medium and low pressure assets. They have no objection to the proposal from planning perspective but recommended an informative note to be added to the decision notice.

No representations have been received by neighbouring or interested parties.

## **7.0 Appraisal**

The key issues are:

1. Principle of development
2. Impact on Visual Amenity and the Character of the Area
3. Impact on Residential Amenity

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

### Principle of Development

The Adopted Development Plan for the District is the 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 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).

Given the nature of the application site, it clearly falls within the Open Countryside rather than in any village - DM8 is therefore applicable.

Policy DM8 of the DPD dictates that, away from the main built up areas of villages, in the open countryside, development will be strictly controlled and limited to certain types of development. The change of use from undeveloped land/paddock to garden does not fall within the list of appropriate development types within the open countryside as set out within Policy DM8. The absence of reference to garden land in DM8 does not automatically mean that the application is not acceptable, however extensions to garden which result in harm to the countryside, are not generally supported as a matter of principle.

#### Impact on Landscape Character and Visual Amenity

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Core Policy 13 expects development proposals to positively address the implications of the Landscape Policy Zones in which the site lies and demonstrate that the development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area. Policy DM5 of the ADMDPD states the local distinctiveness of the Districts character in built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals.

In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document. The application site is located within the Mid-Nottinghamshire Farmlands – MN PZ 39 Thurgarton Village Farmlands with Ancient Woodlands as identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). This Policy Zone has a landscape condition of “very good”. The area has a unified pattern of elements composed of predominantly arable fields, blocks of deciduous woodland and isolated farms. Landscape sensitivity as “high” and a policy action is “conserve.”

The site is set well back from High Cross (130m approximately). Aerial images obtained from Nottinghamshire insight Mapping show the site reads visually separated from the agricultural land to the southeast. Prior to the application in 2020 (Extension of dwelling and extend existing outbuildings to create additional storage / workshop / office space) the land in question was enclosed with a line of trees and appears to have been part of land associated with Little Rudsey Farm.



Whilst the proposal represents development in the open countryside, given the site circumstances it is not perceptible as an encroachment. The site essentially forms a modest wedge of land between residential curtilages and agricultural land to the southeast. The land immediately to the east is in active agricultural use. It is noted that the site has been used as garden since at least October 2023 with visible raised flower beds on the site visit undertaken at that time. However, the change of use is still within the enforcement period. The impacts on the landscape have therefore already been somewhat realised. The site forms a logical area of garden without imposing landscape harm.

Visually the change of use of the land to the southwest of the dwelling to form part of the garden area has not resulted in any greater impact on the character of the area. The land was formerly laid to grass and is separated from an existing farm track to the agriculture land to the southeast, this land already has a somewhat enclosed character associating with Little Rudsey Farm to the north. Therefore, on the ground the change of use of this land (which is small when considered relative to the wider site arrangement) is not considered to result in any perceivable impact from either inside or outside of the site.

The proposed Polycrub would be positioned on this parcel of land, standing at c.2.6 metres in height. The scale is relatively small in relation to the area and surrounding and the design is not dissimilar to a polytunnel which would be typical in an open countryside environment. Even if permission is granted for the change of use to garden land, any further buildings would need permission being forward of the principal elevation of the dwellinghouse. It is not considered that the Polycrub in itself would result in an adverse impact upon the character of the countryside in this location.

Overall, taking all matters into account and based on the site-specific circumstances in this case, the development does not result in any adverse impact on the wider character or appearance of the area in accordance with the aims of policies CP9 and DM5 and the provisions of the NPPF in this regard.

### Residential Amenity Considerations

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.

The only dwelling in close proximity to the site is Little Rudsey Bungalow to the south of the site and the proposed Polycrub. Given the degree of separation from the proposed Polycrub, which has the

distance of c.34m to the northeast boundary of Little Rudsey Bungalow and it is separated by the existing field access, it is considered that there would be no overshadowing or overbearing implications that would result from this proposal. The application therefore complies with Policy DM6 and DM5 of the DPD in this regard.

### Highway Safety and Parking

Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements.

Parking provision would be unaffected, access is unaffected and acceptable. The proposed development makes no material changes to the access route to the site and will not give rise to highways impact.

With the above in mind the proposal is therefore considered acceptable from a highways perspective and complies with policy DM5 of the ADMDPD as well as Spatial Policy 7 of the ACS and Paragraph 114 for the NPPF.

### Impact on Trees and Ecology

Policy DM5 states that in accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 136 of the NPPF also states that trees make an important contribution to the character and that existing trees are retained wherever possible.

The proposed site has a row of trees on the west/northwest boundary adjacent to the access road to the dwelling. The change of use of the land would not affect the existing trees and the proposed Polycrub would be positioned well within the plot away from the existing trees. Taking consideration of the height and design of the Polycrub, it is not considered the proposal would have any negative impact to the existing trees within the site. The application therefore complies with Core Policy 12 of the ACS and DM5 of the DPD in this regard.

## **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 domestic features such as the Polycrub proposed here would ordinarily be acceptable in principle as a householder development, owing to the positioning of the Polycrub within land that was not originally consented for residential use, the proposal would result in the change of use of land to residential. The expansion of domestic use into the open countryside does not fall within the list of appropriate development types within the open countryside as set out within Policy DM8 and as such the application has been advertised as a departure on this basis.

However, it has been concluded that the change of use of the land and the proposed positioning of the Polycrub would not result in harm to the wider surrounding area and character of the open countryside. Therefore, whilst noting that the development would be contrary to the Development Plan, it is considered in this case that the lack of any identified visual or character harm on the area, or indeed any other form of harm, are material considerations that weigh in favour of the proposal. A lack of demonstratable harm in this case would outweigh the development not neatly falling within any of the potentially permissible exceptions within Policy DM8. It is therefore recommended that planning permission is granted subject to the conditions outlined in Section 10. A time condition is not necessary given the part retrospective nature of the application.

## **10.0 Recommendation**

**That planning permission is approved subject to the conditions and reasons shown below:**

### Conditions

01

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

- Site location plan, ref: 1938 P3 00 received 09 January 2024
- Proposed Block plan, ref: 1938 P3 01 received 09 January 2024
- Supporting Statement with details of the Polycrub received 09 January 2024

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

02

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

Reason: In the interests of visual amenity.

### Informatives

01

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 proactively, 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).

02

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/](http://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.

03

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting *[cadentgas.com/diversions](http://cadentgas.com/diversions)*

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### BACKGROUND PAPERS

Application case file.

Committee Plan - 24/00046/FUL

