



Report to Planning Committee 3 October 2024
 Acting Business Manager Lead: Oliver Scott – Planning Development
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Report Summary			
Application No.	24/00808/FUL		
Proposal	Change of use from stables building to single dwelling		
Location	Trent Valley Livery Ltd Trent Valley Equestrian Centre Occupation Lane Fiskerton Southwell NG25 0TR		
Applicant	Mrs Rose Wilson	Agent	Mr George Machin
Registered	23.05.2024	Target Date	18.07.2024
		Extension of Time	04.10.2024
Web Link	Trent Valley Livery Ltd Trent Valley Equestrian Centre Occupation Lane Fiskerton Southwell NG25 0TR		
Recommendation	That planning permission be APPROVED subject to the conditions outlined at the end of this report.		

This application has been referred to the Planning Committee for determination, in accordance with the Council’s Constitution, because the proposal is a departure from the Development Plan.

1.0 The Site

1.1 The application relates to an existing empty stables building at Syndre Farm, which is located on the north side of Occupation Lane, approximately 1.0 mile north of the village of Fiskerton. The application site forms part of the Trent Valley Equestrian Centre, which was granted under planning permission reference 05/02613/FULM. The main Equestrian Centre entrance is located approximately 300 metres northeast of the Occupation Lane/Station Road junction near Fiskerton Railway Station. However, there is another entrance approximately 150 metres closer to the same junction, which is included within the red line boundary of this application.

- 1.2 The application site is located to the rear of an equestrian barn directly opposite the site entrance from Occupation Lane and includes the empty stable building, old timber stables (proposed to be removed) and a white painted block building (proposed to be retained and converted alongside the empty stable building). There is also a sand surfaced manège to the north west side of the main stable building.
- 1.3 The nearest residential building is the associated farmhouse approximately 62 metres to the east. Station House lies approximately 150 metres to the south west of the site, and Oakdale approximately 150 metres to the west.
- 1.4 The site does not form part of a site of special scientific interest, safety hazard area or military explosives storage area nor is it a schedule monument or a listed building. Although it does fall within Flood Zone 3a where there is a high probability of flooding.
- 1.5 The site has the following constraints:
- Flood Zone 3a
 - Contamination Risks

2.0 Relevant Planning History

Application Building

- 2.1 21/01735/FUL - Proposed conversion of the rear west stables building into 3 no. holiday let units. Application Permitted 01.11.2021.
Not Implemented due to expire 31.10.2024.

Wider Site

- 2.2 24/00305/FUL – Replacement equestrian barn (retrospective). Application Permitted 23.04.2024.
- 2.3 23/00883/S73 - Application for variation of condition 02 to swap the layout of the approved elevations attached to Prior Approval 20/02466/CPRIOR; Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for building operations reasonably necessary for the conversion. Application Permitted 26.07.2023.
Not Implemented building replaced (see 24/00305/FUL)
- 2.4 20/02466/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for building operations reasonably necessary for the conversion. Prior Approval Required and Granted 03.02.2021.
Not Implemented building replaced (see 24/00305/FUL)
- 2.5 21/01246/FUL - Agricultural storage building and associated Change of Use of land from Equestrian to Agricultural. Application Permitted 02.08.2021.
Not Implemented expired 01.08.2024.
- 2.6 21/00581/CPRIOR - Notification for Prior Approval change of use from agriculture

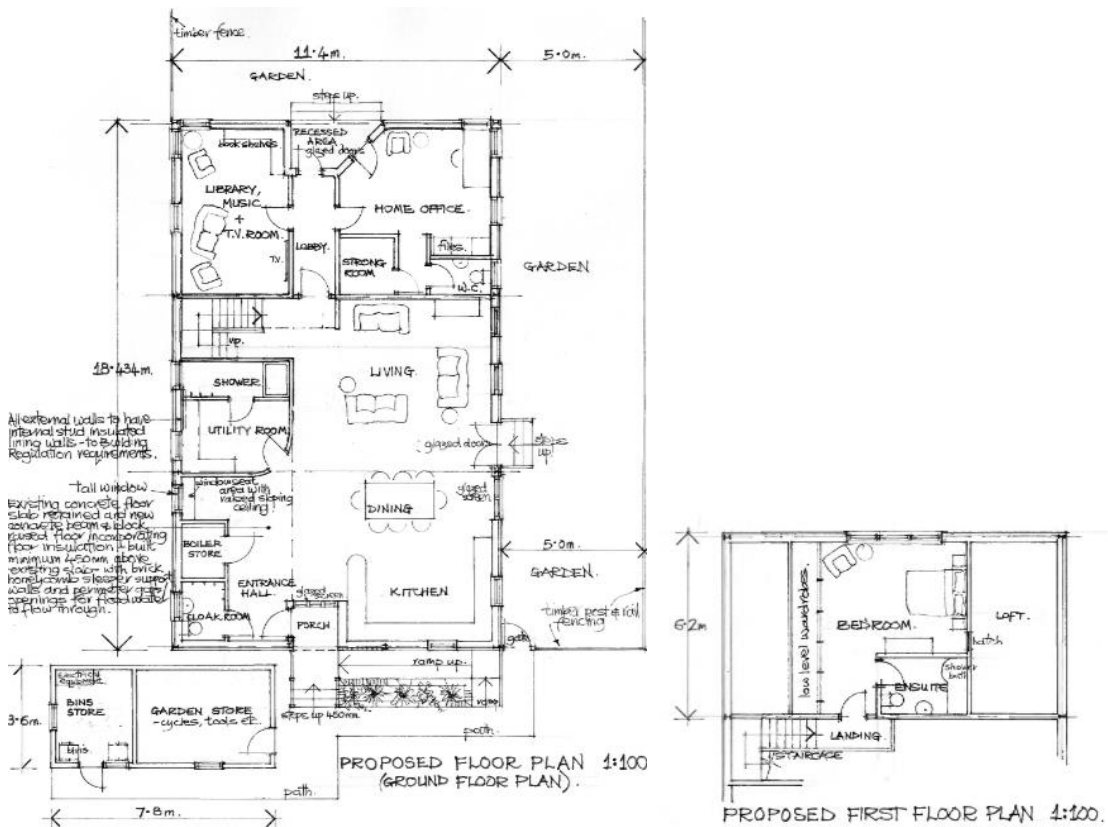
(buildings and yard area) to flexible commercial use (Class R). Prior Approval Required and Granted 05.05.2021.

Not Implemented expired 04.05.2024.

3.0 The Proposal

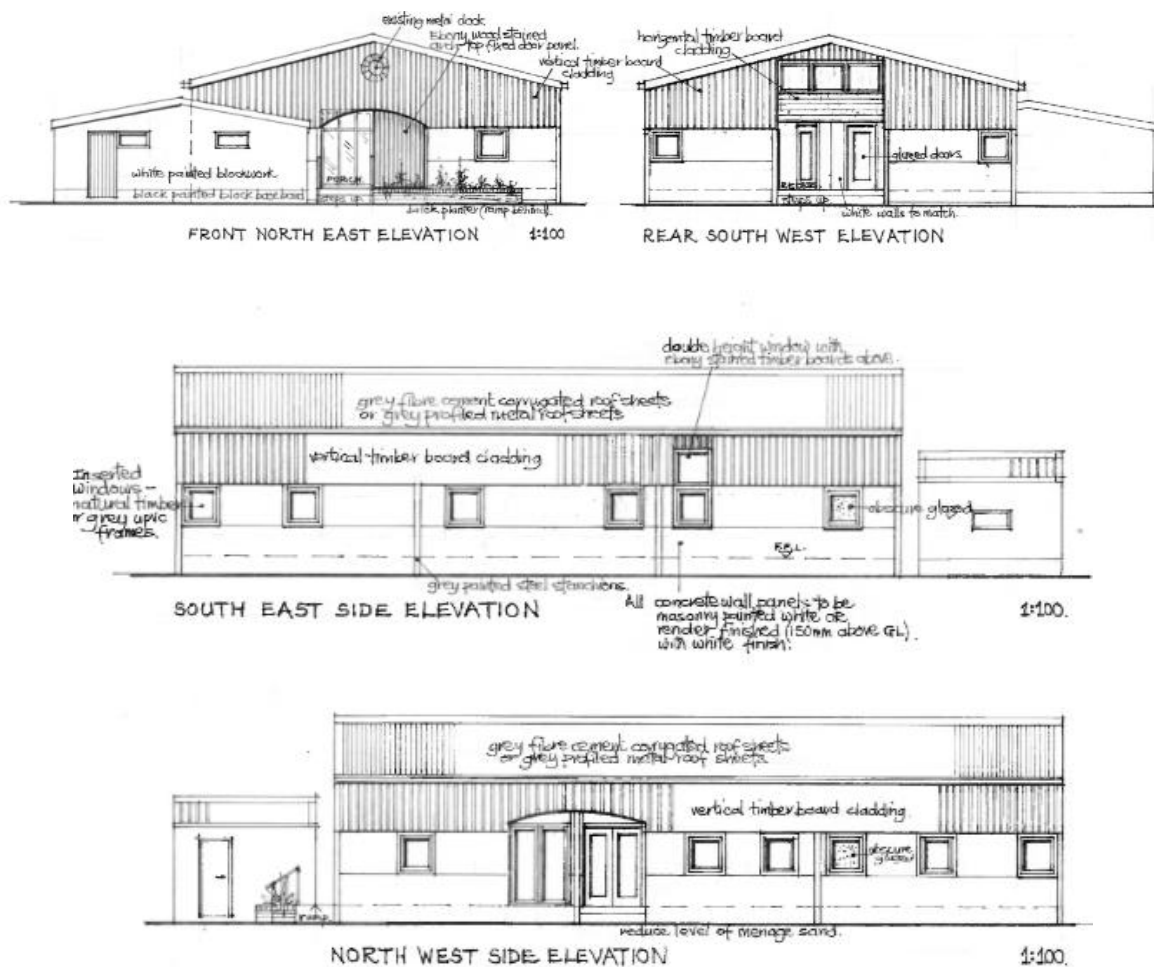
3.1 The application seeks permission to convert an existing stables building/steel portal framed shed into one new dwelling with associated external amenity space. The building measures approximately 11.4 metres by 18.4 metres and includes a dual pitched roof clad with corrugated asbestos cement sheets measuring approximately 3.5 metres to eaves and 5.0 metres to the ridge.

3.2 The proposed new dwelling would comprise of a large open plan living area including kitchen/dining/lounge with separate home office and entertainment room at ground floor, and a bedroom with en-suite shower room at first floor (gross internal area = 230m²). The existing white painted block building would also be retained and converted to form a secure garden and bin store. In addition, a private garden space would be formed to the north west side and south west rear of the new dwelling.



- 3.3 The proposed conversion would involve the following:
- Demolition and removal of existing timber stables (<50m³)
 - All concrete wall panels to be masonry painted white or white render finished (150mm above ground level)
 - Installation of vertical timber board cladding (above concrete wall panels)
 - Installation of new grey fibre cement roof sheets/grey profiled metal roof sheets
 - Installation of a first floor to accommodate the proposed bedroom

- All new windows to be natural timber or grey uPVC frames
- New path, steps, and ramp (formed by a raised brick planter) up to a new porch entrance within a new recessed arched opening (north east 'front' elevation)
- New steps up to a new porch entrance within a new arched opening (south west 'rear' elevation)
- New steps up to other external doors providing access into the garden areas
- Installation of timber post and rail fencing to enclose the garden areas
- All external walls to have internal stud insulated lining walls
- Existing concrete floor slab to be retained, and new concrete beam and block raised floor incorporating floor insulation built a minimum of 450mm above existing slab with honeycomb sleeper support walls and perimeter gaps/openings for flood water to flow through.



3.4 Documents assessed in this appraisal (revised plans received 29 August 2024):

- Topographical Survey (Drawing no. 21 33 01)
- Existing Site Location Plan (No ref, Scale 1:1250)
- Proposed Site Location Plan (No ref, Scale 1:1250)
- Existing Floor Plans & Elevations (Drawing nos. SFOLF 2021 PE1 & PE2)
- Floor Plan – as proposed (Drawing no. SF F 2024 03 REV 1)
- Elevations – as proposed (Drawing no. SF F 2024 04 REV 1)
- Block Plan (No ref, 1:500)
- Flood Risk Assessment prepared by Roy Lobleby Consulting dated September 2024 (Document ref: RLC/1509/FRA01 Issue 2)

- Enhancement Map (Drawing no. JME 2043 DR1 V1)
- Structural Report prepared by Moran Structural Consultants dated February 2021
- Update Daytime Bat Survey Report prepared by JM Ecology dated 22.05.2024 (Ref: JME_2043_BR_01_V1)
- Supporting Planning, Design and Access Statement prepared by George Machin dated May 2024
- Site Photographs
- Biodiversity Net Gain Scoping Opinion prepared by JM Ecology dated 17.07.2024 – confirms the development meets the de minimis exemption.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of two properties have been individually notified by letter. A site notice has also been displayed near to the site.

4.2 Site visit undertaken on 14.06.2024.

5.0 Planning Policy Framework

5.1 Fiskerton-cum-Morton Neighbourhood Plan (made December 2019)

- FCM5 – Character and Design Policy
- FCM13 – Flood Risk

5.2 Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure

5.3 Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)

- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM10 – Pollution and Hazardous Materials
- Policy DM12 – Presumption in Favour of Sustainable Development

5.4 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024 and is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of 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 application has been assessed in-line with policies from the adopted Development Plan.

5.5 Other Materials Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Newark and Sherwood Landscape Character Area SPD (December 2013)
- Residential Cycle and Car Parking Standards & Design Guide SPD (June 2021)

6.0 Consultations and Representations

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

a) Statutory Consultations

6.2. **Environment Agency** – No objection. The proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the recommended planning condition is included. A condition to secure details of a scheme to dispose of foul drainage is also recommended.

b) Parish Council

6.3. **Fiskerton Parish Council** – Support.

c) Representations/Non-Statutory Consultation

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

7.0 Appraisal

7.1 The key issues are:

- 1) Principle of Development
- 2) Impact on Character
- 3) Flood Risk and Drainage
- 4) Impact on Residential Amenity
- 5) Highway Safety and Parking
- 6) Impact on Ecology (including Biodiversity Net Gain)
- 7) Contamination Risks

7.2 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 ‘Presumption in Favour of Sustainable Development’ of the Allocations and Development Management DPD.

Principle of Development

- 7.3 The application site is located outside the main built-up area of Fiskerton village and within the open countryside as defined in the Fiskerton-cum-Morton Neighbourhood Plan. There is no policy within the Neighbourhood Plan that relates specifically to the conversion of existing buildings.
- 7.4 Spatial Policy 3 'Rural Areas' of the Newark and Sherwood Amended Core Strategy DPD (2019) states "Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD."
- 7.5 Policy DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD allows for the conversion of existing buildings but states "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". In this case, the building is not considered to possess any architectural or historic merit given it is a typical portal framed agricultural building of modern construction.
- 7.6 Given the building is not considered to be of any architectural or historic merit, the proposed conversion of the building to residential use would not currently be supported under Policy DM8. However, Officers are mindful that paragraphs 83 and 84 of the NPPF 2023 advise that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, avoiding the development of isolated homes in the countryside subject to a number of exceptions (as set out at para. 84). One such exception is the re-use of *redundant* or *disused* buildings provided the proposal would enhance its immediate setting (para.84c). 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.
- 7.7 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 Judgment goes onto 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*'.
- 7.8 In this case, the site is situated along Occupation Lane where there are sporadic properties as well as the Trent Valley Equestrian Centre development. However, the site is well separated from the village of Fiskerton which is located to the south. Therefore, whilst the building itself is not physically *isolated* given it is largely

surrounded by other buildings, its conversion to residential use would clearly result in an *isolated home* which would be separate/remote from any defined settlement or village. It is therefore considered reasonable to consider this proposal under para.84 of the NPPF, having regard to the abovementioned judgments.

- 7.9 Consequently, taking each requirement in turn, it is first necessary to determine whether the building is redundant/disused. At the time the LPA considered the previous application to convert the building to three holiday lets (ref 21/01735/FUL), the building was in use for stabling (see online planning file for photographs showing horses in the stables). The Planning Statement submitted in support of this latest application states the building is no longer required for equestrian purposes and is surplus to requirements of the existing operations. Indeed, during a recent site visit the building was observed to be empty and cordoned off and would therefore appear to be redundant for its current purposes and compliant with para.84c in this regard.
- 7.10 Moving on to whether the proposal would enhance its immediate setting, a full assessment of the impact of the development on the site and surrounding area will follow, however, it is noted that the proposal generally seeks to enhance the exterior of the building by replacing cladding and roof sheets and inserting new windows and doors. The area immediately surrounding the building would also be enhanced through the creation of a formal entrance and garden areas that would replace existing areas of hardstanding forming part of the former livery yard. The application is also supported by an Enhancement Map (Drawing no. JME 2043 DR1 V1) detailing preferred locations for bat and bird boxes and a species rich hedgerow along the north western boundary of the site (although the latter is not reflected on the submitted block plan). Cumulatively, all of these elements result in a proposal that would enhance its immediate setting in accordance with para.84c.
- 7.11 Although not technically required as the proposal is considered a departure from Policy DM8, consideration has also been given to whether the building can be converted without significant re-building, alteration, or extension. The application is supported by a Structural Survey prepared by Moran Structural Consultants, which is the same report that was submitted and accepted for the previous application to convert the building to form three holiday lets. This report confirmed that the existing steel frame was, at the time, in a satisfactory condition and was even capable of supporting a new first floor level, although this latest application proposes accommodation at ground floor level only. In addition, it was concluded that the existing ground bearing slab was in good condition, but insulation and screed would need to be laid on top to upgrade to the standard of a dwelling. The report also confirmed that the existing external walls could remain in place and insulation/internal wall finishes could be installed in accordance with the proposed details. To the LPA's knowledge, there has been no significant change to the building since the previous application was determined and it is therefore accepted that the building is still structurally sound and capable of conversion without significant re-building, alteration, or extension as per the previous approval.
- 7.12 Consequently, based on the information submitted with this application it is not considered that the proposal would be compliant with the current wording of Policy

DM8, but 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, as the proposal would enhance its immediate setting, and the conversion could be undertaken without significant re-building, extension or alteration (and would align with Policy DM8 in that regard). On that basis, and in this specific context, the principle of development is therefore considered acceptable.

Impact on Character

- 7.13 Policy FCM5 of the Neighbourhood Plan relates largely to new build development, but also states, relevant to this application, that developments will be supported provided the visual impact of external materials reflect the locally distinctive palette. The policy also refers to flood risk and parking, which are discussed in more detail below.
- 7.14 Core Policy 9 ‘Sustainable Design’ of the Amended Core Strategy DPD requires new development proposals to, amongst other things, *“achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments”*. In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 ‘Design’ of the Allocation and Development Management DPD.
- 7.15 As noted earlier at 7.11, the application is supported by a Structural Survey prepared by Moran Structural Consultants, which confirms the building is structurally sound and capable of conversion. Although it has no architectural or historic merit, the proposal seeks to retain much of the existing character and integrity of the building so that the overall appearance of the building would not be significantly altered. There are no existing window openings, so the introduction of new windows is unavoidable, however new windows have been sensitively positioned so that the overall character of the building is not compromised. The proposed openings to the front and rear elevations would be slightly at odds with the existing character of the building but are not considered harmful enough to warrant revision or removal. Joinery details are not clear and would need to be secured by condition on an approved application along with more precise details of external finishing materials as recommended.
- 7.16 Whilst the proposed plans include details of hard and soft landscaping it is considered appropriate to impose a condition on an approved application requiring specific details to be submitted to and agreed in writing by the LPA prior to occupation of the dwelling to ensure the development enhances its immediate setting in the manner envisaged.
- 7.17 To ensure future development does not unduly undermine the approved design or plans to enhance the immediate setting, it is considered reasonable and necessary to withdraw certain specific permitted development rights relating to development that could significantly alter the character of the dwelling and its residential curtilage. This would not prevent such development being brought forward but would allow the LPA to consider the impacts of such proposals should they come forward.

- 7.18 Overall, the proposed development would integrate well with the site and surrounding area in accordance with Core Policy 9 and Policy DM5 of the DPD and Policy FCM5 of the Neighbourhood Plan.

Flood Risk and Drainage

- 7.19 The site falls within Flood Zone 3 where there is a high probability of flooding as shown on the Environment Agency's Flood Map for Planning.
- 7.20 Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones.
- 7.21 Notwithstanding the above, changes of use are not subject to the Sequential or Exception Tests, although, with reference to Annex 3: Flood risk vulnerability classification as set out in the PPG, the proposed change of use would increase the flood risk vulnerability classification from 'less' to 'more' vulnerable.
- 7.22 The Environment Agency's Flood Map for Planning does not differentiate between Flood Zones 3a and 3b, however, the LPA's Strategic Flood Risk Assessment identifies areas of functional floodplain and identifies the site in question as falling within Flood Zone 3a. National flood risk standing advice requires the Environment Agency to be consulted on changes of use in Flood Zone 3a where the vulnerability classification will be 'more vulnerable'.
- 7.23 The Environment Agency were consulted on the submitted application, which originally sought to provide a 3-bedroom dwelling with all accommodation on the ground floor. The Environment Agency objected to this proposal, due to concerns the submission had failed to consider how a range of flooding events (including extreme events) impacting ordinary watercourses in the vicinity (namely Beck Dyke and Marlock Dyke) could affect the people and property, particularly with sleeping accommodation proposed on the ground floor. The proposal was subsequently amended to include first floor sleeping accommodation, which was previously accepted by the Environment Agency as part of the approval to convert the building to holiday-lets under planning permission 21/01735/FUL. The Environment Agency has since withdrawn their objection and confirmed the proposed development would meet the NPPF requirements in relation to flood risk subject to a condition to secure development in accordance with the submitted flood risk assessment (FRA).
- 7.24 The submitted FRA prepared by Roy Lobley Consulting (Report reference RLC/1509/FRA01 Issue 2) acknowledges the level of flood risk and recommends flood

resilience measures to be included in the development, including no ground floor sleeping accommodation.

7.25 For completeness, the application has been assessed against national flood risk standing advice for vulnerable developments which covers the following aspects that have been assessed under corresponding sub-headings below with reference to the submitted FRA (Report reference RLC/1509/FRA01 Issue 2):

- Floor levels
- Extra flood resistance and resilience measures
- Access and escape
- Surface water management.

Floor levels

7.26 Standing advice for vulnerable developments requires the provision of the average ground level of the site, the ground level of the access road(s) next the building, and the finished floor level of the lowest room in the building. The application includes a Topographical Survey (Drawing no. 21 33 01).

Ground level of the site	15.10mAOD (adjacent to the building)
Ground level of the access road (s)	15.31mAOD (at site entrance)
Finished floor level of the lowest room	FRA recommends 15.50mAOD with all sleeping accommodation at first floor

All levels are stated in relation to Ordnance Datum.

7.27 Standing advice for vulnerable developments outlines finished floor levels should be a minimum of whichever is higher of 300mm above the average ground level of the site, or the adjacent road level, or the estimated river or sea flood level. The submitted FRA confirms the estimated river or sea flood level is 15.05mAOD (1:1000 level) – 15.15mAOD (1:100+50% climate change level). The recommended finished floor level is 15.50mAODm which is 450mm above the worst case 1:1000yr predicted event. Standing advice recommends finished floor levels should be a minimum of 300mm above the highest level, which, is actually the adjacent road level. However, given the building is set well back from the road the proposed floor level, which is more than 300mm above the flood level, is considered acceptable.

Extra flood resistance and resilience measures

7.28 Standing advice for vulnerable developments requires designs to be appropriately flood resistant and resilient if finished floor levels cannot be raised to the required height. Given the finished floor levels can be raised to an acceptable height extra flood resistance and resilience measures are not necessarily required. However, the EA has indicated that flood risk posed by the nearby Beck Dyke and Marlock Dyke has not been adequately assessed, so it is possible the finished floor levels have not been raised above the possible flood heights. Consequently, the FRA takes a cautious

approach by recommending additional flood resilience measures, including electrical installations above 15.80mAOD, which are recommended to be secured by condition on an approved application. The condition also asserts there shall be no ground floor sleeping accommodation.

Access and escape

- 7.29 Standing advice for vulnerable developments requires developers to provide details of their emergency escape plans for any parts of a building that are below the estimated flood level. As noted above, finished floor levels would be set above the estimated flood level. Nevertheless, the FRA recommends future occupants sign up to the EA flood warning service and a flood evacuation plan, so a condition to secure such details is recommended.

Surface water management

- 7.30 The proposal is for the conversion of an existing building and, as such, there would be no uplift in surface water run-off. Indeed, the application proposes removal of an existing timber stable building and the replacement of hardstanding with garden areas, which would reduce the extent of impermeable surfaces across the site. Notwithstanding this, the application fails to provide any details regarding existing or proposed surface water disposal, which are recommended to be secured by condition.
- 7.31 Having assessed the submitted FRA against the EA's standing advice for vulnerable developments, and after receiving no objection from the EA, it is concluded that the application is supported by a satisfactory FRA. Subject to the recommended conditions, the proposed development would comply with Core Policy 10 'Climate Change' of the Amended Core Strategy DPD, Policy DM5 'Design' of the Allocations & Development Management DPD, and the NPPF, which is a material consideration.

Foul drainage

- 7.32 The application form indicates foul drainage for the proposed development is unknown, so a condition to secure such details is recommended in accordance with the EA's advice.

Impact on Residential Amenity

- 7.33 Policy DM5 of the DPD 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 NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.34 The building is sited a sufficient distance from neighbouring residential properties to ensure no adverse impact on the amenities of neighbouring residents in terms of overbearing impacts, loss of light or privacy. Occupants of the proposed new dwelling would also be afforded a good standard of amenity through the provision of private

garden areas to the side and rear of the dwelling. The close proximity of other stables is noted; however, the dwelling would be occupied by the site owner who operates the wider site including the main Equestrian Centre to the north east. Even if this were not the case, any future occupier would be aware of the proximity of the stables and wider equestrian setting prior to occupation.

- 7.35 The proposal therefore complies with the relevant provisions of Policy DM5 of the Allocations & Development Management DPD in this regard.

Highway Safety and Parking

- 7.36 Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals to provide appropriate and effective parking provision.

- 7.37 The application site is served by an existing access from Occupation Lane with sufficient space for turning and parking of vehicles on site. Indeed, the proposal includes car parking spaces and secure cycle storage in accordance with the requirements of the Council's Residential Cycle and Car Parking Standards & Design Guide SPD. It is noted that in granting permission for the conversion of the building to 3-holiday lets, a condition was imposed requiring the existing access to be widened to enable two vehicles to pass each other at the entrance. However, this was based on the knowledge that, at the time, this access was being used as a main entrance into the site. Since then, the equestrian uses have been shifted closer towards the main Equestrian Centre, which is accessed further up the road towards Rolleston Railway Station, reflecting the applicant's desire to make the southwest part of the site more private. It is therefore not considered reasonable nor proportionate to impose the same condition here as circumstances have changed and the proposed dwelling would generate far fewer comings and goings than the approved holiday lets. The development is therefore considered acceptable in this regard.

Impact on Ecology (including Biodiversity Net Gain)

- 7.38 Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

- 7.39 The Preliminary Roost Assessment was undertaken by Brindle & Green Ecological Consultants in February 2021, and identified the buildings as having Low suitability to support roosting bats. A follow-up daytime bat survey was undertaken by JM Ecology on 22nd May 2024 and reaffirms the buildings have low or negligible roosting potential. Notwithstanding this, the report recommends a precautionary approach advising that a suitably experienced and licensed ecologist be on site to check fascia boards and supervise roof removal on the structures immediately prior to demolition works commencing, to account for the extremely low risk of transient individual bats

occupying these features at the time. The report also recommends a bat sensitive lighting scheme, which is recommended to be secured by condition on an approved application.

- 7.40 As noted earlier at 7.10, the application is supported by an Enhancement Map (Drawing no. JME 2043 DR1 V1) detailing preferred locations for bat and bird boxes and a species rich hedgerow along the north western boundary of the site, which are recommended to be secured by condition within 6-months of occupation of the dwelling.
- 7.41 Therefore, subject to appropriately worded conditions, the proposed development is considered to meet the relevant provisions of Core Policy 12 and Policy DM5 of the DPD.

Biodiversity Net Gain

- 7.42 Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) for major developments from 12 February 2024 (developments over 1Ha in area) and for 'minor sites' on 2 April 2024. This application was received after 2 April 2024 and, therefore, must be considered under the statutory framework for biodiversity net gain. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some exemptions to where BNG is applicable – these are set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk). One exception is the 'de minimis' exemption that sets out that BNG does not apply where the development would not impact an onsite priority habitat and impacts less than 25 square metres (5m by 5m) of non-priority on-site habitat (such as modified grassland) or 5 metres of non-priority on-site linear habitats such as hedgerows. This exemption is designed to ensure that BNG does not apply to either very small-scale development or development which does not impact habitat, through loss or degradation within the red line boundary.
- 7.43 The application is supported by a Biodiversity Net Gain Scoping Opinion prepared by JM Ecology which confirms the following:

“Having reviewed the proposal at Syndre Farm, Fiskerton under planning reference (24/00808/FUL) against mandatory Biodiversity Net Gain (BNG) requirements. It is our opinion that the project does not require BNG Assessment under the ‘De-minimis’ exemption.

This is due to the entire application Site comprising either hardstanding and buildings (i.e., developed land; sealed surface) or a sand finished menage (artificial unvegetated unsealed surface). Whilst the application Site is greater than 25m², all of the habitats proposed for impact have an associated biodiversity score in the statutory metric of 0

and none of the features are priority habitats (excluding peripheral hedges which are not being impacted). As such the Site qualifies under de-minimis exemption as per the example below from the government guidance website for BNG in planning”.

Based on the submitted information, the proposed development is considered exempt from mandatory BNG.

Contamination Risks

- 7.44 Policy DM10 ‘Pollution and Hazardous Materials’ requires that development proposals near hazardous substance installations should take account of and address the potential risk arising from them.
- 7.45 The Council’s Environmental Health Technical Officer considered the application as submitted and identified the potential for contamination, due to past uses, and migration of ground gases from a nearby closed landfill site. It is therefore considered appropriate to impose standard phased contamination conditions on an approved application to ensure appropriate investigation and mitigation in accordance with the provisions of Policy DM10 of the DPD.

8.0 Implications

- 8.1 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

- 9.1 Based on the information submitted, the proposal constitutes a departure from Policy DM8 as the building has no historic or architectural merit that warrants its preservation, although it has been duly demonstrated that the building can be converted without significant re-building, alteration, or extension. Nevertheless, the NPPF is a material consideration and allows for the reuse of a redundant or disused building for residential purposes provided the development would enhance its immediate setting (para.84c). The proposal would do this by improving the external appearance of the building and land immediately surrounding it and providing ecological enhancements that would cumulatively enhance the immediate setting.
- 9.2 Subject to conditions, no harm has been identified in terms of the impact of the development on character of the area, flood risk and drainage, residential amenity, highway safety nor ecology, and potential contamination risks can be managed by an appropriately worded condition. It is therefore recommended that planning permission be approved subject to the conditions outlined below.

10.0 Conditions

01

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

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

02

Notwithstanding any amendments that may be secured through Condition 04 (Drainage Strategy), the development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference

- Existing Site Location Plan (No ref, Scale 1:1250)
- Proposed Site Location Plan (No ref, Scale 1:1250)
- Floor Plan – as proposed (Drawing no. SF F 2024 03 REV 1)
- Elevations – as proposed (Drawing no. SF F 2024 04 REV 1)
- Block Plan (No ref, 1:500)

Reason: So as to define this permission.

03

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. This must be conducted in accordance with DEFRA and the Environment Agency's '*Land contamination risk management (LCRM)*'.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

04

Notwithstanding the approved plans, prior to commencement of the development, a final Drainage Strategy including details of foul sewage and surface water drainage measures shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include written evidence of agreements and permits from any public body and/or statutory undertaker, or any other arrangements made to secure the effective operation of the Drainage Strategy throughout the lifetime of the development.

The approved Drainage Strategy shall thereafter be implemented in accordance with the approved details and timescale contained therein.

Reason: To ensure the provision of satisfactory means of foul sewage and surface water disposal and to ensure the development does not increase the risk of flooding.

05

Notwithstanding the submitted details, no development in relation to the following details shall be commenced until samples and/or specifications as required have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Vertical timber board cladding

Render

Roofing materials

Reason: To ensure the conversion takes the form envisaged to enhance the immediate setting and in the interests of visual amenity.

06

Notwithstanding the submitted details, 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 in accordance with the approved details.

External windows, doors, and their immediate surroundings, including details of glazing and glazing bars.

Reason: To ensure the conversion takes the form envisaged to enhance the immediate setting and in the interests of visual amenity.

07

Notwithstanding the submitted details, no part of the development hereby permitted shall be brought into use until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new hedgerows noting species, plant sizes, proposed numbers, and densities. 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

driveway, parking and turning area materials

other hard surfacing materials

The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details. If within a period of seven years from the date of planting any tree, shrub, hedgerow, or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written approval of the Local Planning Authority.

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

No part of the development hereby permitted shall be brought into use until a Flood Warning and Evacuation Plan, drafted in accordance with paragraph 5.8 of the submitted flood risk assessment (Document ref: RLC/1509/FRA01 Issue 2) has been submitted to and approved in writing by the Local Planning Authority.

The approved Flood Warning and Evacuation Plan shall be issued to all occupants and users of the development for its lifetime.

Reason: To ensure the development will be safe for its lifetime taking account of the vulnerability of its users.

09

Within 6 months of completion of the development hereby permitted, the ecological enhancements detailed on the submitted Enhancement Map (Drawing no. JME 2043 DR1 V1 shall be implemented, and photographic evidence submitted to and approved in writing by the Local Planning Authority.

The approved features shall thereafter be retained and maintained for the lifetime of the development.

Reason: To secure development that protects the District's ecological and biological assets, with particular regard to priority species, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Newark and Sherwood Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure (2019).

10

No additional external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill, light pollution, and impacts on nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity and to prevent disturbance to protected species.

11

The development shall be carried out in accordance with the submitted Update Daytime Bat Survey Report prepared by JM Ecology dated 22.05.2024 (Ref: JME_2043_BR_01_V1) and the recommendations/mitigation measures outlined on page 5.

For the avoidance of doubt, written confirmation of the following from a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority:

- a) They have attended site and undertaken a search for bats immediately prior to demolition works commencing; and
- b) They have supervised roof removal on the structures immediately prior to demolition works commencing.

Reason: To secure development that protects the District's ecological and biological assets, with particular regard to priority species, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Newark and Sherwood Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure (2019).

12

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Document ref: RLC/1509/FRA01 Issue 2) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 15.50 metres above Ordnance Datum (AOD).
- There shall be no ground floor sleeping accommodation.
- Electrical installation shall be set no lower than 15.80 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to mitigate against the risk of damage to the property and to speed up recovery following a flood event.

13

Notwithstanding the details approved through condition 05, 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.

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, including extensions to the property and the insertion or replacement of doors and windows.

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: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General

Permitted Development) (England) Order 2015 or any amending legislation and to ensure that any proposed further alterations, extensions, or additions are sympathetic to the fact that the dwelling is a converted equestrian building, and the development is permitted on the basis that it would enhance the immediate setting.

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 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).

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com.

04

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If

bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted at the following address: Apex Court, City Link, Nottingham, NG2 4LA (tel: 0300 060 3900).

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

Foul Drainage – EA Advice

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing

non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks>

07

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition “the biodiversity gain condition” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, **and**
- b) the planning authority has approved the plan;
- OR**
- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply:

- Below the de minimis threshold.

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.

