



Report to Planning Committee 2 October 2025

Business Manager Lead: Oliver Scott – Planning Development

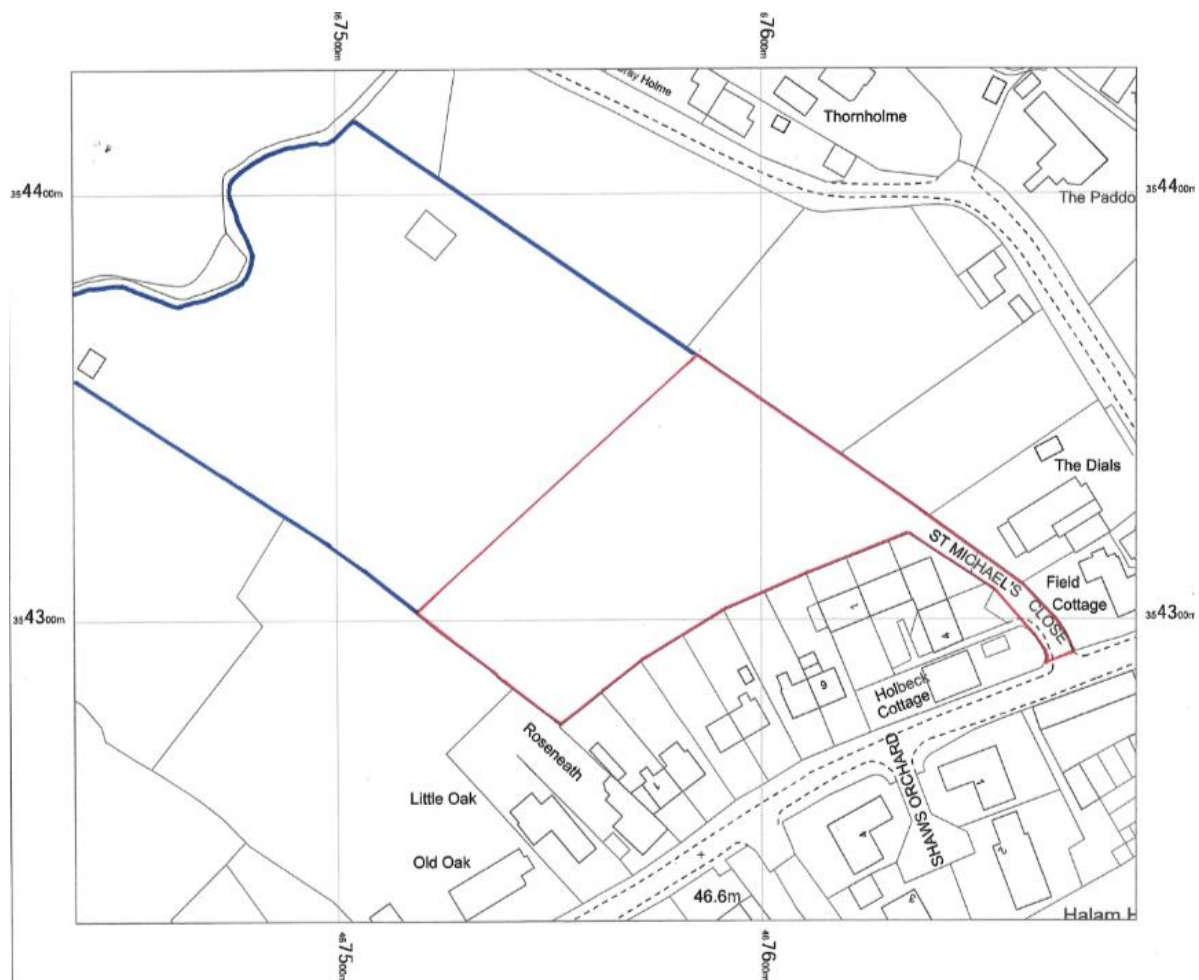
Lead Officer: Jamie Pegram – Planning Development Officer

| Report Summary | | | |
|--------------------|---|-------------|---|
| Application Number | 25/01319/PIP | | |
| Proposal | Application for permission in principle for residential development of four to nine dwellings | | |
| Location | Land Off St Michaels Close Halam | | |
| Web Link | 25/01319/PIP Application for permission in principle for residential development of four to nine dwellings Land Off St Michaels Close Halam | | |
| Applicant | Old Hall Nurseries Ltd | Agent | Town-Planning.co.uk – Mr Anthony Northcote |
| Registered | 04.08.2025 | Target Date | 09.09.2025 |
| Recommendation | That Permission in Principle is Approved | | |

This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.

1.0 The Site

- 1.1 The site is undeveloped land to the rear of dwellings fronting Radley Road within Halam and is accessed via St Michaels Close. St Michaels Close is a private access which serves a two-storey dwelling (Holbeck Cottage), 4 terraced bungalows, and the field which forms the majority of the site.
- 1.2 The site is not within a Conservation Area and there are no listed buildings nearby. The site is within Flood Zone 1 and at low risk of surface water flooding.



2.0 Relevant Planning History

17/00484/AGR Portal framed agricultural building – Prior Approval Not Required (Not implemented and no longer extant)

3.0 The Proposal

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of 4 to 9 dwellings. No specific details are required at this stage.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 The proposed dwellings would use the existing access off St Michaels Close which comes off Radley Road the main road through the village. As the proposal is for permission in principle, no elevational details or plans have been submitted at this

stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.

3.5 Documents assessed in this appraisal:

- Planning Statement received 04.08.2025
- Application Form received 04.08.2025
- Site Location Plan received 04.08.2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 45 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 06.09.2025.

4.2 Site visit undertaken 15th August 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
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 -Sustainable Design
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

5.2. Allocations & Development Management DPD (2013)

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- 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. This is therefore at an advanced stage of preparation and has subsequently been examined in November 2024, the Council is awaiting the Inspector's report. There are unresolved objections to amended versions of policies above mentioned 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.

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework 2024
- Planning Practice Guidance (online resource)

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.2. **NCC Highways** - Recommend that permission should not be granted due to the application not being able to achieve a safe and acceptable access contrary to Paragraph 115, 116 and 117 of the NPPF.

Town/Parish Council

- 6.3. **Halam Parish Council** – Object based on Highways, Flood Risk, Lack of Comprehensive Plans, No BNG Assessment, and Noncompliance with policies SP3, SP12, DM5, DM6 and DM8 and NE8.

Representations/Non-Statutory Consultation

- 6.4. Neighbour & Public consultations – 32 Resident/Neighbour comments have been received all objecting to the proposal, on the impacts the proposal would have in the local area. The main issue is highways given that the road that would connect the development to the village is relatively narrow, concerns were also raised to the village becoming busier as a result of more cars which could potentially lead to road safety concerns. Other concerns in relation to flood risk, character impact was also raised. Concerns have also been raised to the development being backfill development which would disrupt the character and appearance of the village which is linear in design.

7.0 **Appraisal**

- 7.1. The key issues are:
- Location
 - Land Use
 - Amount of Development
- 7.2. All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3. The National Planning Policy Framework 2024 (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 Development Plan Document (DPD). 26317098

Principle of Development

- 7.4. 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).
- 7.5. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the district (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the district. Applications for new development beyond Principal Villages, as specified within Spatial Policy 1, will be considered against the 5 criteria within Spatial Policy 3 (Rural Areas).

Location

- 7.6. The site is located within the open countryside outside of the main built-up settlement, however adjacent to housing within the village. The village itself is an 'other village' as set out within the Settlement Hierarchy, therefore would fall to be assessed against SP3. Policy DM8 states that – Planning Permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.
- 7.7. Following the publication of the NPPF on 12th December 2024, the LPA can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing and the tilted balance will need to be applied as the NPPF is an important material planning consideration.
- 7.8. The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. The LPA is

currently only able to demonstrate a housing land supply of 3.43 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.

- 7.9. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes’

- 7.10. Footnote 7 of the NPPF (2024) sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. There are no protected assets or areas that would provide a strong reason for refusing development on this site.

- 7.11. As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy and policy SP3, the tilted balance is engaged, and the provision of housing (between 4 to 9 units) is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a key role in helping the district meet its housing targets and identified housing needs.

- 7.12. The site will provide between 4 and 9 units on the edge of the village but into land considered open countryside, at this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage. It is considered that 4 bungalows are likely to be most appropriate however this will be dealt with at the technical details stage.

Scale

- 7.13. The guidance notes which accompanies SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which would be a matter for the Technical Details Consent (TDC). Four to Nine additional dwellings are considered a suitable scale of built form when considering the context and the scale of Halam as a village. It is unlikely that the introduction of up to 9 dwellings would detrimentally affect local infrastructure such, as drainage and sewerage systems. This is therefore considered to be acceptable in relation to the scale criterion.

Need

- 7.14. The wording of the 2019 Core Strategy requires new housing to demonstrate that it would help to support community facilities and local services. Given the location of the site adjacent the village, it is considered that occupiers of the proposed dwelling would have sufficient opportunity to support and help sustain the longevity of the existing local services within surrounding settlements which accords with the requirements of this criterion.
- 7.15. Moreover, the District's shortfall in land for housing has been highlighted above. The proposal would be providing 4-9 units to meet an identified need, and this is given additional weight in the planning balance, as per the tilted balance in paragraph 11 of the NPPF.

Impact

- 7.16. In relation to impact, Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. 4 to 9 additional dwellings would not result in a significant or unsustainable increase in population within the village, therefore, would be highly unlikely to result in any unacceptable impacts in relation to traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3. There are bus services which goes from the main road in Halam to Southwell which is a Service Centre within the District furthermore buses to Newark and Nottingham can be accessed from Southwell therefore there is good public transport links to and from the village.

Character

- 7.17. SP3 states new development should not have a detrimental impact on the character of the location or its landscape setting. Without further details of the proposal, the impact on the character and appearance to the area cannot be fully assessed at this stage. The site is immediately adjacent to a modern dwelling to the South. Therefore, addition Four to Nine dwellings on the site (subject to detailing) would have a degree of impact on the character however it is difficult to quantify this at this stage without technical details, a scheme could be achieved that although would have impact on balance its benefits could outweigh this the site would not be isolated or disconnected from the village however as it lies directly adjacent to the edge of the village. Careful consideration should be given to sensitive design, height, scale, and massing as well as palette of materials at the technical details stage to ensure that the new dwellings does not dominate or distract from the vicinity.

Land use

- 7.18. Residential is a suitable use of the land considering the proximity to the village. The site is directly adjacent the village therefore would expand the village rather than fragment it by using land that is not directly adjacent. It is noted that the highways authority has raised concerns to the highway entrance as it would require upgrades, these upgrades would be dependent on the number of dwellings proposed.

- 7.19. The greater the amount of units proposed at technical detail stage the more significant the upgrades required will be this is set out within the Nottinghamshire County Council's Highway Design Guide. The highway requirements would also include the existing dwellings on St Michaels Close. Whilst concern has been raised by Highways in this regard this stage is determining the principle of development, therefore the proposal cannot be refused on technical matters as these are currently unknown.

Amount of Development

- 7.20. The application proposes between 4 and 9 dwellings. The site covers approximately 0.5 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 9, which equates to an approximate density of 18 per hectare. Given the rural, edge of settlement location, this maximum is considered acceptable and would not be considered to introduce a harmful density in terms of wider impacts, such as visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3 (this would be a matter for the TDC stage).
- 7.21. The maximum number of dwellings proposed here would be 9 units which would not overwhelm the village, given the transport links to and from the village to larger service centre towns and principal villages there would be sufficient services to serve the additional dwelling at an appropriate distance. Furthermore 9 dwellings would not overwhelm services and facilities within the village such as the school, church and public house.

Planning Balance

- 7.22. In this instance, the location is considered to be within the open countryside adjacent the built village of Halam. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are convincing issues which would warrant refusal. Whilst Halam is an 'other village', with some but not all the essential amenities, Halam has transport connections to Southwell which is a service centre with plenty of amenities. Considering the Council's lack of a five-year housing land supply, and an out-of-date local plan, the provision of housing is given additional weight in the planning balance. At this stage, there are no impacts that would significantly or demonstrably outweigh the provision of housing, in accordance with NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

Matters for Technical Details Consent Stage

- 7.23. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD sets out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.

Impact on Visual Amenity and the Character of the Area

- 7.24. 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. 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.
- 7.25. 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.
- 7.26. 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.
- 7.27. The site is within the MN PZ 36 landscape policy zone as identified by the adopted Landscape character Assessment SPD. The policy is to conserve the landscape including conserving hedgerows, preventing fragmentation, and conserving the historic field pattern by containing any new development within historic enclosed boundaries.
- 7.28. Policy DM5 states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.
- 7.29. No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage - the proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 4-9 new dwellings would be more prominent than the existing site. The design should aim to minimise the visual impact due to the adjacent to village open countryside location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

Impact on Residential Amenity

- 7.30. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.31. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwellings to the site are

September Grange immediately South of the proposed site. The access to the site would be an extension of St Michael's Close which serves existing bungalows. Given the size of the land for the proposal it is considered that acceptable spacing and amenity can be achieved at technical detail stage therefore a scheme where there wouldn't be any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy is achievable. This would be subject to technical details and further assessment.

Impact on Highways

- 7.32. 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. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.33. 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.
- 7.34. An existing access would be utilised (St Michaels Close) this is classed as a shared drive. The access would need to meet the requirements set out in the NCC Highways Design Guide. For a shared private drive of up to 15 dwellings this would require a width of 5.0m width or 5.5m if accessed off a main street or higher category road, plus 0.5m clearance on both sides, additional width for bin storage. The highways authority has raised concerns in their comments for this application, the main concern raised is the need for junction improvements at St Michaels Close if the scheme was to result in more than 5 dwellings. The upgrades of the junction would be required at technical design stage and would need to be assessed to ensure that the access is acceptable for the number of dwellings proposed which is currently unknown the upgrades required will depend on the number of dwellings proposed. Parking provision would need to adhere to the recommendations set out in Table 2 of the SPD. For dwellings with up to 2-3 bedrooms 2 spaces would be required and for 4+ bedrooms 3 spaces would be required.
- 7.35. Overall it is considered that the scheme could accord with policy however this would be subject to a separate assessment of technical details.

Trees, Landscaping and Ecology

- 7.36. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged

- 7.37. It is not clear whether the proposal would result in the removal of any trees within the site or around the access. In the event that this is the case, in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended and the PEA would be required to support the Technical Details Consent application.
- 7.38. Ultimately it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees/hedgerows or would result in the removal of such features, you would be required to submit a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.39. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

Contamination Risk

- 7.40. Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.
- 7.41. Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990
- 7.42. Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application. The Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

Community Infrastructure Levy (CIL)

- 7.43. 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 £45m2 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.

Biodiversity Net Gain (BNG)

- 7.44. Biodiversity Net Gain (BNG) – 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. The TDC application would need to clearly set out how the application complies with one of the exemptions for BNG or detail how BNG would be achieved on-site or in accordance with the BNG hierarchy.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendation's 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.

Legal Implication – LEG2526/5649

- 8.2. 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

- 9.1. The purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for 4-9 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.
- 9.2 It is therefore recommended that unconditional Permission in Principle is approved.
- 9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.

9.4 Technical Consent Submission Requirements:

- Completed Technical Details Consent Application Form
- Site Location Plan
- Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
- Existing and Proposed Plans and Elevations
- Preliminary Ecology Assessment (and any follow-up surveys as recommended)
- Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
- Contaminated Land Desktop Study/Preliminary Risk Assessment
- Details of BNG

10.0 Informative Notes to the Applicant

- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.

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.

