



Report to Planning Committee 5 June 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Dayo Adegbaju, Planner

Report Summary			
<b>Application Number</b>	25/00599/PIP		
<b>Proposal</b>	Application for permission in principle for residential development for one dwelling		
<b>Location</b>	Land To The North Of Gander Hill Cottage Bathley Lane Norwell Newark On Trent NG23 6JU		
<b>Applicant</b>	Mr & Mrs Adam & Dianne Tomlinson	<b>Agent</b>	Mr Anthony Northcote Town-Planning.co.uk
<b>Web Link</b>	<a href="#">25/00599/PIP   Application for permission in principle for residential development for one dwelling   Land To The North Of Gander Hill Cottage Bathley Lane Norwell Newark On Trent NG23 6JU</a>		
<b>Registered</b>	04.04.2025	<b>Target Date</b>	09.05.2025
		<b>Extension of Time</b>	10.06.2025
<b>Recommendation</b>	Grant Permission in Principle		

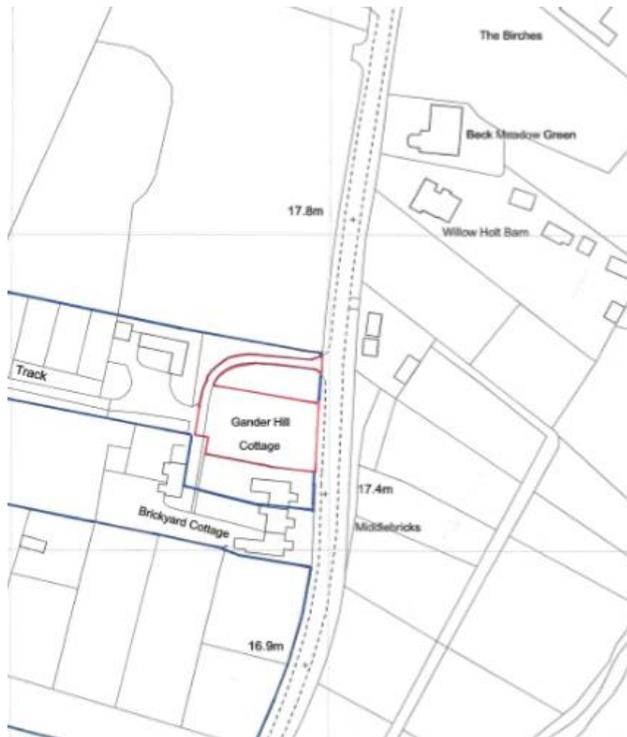
**Procedural Matter**

**Departure from the Development Plan**

**This application is being referred to the Planning Committee for determination as the recommendation is contrary to the Development Plan (contrary to Policy DM8 – Development in the Open Countryside).**

**1.0 The Site**

- 1.1 The application site, which is an open area of mown grassland enclosed by post and rail fencing, is located to the north of Gander Hill Cottage, approx. 200m to the south of the main built-up area of the village of Norwell, in the open countryside. It is on the west side of Bathley Lane and is bordered by open countryside to the north and east, three terraced residential dwellings to the south and a further dwelling to the south-west and stable building, to the west, beyond which is open countryside. There is an existing access (a private driveway) located to the north of the application site off Bathley Lane.



Site Location Plan



1.2 The site is beyond the boundary of Norwell Conservation Area (also approx. 200m to the north) and is not near to any listed buildings or any known site of archaeological significance. The site is located within Flood Zone 1 of the Environment Agency maps which means it is at low risk of main river flooding and at very low risk from surface water flooding. This section of Bathley Lane is a narrow rural lane with no public footpaths.

1.3 The site has the following constraints:

- Open countryside

## **2.0 Relevant Planning History**

2.1 94/51324/FUL - ERECTION OF PAIR OF THREE BEDROOMED. Application Refused 1994. Appeal dismissed on grounds of being contrary to policy for the location of new housing development and being an intrusion into the open countryside.

2.2 51880287 - ERECT ONE PAIR SEMI-DETACHED HOUSES. Application Refused 1988.

## **3.0 The Proposal**

3.1 The application is for permission in principle for the erection of one new dwelling on land to the north of Gander Hill Cottage Bathley Lane Norwell.

3.2 The proposed dwelling would share the use of an existing access off Bathley Lane through a shared private drive to the north of the site. As the application is for permission in principle, no elevation details or plans have been submitted at this stage – these details would be considered at the Technical Details Consent stage, if permission in principle is approved.

3.3 Documents assessed in this appraisal:

- Covering e-mail sent 3 April 2025
- Application Form received 3 April 2025
- Site Location Plan received 3 April 2025

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

4.1 Occupiers of 4 properties have been individually notified by letter. A site notice has also been displayed on site.

4.2 Site visit undertaken on 14.04.2025.

## **5.0 Planning Policy Framework**

### **The Development Plan**

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 - Sustainable Transport  
Core Policy 3 - Housing Mix  
Core Policy 9 - Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

## 5.2 **Allocations & Development Management DPD (adopted 2013)**

DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM8 – Development in the Open Countryside  
DM12 – Presumption in Favour of Sustainable Development

- 5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and completed its Examination in November 2024. This is therefore at an advanced stage of preparation albeit the Inspector’s report is still awaited. There are unresolved objections to the amended versions of all the above policies except for Policy DM12 emerging through that process, and so the level of weight to 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.

### **Other Material Planning Considerations**

- 5.4 National Planning Policy Framework 2024 (as amended Feb 2025)  
Planning Practice Guidance (online resource)  
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019  
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021  
Landscape Character Assessment SPD 2013

## 6.0 **Consultations and Representations**

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

### **Statutory Consultations**

- 6.1 None.

### **Town/Parish Council**

- 6.2 Norwell Parish Council - support the application.

### **Non-statutory Consultations and Representations**

6.3 None.

## **7.0 Comments of the Business Manager – Planning Development**

7.1 The key issues are limited to the following (all other issues would be dealt with at Technical Details Stage, if permission in principle is approved):

- Location
- Land Use
- Amount of Development.

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 of the Allocations and Development Management DPD.

### Principle of Development

7.3 This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).

### Location

7.4 Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial distribution of growth for the district. The focus for growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages'. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside will be assessed against Policy DM8 of the Allocations and Development Management DPD.

7.5 The site is located outside of the main built-up area of Nowell and therefore as a matter of principle is within open countryside. Policy DM8 strictly controls development within the open countryside and only supports new dwellings where:  
- it can demonstrate a functional and financial need in relation to the operation being served;

- it represents a conversion of an existing building or replacement of an existing dwelling;
- it is tourist accommodation where it is necessary to meet identified tourism needs;
- or are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.

- 7.6 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. The exceptions largely reflect that of Policy DM8 with two additions, which are set out below. The NPPF includes where:
- there is an essential need for a rural worker to live permanently at or near their place of work in the countryside;
  - the development would represent the optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
  - the development would re-use redundant or disused buildings and enhance its immediate setting;
  - the development would involve the subdivision of an existing residential building; or
  - the design is of exceptional quality, in that it:
    - i. is truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and
    - ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

- 7.7 The only exception that could apply in this case is the last exception listed, however, the proposal has not been put forward on this basis and therefore there is no provision in Policy DM8 or the NPPF to support this development in this location. However, this aspect is considered in more detail in the discussion below on the presumption in favour of sustainable development.

#### Land Use

- 7.8 As above, Policy DM8 does not support the proposed use of the site for residential development. Nonetheless, it is acknowledged that the site sits immediately adjacent to the end of a terrace of three existing dwellings. As such, despite the conflict with Policy DM8 in terms of location in the countryside, the residential use would complement the land use of the immediate area.

#### Amount of Development

- 7.9 The application proposes one new dwelling. The site covers approximately 950 sqm (including the access). Core Policy 3 of the Amended Core Strategy provides that all housing developments should normally be no lower than an average density of 30 dwellings per hectare net and densities below this will need to be justified, taking into account individual site circumstances. Paragraph 129 of the NPPF states planning decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and health places.

7.10 A single dwelling on the site would equate to approximately 11 dwellings per hectare which is below the average density expected by Core Policy 3. Efficient use of land is also a material consideration here.

7.11 No indication is presented by this application that the proposal would be other than a single market dwelling and the type of accommodation remains unknown at this stage. The availability of land for new housing and the Council’s lack of a 5 year housing land supply is discussed further below. In relation to the part c) above and the availability of infrastructure and services, the village is served by Bus 335 service between Newark and Norwell, there is a village hall, a post office, a C of E Primary School, a church and a public house (The Plough). However, the site is approx. 200m from the boundary of the main built-up area of the village and there is no footway along this section of Bathley Lane that would link the new dwelling to these facilities. The application does not include such a footpath facility within its proposal and this therefore limits safe sustainable travel on foot to limit car use, although it would allow access by bicycle. Part d) of para 129 is also a consideration as given its rural countryside location, it may be justified in this case to seek to protect the lower density character of the area rather than make efficient use of land in this case.

7.12 It is also noted that the access would be a shared drive, which is private. The maximum number of dwellings that NCC Highways would usually support served by a private access is 5. It appears as though there are already 4 dwellings using this access. Therefore, a maximum number of 4 existing dwellings (plus the proposed dwelling) would be acceptable in principle and would be a consideration in an assessment of whether more than one dwelling could be accommodated on the site.

7.13 Overall, taking all considerations into account, the amount of proposed development (a single dwelling) is considered acceptable in principle. However, site specific matters including (but not limited to) scale, design, and layout would all be considered at Technical Details Stage.

*Council’s Position on 5 Year Housing Land Supply and the Presumption in Favour of Sustainable Development*

7.14 Due to the site’s location, the proposal would usually be refused as the principle of development is contrary to DM8. However, paragraph 11 of the NPPF (2024) sets out that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>.

7.15 Footnote 8 (in relation to out of date policies) states, 'this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

7.16 The Council's current position is that it can demonstrate a total housing land supply of 3.43 years. The Council cannot demonstrate a 5 year housing land supply and the Council's Development Plan is not up-to-date in relation to housing delivery for the purposes of decision making. Therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development becomes engaged. Under d) i) the application of NPPF policies that protect areas or assets of particular importance that would provide a strong reason for refusing the development have not been identified and therefore this part would not apply. Under d) ii), the application should only be refused where there would be adverse impacts that would significantly outweigh the benefits, having regard to the considerations listed. So, if the site is considered sustainable and the proposal would make effective use of the land, there would need to be significant adverse impacts to refuse the proposal.

7.17 In terms of a making effective use of land and the amount of development on this site, it could be considered that a single dwelling would represent an inefficient use of the land, however, this would need to be weighed against the sustainability of the location of the site, which is some 200m south of the services in the village with no safe sustainable travel on foot for any occupiers of the site.

7.18 On balance, therefore it is considered that the site is an acceptable location for a single dwelling only in this case.



### **Technical Details Consent**

- 7.20 The Technical Details Consent application is required to be submitted within three years of the decision date of this permission in principle, if the application is approved. The Technical Details Consent would need to carefully consider the following criteria.

#### **The Visual Amenities and Character of the Area**

- 7.21 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.
- 7.22 Policy DM5 requires the local distinctiveness of the district's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.23 Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.

- 7.24 Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.25 There are no detailed drawings to assess at this stage. If approved, the proposal would need to take into account the surrounding vernacular and layout to ensure there would be no detrimental impact on the character of the area. It is considered that a new dwelling on this site could integrate well with the existing dwellings to the south (Gander Hill Cottage and Middlebricks) and would likely not result in an unacceptable cramped appearance.
- 7.26 The site is located within the 'Caunton Village Farmlands with Ancient Woodland Landscape Character Area (MN PZ 28)' where the landscape condition is defined as good, and the sensitivity is defined as moderate. The landscape action for this area is to conserve historic field pattern by containing any new development within historic enclosed boundaries. Given the site's close proximity to the cluster of existing dwellings and within existing defined boundaries, it is not likely that one dwelling would result in unacceptable harm to landscape character.
- 7.27 Norwell, which is the nearby village is within the conservation area, however, given the distance to the site and subject to design, it is considered that there would be no detrimental impact on the setting of Norwell Conservation Area.
- 7.28 With this in mind, it is considered that the proposed development could be achieved without harming the character of the area.

#### Residential Amenity

- 7.29 Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Furthermore, paragraph 135 of the NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.30 The nearest neighbour would be Gander Hill Cottage. Whilst no information has been provided on the design and elevations of the proposal, it is considered that the potential for overbearing and loss of privacy concerns could be removed at the technical details stage.
- 7.31 In terms of private amenity space for the proposed dwelling, it is considered that there would be sufficient space subject to the scale and design of the proposal.
- 7.32 Overall, given the size of the plot, it is considered that a new dwelling on this site could be achieved with adequate amenity levels for both future occupants and neighbouring occupants. Highway Safety

- 7.33 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. 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. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.34 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.35 Access and parking details are not required at this stage; however, if permission in principle is approved, the proposal would need to adhere to the Council's adopted Parking SPD at the technical details stage. Looking at the submitted site location plan, the existing access for the adjacent cottages is located to the north of the site. It is assumed that this would be utilised for the proposed dwelling. As one dwelling would not generate a significant increase in vehicular movements using the access, it is considered likely that this arrangement would be acceptable if proposed at technical details stage.

#### Trees and Ecology

- 7.36 Policy DM5 of the Allocations and Development Management DPD states, '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 states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Policy DM5 and Core Policy 12 aim to conserve and enhance the biodiversity and geological diversity of the district.
- 7.37 There are no trees on the site that would likely be affected and the development would not entail demolition of an existing building, and as such it is unlikely that the proposal would result in unacceptable impacts to ecology that could not be mitigated.

#### Flood Risk

- 7.38 Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' Core Policy 10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.
- 7.39 Given the site is within a low risk of main river flooding and in a very low risk of surface water flooding, it is likely that the details submitted for such matters within any future Technical Details Consent submission are likely to be acceptable.

## **Biodiversity Net Gain**

- 7.40 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)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. 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. Permission in principle is not planning permission, and if approved, requires the submission of a Technical Details Consent application to form a full permission. Biodiversity Net Gain would be applicable at this stage.

## **Community Infrastructure Levy (CIL) -**

- 7.41 The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £70m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

## **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.

## **8.2 Legal Implications - LEG2425/3997**

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

## **9.0 Conclusion and Recommendation**

- 9.1 Further to the above assessment, it is considered that the location is suitable for residential development of one dwelling. Therefore, it is recommended that this permission in principle application is approved.

## **10.0 Conditions**

**It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. It is possible for the Local Planning Authority to attach**

**planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.**

**Local planning authorities may agree planning obligations at the Technical Details Consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.**

### Informatives

01

An application for the approval of Technical Details Consent must be submitted within 3 years from the date of this decision.

02

Biodiversity Net Gain

The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition.

### 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.

