



Report to Planning Committee 13 November 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn – Senior Planner

Report Summary			
Application No.	25/00805/FULM		
Proposal	Change of use of land to a traveller site including ancillary hardstanding.		
Location	Land To The South East Of Bullpit Road Balderton Newark On Trent NG24 3NA		
Applicant	Mr Richard Calladine	Agent	Mark Simmonds Planning Services
Web Link	25/00805/FULM Change of use of land to a traveller site including ancillary hardstanding Land To The South East Of Bullpit Road Balderton Newark On Trent NG24 3NA		
Registered	27/05/2025	Target Date	26/08/2025
Recommendation	Application be GRANTED, subject to the conditions in section 10.		

This application is referred to the Planning Committee for determination as a call-in request was received from Cllr Lee and Cllr Oldham due to concerns including lack of consultation, compliance with the Local Plan, highways safety issues including traffic, lack of a flood risk assessment, lack of basic infrastructure, fire safety risks and impact on green space.

1.0 The Site

- 1.1 The site is located adjacent to the settlement edge of Balderton, which forms part of the Newark Urban Area. The site lies outside the urban confines of Newark in the open countryside. The site previously comprised a stable building and associated paddock land, and lies to the north of the railway lines. There is predominantly residential development to the south and some scattered residential and agricultural development to the north.

- 1.2 The site lies in flood zone 1 and has a small area of low to medium surface water flood risk in the southeastern most corner of the site, adjacent to the railway lines. The site is not proposed for allocation through the submission version of the Amended Allocations and Development Management DPD.

2.0 Relevant Planning History

- 2.1. No previous relevant history found.

3.0 The Proposal

- 3.1 The application seeks permission for the change of use of the land to allow the siting of 10 pitches for the Gypsy and Traveller community. The proposal consists of 10 pitches for Traveller families, with space for a mobile home, a touring caravan and private garden space. From a site visit it is noted that the change of use has already occurred and the site currently comprises 10 pitches.

- 3.2 Documents assessed in this appraisal:

- Application Form
- Design, Access and Planning Statement
- Noise Impact Survey and Assessment
- Transport Note
- Site Location Plan reference LIBU 002
- Site Plan reference LIBU 001
- Refuse Vehicle Plan 1 reference LTP/6489/T1/01/01/B
- Refuse Vehicle Plan 2 reference LTP/6489/T1/01/02/B
- Caravan Swept Path Analysis Plan 1 reference LTP/6489/T1/02/01/0
- Caravan Swept Path Analysis Plan 2 reference LTP/6489/T1/02/02/0
- Visibility Splay Plan reference LTP/6489/V1/01/01/0

Site Plan:



4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 63 properties have been individually notified by letter.
- 4.2 Site visit undertaken on 31st July 2025.
- 4.3 A site notice was displayed on 2nd June and expired on 23rd June.

5.0 Planning Policy Framework

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 7 - Sustainable Transport
 Core Policy 4 – Gypsies & Travellers – New Pitch Provision
 Core Policy 5 – Criteria for Considering Sites for Gypsies and Travellers and Travelling Showpeople
 Core Policy 9 - Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

5.2. Allocations & Development Management DPD

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. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.
- 5.4. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced

stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

5.5. **Other Material Planning Considerations**

- Planning Policy for Traveller Sites (PPTS) 2024
- National Planning Policy Framework (NPPF) 2024
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Gypsy and Traveller Accommodation Assessment (GTAA)
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.1. **Nottinghamshire County Council Highways** – Objection. Highways Officer requests a Grampian condition to secure a new footway to site, requests condition for gates on site access to be set in to ensure a towed caravan or van can wait clear of highway. Comments that visibility splay have been calculated incorrectly and for northbound vehicles should have been shown at 48m opposed to 43m shown on drawing. Comments that the required 48m visibility is achievable but may require vegetation management. Regarding visibility splay for southbound vehicles, this is shown at 63m but should be 99m. Again, this is achievable but not shown on plans. Also comments on swept path analysis that the vehicles shown do not represent general operational dynamics of a traveller's site and still need swept path analysis of a 3.5t vehicle with a 12m trailer. Vehicles should not have to swing into layby as it may be used by other vehicles. Comments note that these issues could be dealt with by condition. But Highways maintain their objection, noting the issues can be overcome.

Town/Parish Council

- 6.2. **Balderton Parish Council** – Object to the application on the following reasons:

1. Highways issues, including visibility, lack of footpath, lack of lighting and width of road;
2. Loss of hedges to accommodate visibility;
3. Lack of infrastructure including waste removal and drainage;
4. Noise disturbance for neighbours, such as from generators, and noise disturbance for occupiers due to railway lines;

5. Layout concerns and visual appearance, including concerns of safety;
6. Risk of creeping development;
7. Retrospective nature of the development could set precedent for other unauthorised developments.

Non-Statutory Consultation

- 6.3. Network Rail – Originally objected to the proposal due to the proximity of the access to the level crossing and concerns development could impact the safety of the level crossing, including increased queuing and traffic flows from the site. Other comments included drainage not impacting the railway, requesting a condition for how surface water drainage will be managed, and railway noise mitigation and adequate sound proofing for future occupiers.

Since the amendments to the location of the site access and the proposed off-site mitigation through signage and road markings (which will be secured via S278 agreement), Network Rail have removed their objection and state they are now satisfied with the outcome, subject to a condition requiring gates to be set back within the site.

- 6.4. NSDC Planning Policy Team – Comments on traveller accommodation need and supply and an assessment of the application against paragraph 11(d) of the NPPF and the Local Development Plan Policies. Comments conclude that there is a significant unmet need for Traveller accommodation with the Council in the position where it cannot currently identify sufficient land to meet either its overall requirements or demonstrate a five-year land supply. This results in the tilted balance at paragraph 11(d) of the NPPF being engaged. The proposed pitches would address a need identified in the GTAA and provide additional support towards those requirements. I am not aware of any protected areas or assets of particular importance that would provide a strong reason for refusing the application, and so in line with part 2 of paragraph 11(d) permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits – when assessed against policies within the NPPF, with particular regard to key policy areas.
- 6.5. NSDC Environmental Health – Suggested an acoustic assessment be provided prior to determination due to proximity of the site to the railway lines. Upon receipt of the acoustic assessment, requested that two points should be addressed by applicant: 1. Monitoring on weekend night and whether this is representative of noise environment during the week; and 2. Discrepancy between stated monitoring location and location shown on site plan.

A supplementary technical note has been provided by the applicant on 24th July 2025 addressing these two points.

- 6.6. NSDC Ecology Officer – Informal comments given advising that Biodiversity Net Gain (BNG) does not apply to retrospective applications.

Representations/public comments

- 6.7 32 objections received into total, concerns are summarised below:

- Contradictions in application of not fixed accommodation vs. permanent fixtures
- Not in keeping with local area, impact on character of the area
- Development in open countryside, landscape impacts
- Unsafe for existing residents nearby
- Road safety concerns and proximity to level crossing
- Impacts of vehicles and lorries accessing the site when works were taking place
- Impacts on local traffic levels
- Lack of footpath
- Site should be protected green belt / site is green belt
- Occupiers do not have correct permission to live there, works done without permission
- Comments on the sale of the site
- How will waste be dealt with, concerns of vermin
- Concerns of dogs being left out and barking in the night
- Noise disturbance from music / activity on the site
- Impacts on local residents – light pollution, loss of privacy, disturbance
- Concerns re number of pitches proposed
- Lack of water source, gas, electricity, etc.
- Impacts on local crime rates and concerns of antisocial behaviour
- Impacts on local house prices
- Ongoing works on the site
- Impacts on wildlife and ecology and environmental impacts
- Lack of consultation from applicant to local residents
- Unfair to people who do apply for planning permission
- People can ignore road signage, questions effectiveness of this mitigation
- Applicant should reinstate paddock and equestrian use
- Sets precedent for retrospective development
- Lack of safe area for children to play away from railway line
- Strain on local services like schools, health care, police
- Unlawful works took place over a bank holiday weekend – disturbance caused, no permission
- Concerns of flood risk
- Concerns over where aggregate used on the site has come from
- Concerns over fire regulations and fire safety
- A S106 legal agreement should be secured to secure highways improvements and control number of pitches, tenure, site use and site management
- Concerns flood lights may be used on site
- Inappropriate land use in open countryside
- Concerns over whether occupants will pay council tax

6.8 1 comment of support received, comment summarised below:

- Site looks well built and is neat and tidy
- Good location
- Railway lines are noisy anyway so no noise impacts

- People living there are respectful
- Site does not interfere with traffic
- Important to provide site for travellers and preserve their culture

7.0 **Appraisal**

7.1. The key issues are:

- Principle of development
- Impact on the Character of the Area and Landscape Impact
- Impact on Residential Amenity
- Impact on the Highway
- Impact on Ecology and Biodiversity Net Gain
- Flood Risk and Drainage
- Other matters

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

Need and Lack of 5 Year Land Supply

- 7.3. The District Council, as Local Planning Authority, has a duty to provide sites on which Gypsy and Travellers (G&Ts) can live. The Core Policy 4 (Gypsies and Travellers – New Pitch Provision) sets out that it will address future Gypsy and Traveller pitch provision through all necessary means including the allocation of new sites through a development plan.
- 7.4. Gypsy and Traveller Accommodation Assessment (GTAA) for Newark & Sherwood identifies a total need for 169 pitches for Gypsies and Travellers for the period 2019 – 2034. Since the GTAA was published in February 2020 there have been changes made to the PPTS, relating to the planning definition of a Traveller for planning purposes. The Council have subsequently concluded that 134 pitches of the overall 169 pitch requirement reflect the needs of Traveller households meeting the revised definition in Annex 1. Whilst the Council recognises 169 pitches as its overall pitch target, it is the lower 134 pitch need which provides the relevant local target for calculation of the five-year land supply, in line with the PPTS. Despite a number of permissions being granted, the Authority remains in a position where it lacks sufficient, identifiable and deliverable sites to address its overall pitch requirements, or to demonstrate a five-year land supply (currently being able to show a 1.85-year supply).

- 7.5. The emerging policies within the Publication Amended Allocations and Development Management DPD demonstrate a commitment by the Council to meeting the need for pitches in the District. However, only limited weight can be given to the newly proposed allocation sites as the specific policies in relation to G&T site allocation and need are undergoing major modifications, so are yet to be found sound. As such, in the absence of any current allocated sites, and in the light of the significant unmet need, provision of pitches are only likely to come forward through the determination of planning applications on windfall sites.
- 7.6. In terms of how this site would contribute to the Council's Gypsy and Traveller need, no firm evidence of demand for inward migration into the District was found as part of the GTAA. Therefore, net migration to the sum of zero was assumed for the GTAA – which means that net pitch requirements are driven by locally identified need rather than speculative modelling assumptions. With inward and outward migration in balance with one another, this means that when a household moves into the District that movement is counterbalanced by the outward migration of another. Therefore, providing proposed pitches are addressing the needs of a Traveller household, consistent with the definition below, then they would contribute to supply against the local pitch target.

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

- 7.7. Based on the information provided by the Applicant, subject to a planning condition restricting occupation of the site to those meeting the planning definition of a gypsy or traveller, the proposed pitches would be available to help meet existing, and future, locally identified G&T need. This positive contribution towards meeting the need identified through the GTAA, in the absence of a five-year land supply, is a significant material consideration in favour of the proposal.

Tilted Balance (NPPF Para 11) and Policy Considerations

- 7.8. The updated PPTS, at paragraph 28, makes it clear that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, then the provisions in paragraph 11(d) of the NPPF apply. As a result, the 'tilted balance' would be engaged. This means that:
- 7.9. *"Where the policies which are most important for determining the application are out-of-date, 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.”

- 7.10. Considering the above, the site does not concern a protected area or asset of particular importance as identified at footnote 7, and so there would be no strong reason for refusing the development under part i). Turning to part ii), the first consideration is to directing development to sustainable locations. In this respect the application site is located in the open countryside, the PPTS at paragraph 26 states Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan.
- 7.11. Policy SP3 and Policy DM8 address the consideration of proposals in the open countryside, with SP3 confirming that development should be strictly controlled and restricted to uses which require a rural setting. Whilst Gypsy and Traveller accommodation does not necessarily require a rural setting, it is not uncommon for this use to be found in semi-rural and rural settings. Policy DM8 reiterates the control of development in the open countryside and identifies a limited range of development which is considered acceptable, none of which would be directly applicable to this proposal.
- 7.12. Policy CP4 in the Amended Core Strategy sets out that the Council will work with partners to address future Gypsy and Traveller pitch provision, consistent with the most up to date Assessment. This includes granting of permission on sites in line with Policy CP5. CP4 also contains a locational element, detailing that future pitch provision will be provided in line with the Spatial Strategy, and to secure additional provision in and around the Newark Urban Area. In this respect, were it not for the railway lines, then the land would immediately adjoin the Urban Boundary for Newark. Therefore, the site is considered to remain consistent with the direction provided by the Development Plan in focusing further Traveller provision in and around Newark Urban Area, with the site lying adjacent to the settlement, only physically separated by the railway lines.
- 7.13. Policy CP5 provides several criteria which do not explicitly rule out semi-rural and rural sites. CP5 is broadly consistent with the approach provided in the PPTS. In terms of proximity to services and facilities, the site would be within proximity to those found in the Newark Urban Area. It is noted there is a short distance between the site and the main built-up area where there is no footpath provision. On this basis the site could be perceived as unsustainable. This would mean the development would result in a dependence on private motor vehicle to access nearby services and facilities. That said, the journeys would be short in distance/duration and allow use of high-quality services and facilities accessible in Newark Urban Area. The lack of a continuous footpath connection may not be desirable, but it is also the case that there is an insufficient supply of alternative, more appropriately located land elsewhere.
- 7.14. Criteria 3 of CP5 concerns highways safety and is assessed below in the report. Previously there were concerns regarding the proximity of the access to the level crossing, however the scheme has been revised to relocate the site access further

from the crossing, therefore addressing the previous safety concerns. The further criteria of CP5 include landscaping and visual amenity, flood risk and pitch sizes, which are addressed further below in the report.

- 7.15. Paragraph 11(d) underlines the need to support an efficient use of land. The proposal concerns the development of greenfield land with an average pitch size that exceeds the indicative standards in CP5. On balance, the majority of the pitches sit within the standards and are considered an effective use of land considering the number of pitches proposed and the size of the plots.
- 7.16. The final policy consideration that concerns the second part of para 11(d) is providing affordable homes. There can be a need for affordable pitch provision to be made for Travellers. No specific detail has been provided on this and so the pitches would not sit within this category. From the site would be run on a private family basis. The GTAA has also not identified a specific need for affordable pitches at this time, so no local policy exists to require affordable pitch provision. Therefore, the proposal would be consistent with para 11(d) on this consideration.
- 7.17. The PPTS at paragraph 14 states there is the requirement to avoid Gypsy and Traveller sites dominating nearby communities. Considering the scale of development proposed, the proposal for ten pitches would not dominate the nearby settled community. Newark is a key settlement in the hierarchy and can accommodate a provision of this size.
- 7.18. Whilst the site technically lies outside the settlement boundary, it is directly adjacent to the settlement confines and so not considered wholly unsustainable. The site would be within proximity to the wide and diverse range of services and facilities offered within the Newark Urban Area. Journeys to access these services would be short in terms of distance and duration. Therefore, the site would be considered consistent with the approach of directing new Traveller pitches to the Newark area. Given the size of the site and the number of pitches proposed, the location and scale of the scheme would not be considered to have an adverse negative effect.
- 7.19. Balanced against this, it is concluded that the District has a significant unmet need for Gypsy and Traveller pitches. The proposal would represent a small but direct contribution towards a five-year land supply of 10 new pitches. This positive contribution is a significant benefit, and in the absence of the availability of alternative sites and emerging site allocations which cannot yet be given meaningful weight, this contribution to supply should be afforded significant positive weight as part of the overall planning balance.

Summary

- 7.20. Overall, there is a significant unmet need for Traveller accommodation, with the Council in the position where it cannot currently identify sufficient land to meet either its overall requirements or demonstrate a five year land supply. This results in the tilted balance outlined at paragraph 11(d) of the NPPF becoming engaged. The proposed pitches would address a need identified through the GTAA and provide additional supply towards those requirements. There are no identified protected

areas or assets of particular importance that would provide a strong reason for refusing the application, and so in line with part 2 of paragraph 11(d) permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 7.21. As such, subject to other considerations addressed below, the principle of the proposal is accepted, and conditions to control the occupation of the site to ensure it meets identified needs are suggested.

Impact on the Character of the Area and Landscape Impacts

- 7.22. A high level Landscape Character Assessment Supplementary Planning Document (LCA SPD) has been prepared to inform the policy approach identified within Core Policy 13 (Landscape Character). The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District. Core Policy 13 indicates that the development proposals should positively address the recommended actions of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the landscape conservation and enhancement aims for the area.
- 7.23. 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.
- 7.24. Paragraph 135 of the NPPF states that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.25. The site lies in the East Nottinghamshire Farmlands character area in Policy Zone ES04. This character area more broadly is considered as a remote rural area, lying along the eastern fringe of the County within the broad vale of the Trent. This landscape Policy Zone is considered to have a moderate condition and moderate sensitivity to change, stated as having a simple agricultural character with variations in land use, field patterns, woodland cover and settlement patterns. The region is now dominated by arable farming although many ancient features remain. These include old village pastures, ridge and furrow, field ponds, narrow country lanes and parklands.
- 7.26. Although located within the open countryside, the site is located in a field adjacent to existing built development as opposed to being surrounded by existing open fields. Nonetheless the proposal would result in a degree of suburban encroachment into the open countryside beyond the established settlement boundary, which would impact and erode the landscape character to a limited degree.
- 7.27. The site previously comprised a paddock for horses. The proposal would allow the creation of 10 traveller pitches, each to house a mobile home, a touring caravan and

private garden space. Whilst the character of the site was previously green and undeveloped land, the site itself is relatively confined in terms of wider views and visibility. Therefore, the wider impact of the change of use of landscape character is considered to be more localised.

- 7.28 The site is limited in size and confined by maturely landscaped boundaries and the physical feature of the railway lines to the south. The proposal would see hardstanding and porous paving on the site. Whilst this would somewhat erode the green and verdant character of the site, the impact of this on the wider character of the area and landscape would be limited. The proposed works would not be considered to adversely sprawl into the open countryside and would be confined to the site. The impact on the character and appearance of the area would therefore be very localised to the site itself and would not be considered significantly or detrimentally harmful in terms of wider landscape character. As such, the proposal would have a degree of impact on the character and appearance of the area and landscape, but this would be localised to predominantly the site itself and would not represent wider landscape or visual harm.
- 7.29 The change of use and siting of caravans and other paraphernalia would alter the existing character of the site, however for the aforementioned reasons, it is not considered that the proposed development would result in a dominant visual impact, nor would it result in significant harm to the wider landscape, therefore is acceptable in relation to visual impact and landscape impact. As such, the proposal would not be considered harmful to the character or appearance of the area, and is considered in accordance with Core Policy 9, Core Policy 13 and policy DM5.

Impact upon Residential Amenity

- 7.30 Policy DM5 explains 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.
- 7.31 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.32 There are existing residential properties to the south of the site beyond the railway lines. There is a physical degree of separation between the site and these nearby neighbours due to the railway lines. Whilst the relationship may seem close, I do not anticipate that the use of the land for Traveller pitches would pose any increased harms to neighbouring amenity through loss of light, privacy or outlook.
- 7.33 In terms of noise, whilst there may be a degree of increased noise arising from the site as it becomes occupied and lived on, this would not be considered dissimilar to the noise generated from a residential use anyway. Also, considering the siting of the railway line, I do not anticipate that the use of the site for 10 pitches would give rise to undue noise impacts to nearby properties above the existing acoustic landscape they experience due to the proximity to the railway lines and other neighbouring residential uses, being a built up and residential area.

- 7.34 Regarding the amenity of future occupiers of the site, as the pitches would be near the railway lines, an acoustic assessment has been provided. The Environmental Health Officer reviewed this and raised two comments regarding the monitoring on a weekend night and the location of the monitoring. The applicant has addressed these through a technical note which states that whilst monitoring over multiple nights can be beneficial, their monitoring did capture some 20 hours and 34 minutes of continuous data, including both day and night time periods and that multiple freight and passenger train events were captured. They also assert that data from the East Coast Main Line timetable shows comparable weekend freight activity, particularly at night, when compared to weekday evenings. Therefore, the applicant is satisfied their data set was suitably representative and typical of the 'worst case' operational environment on the site. The technical note also clarifies the precise monitoring location was the south eastern corner of the site, approximately 5-10m from the southern site boundary. Again, this was chosen to capture the 'worst case' exposure to the railway line.
- 7.35 The acoustic assessment provided concludes that the development can achieve appropriate internal and external noise environments in accordance with BS8233:2014 and relevant planning guidance. The worst-case façade levels were adjusted to reflect dwellings closest to the railway lines and mitigation measures of higher performance glazing and ventilation have been suggested to ensure elevated levels of noise remain within the internal thresholds without the need to open windows.
- 7.36 I am satisfied the technical note addresses the outstanding two comments from the Environmental Health Officer and the additional clarification is satisfactory to accept the findings of the acoustic report. As such, the proposal is acceptable in terms of noise impacts on future residents.
- 7.37 It is noted a public comment raised concerns of flood lighting on the site. This was not witnessed during the Officer site visit. There are also no details of flood lighting included in the submission. Should the applicant wish to install external lighting, a condition can be attached to ensure details are first approved by the Local Planning Authority, to control external lighting on the site.
- 7.38 Several of the public comments raised concerns of crime and antisocial behaviour arising from the development. Whilst these comments are noted, it is not considered that the development would give rise to increased opportunities for crime or antisocial behaviour that would warrant refusal on the application. There is no evidence before the Council that the change of use of the land and provision of 10 traveller pitches would give rise to unacceptable and increased local crime rates and antisocial behaviour that would justify refusing the application.
- 7.39 Overall, it is considered the impact on amenity is acceptable and that the proposal complies with Policy DM6 and DM5 of the DPD.

Impact upon Highway Safety

- 7.40 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 which place an emphasis on non-car modes as a means of access to services and facilities. 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.
- 7.41 Paragraph 116 of the NPPF states 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*
- 7.42 It is noted that during the application amendments have been made to the location of the access point from Bullpit Road. The amendment sees the site access moving further to the north, increasing the distance of the access to the level crossing. Both NCC Highways and Network Rail accept this change, with Network Rail wholly removing their objection.
- 7.43 Network Rail also welcomed the proposed mitigation put forwards by the applicant, which includes signage and additional road markings to prevent traffic blocking the access and posing safety concerns for traffic backing up by the level crossing. These off-site mitigation measures will be secured through a S278 agreement directly with the County Highways Authority, in combination with Network Rail. This process falls outside the planning application remit and is an independent process the applicant will need to go through. This has been agreed by both parties.
- 7.44 The Council consider the relocation of the access as a positive amendment that addresses the original concerns raised by Network Rail regarding the proximity with level crossing. As such, the Council is satisfied with the new proposed site access location. In respect of gates and making sure that vehicles can pull off the road safely without blocking traffic flows, a suitably worded condition can be attached.
- 7.45 It is noted that the Highways Authority recommend securing a Grampian condition to ensure the applicant provides a footpath to the site. The footpath would need to be some 20m in length to connect the site to the existing network. Whilst the Council have considered this, it would not be considered reasonable to impose this condition on the applicants when considering the size and scale of the site and the proximity to the existing settlement. Whilst the footpath would not need to be excessive, in this case the lack of 20m of footpath would not be considered to justify a strong reason for refusing the application, or amount to significant or demonstrable harm. Considering the significant need for traveller pitches, the lack of the footpath is not considered to pose a strong reason for refusal that would outweigh the need for the development in the planning balance. The site is directly adjacent to the settlement and is therefore not considered wholly unsustainable or isolated in that regard. Whilst ideally the site would be served by a footpath, it would be considered unnecessary and unreasonable for the Council to impose this as a condition on the applications in this case. As such, this is not considered a strong reason for preventing the granting of permission on the site and would not amount to significant or demonstrable harms.

- 7.46 Regarding visibility of the access, NCC Highways note that the visibility splays are drawn incorrectly but that the required visibility is achievable on site. Based on this assessment, the Council are satisfied that suitable visibility can be achieved and do not see this as a suitable reason to warrant refusing the application overall. A condition can be secured in relation to the provision and maintenance of visibility splays, and the closure of the existing access.
- 7.47 The applicant has provided swept path analysis for both a refuse truck and a 12m caravan manoeuvring the site. The caravan swept path analysis is based on an articulated lorry transporting a static caravan. NCC Highways advise that this is not fully representative of the general operational dynamics of a travellers' site and that the swept path analysis does not include a 3.5t vehicle with a 12m trailer being towed. Whilst the swept path analysis for a caravan does not meet the exact requirements detailed by NCC Highways, it is considered to be broadly representative of the use of the site and it is noted that caravans will not be being moved as a general daily occurrence. The swept path analysis does show the site can be manoeuvred by larger vehicles and the Council do not consider this point to warrant refusal on the application. Moreover, it is not considered that the swept path analysis incorporates using significant parts of the layby. Whilst there is a slight overlap, this is very minor and it is not considered that larger vehicles accessing the site will have to rely on the layby to enter and exit the site, should it be being used by other vehicles.
- 7.48 When considered in the wider balance of the application, the errors in the visibility splays and the lack of the correct swept path analysis model are not considered reasons for refusing the development and the development is not considered to pose a 'severe' impact on highways safety. The Highways Officer acknowledges the visibility can be achieved and that the issues can be overcome. As such, in light of this, they are not considered 'severe' or major issues that would prevent the Council determining the application based on the information submitted.
- 7.49 The proposal, therefore, would not be considered to result in a 'severe' impact on the local road network when considering the nature of the change of use and the context of the site. The proposal has been amended to move the site access further away from the level crossing and Network Rail have subsequently removed their objection. Conditions can be used to ensure that correct visibility is implemented and maintained and that the existing access is closed. Conditions can also be used to secure details of site access gates and their location, to not impede traffic flow. Overall, whilst the objection and comments from Highways are noted, they are not considered to represent strong reasons for refusing the development when considering the pressing need for traveller pitches in the District. It is the Council's view that the proposal is therefore acceptable in relation to highways matters, subject to suitably worded conditions.

Impact upon Ecology

- 7.50 Policy DM5 states that where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment.

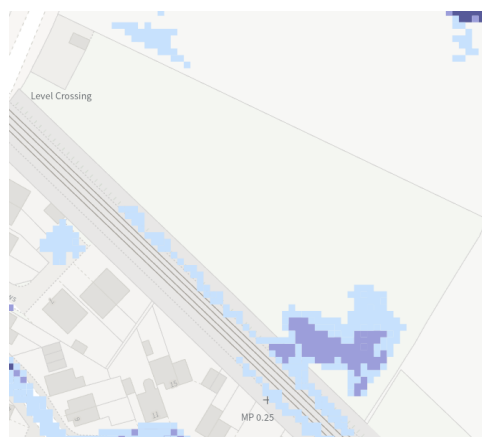
- 7.51 Core Policy 12 Biodiversity and Green Infrastructure of the Amended Core Strategy states that the Council expects proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. It will also seek to secure development that maximises opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District.
- 7.52 From looking at the proposals and visiting the site, it is apparent that no trees or important ecological features have been adversely impacted by the change of use. It appears all surrounding hedging and landscaping has been retained and this is supported. Whilst a preliminary ecology appraisal has not been provided, it is noted the works are retrospective and the change of use has occurred. As the use has been implemented, and considering the scale of the works on the site would not give rise to adverse ecological impacts, in this case further ecological information is not considered necessary. The proposal is acceptable in this regard.

Biodiversity Net Gain (BNG)

- 7.53 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. It is noted here that the change of use has occurred and the site is already being used for Traveller pitches. Therefore, should permission be granted for the proposal, this would be a retrospective planning permission made under section 73A of the Town and Country Planning Act 1990. Biodiversity net gain does not apply to such permissions.

Flood Risk

- 7.54 The site is located within flood zone 1 which means it is at low risk of fluvial flooding. There is a small area of low to medium surface water flood risk in the south eastern corner of the site. This area is limited and crosses over just one to two of the proposed pitches on the site plan.



- 7.55 The NPPF at paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The site is not considered at 'high risk' of flooding. It is in Flood Zone 1 and has low to medium risk of surface water flooding in a limited area. As the application is only at a limited low to medium surface water flood risk and is a change of use application, it is not considered that a flood risk assessment or a sequential test is required in this instance.
- 7.56 The majority of the site has no flood risk, with only a limited area of low to medium surface water flood risk present on the site in the south eastern corner. As the site is for a change of use of the land, it is not subject to the sequential test. As such, considering this, no further assessments are required and the application is considered acceptable in this regard.

Public Comments

- 7.57 All the public comments received have been thoroughly reviewed and considered as part of this application. It is noted that some matters raised are not material planning considerations that can factor into the assessment, including local house prices, fire regulations (this is covered by building regulations rather than planning), the sale of the site and where the material for the site came from. It is further noted that the site is not designated Green Belt. Whilst the application is retrospective, this does not prejudice the decision making process and the application is assessed against national and local policy as any application would be. The Council cannot consider precedents or change the determination process if an application is retrospective. The comments suggesting a S106 legal agreement is required are noted, but the occupancy of the site can be controlled through condition and a legal agreement is not considered necessary in this case. The other concerns raised are noted and understood, and are addressed above in the body of the report.

Community Infrastructure Levy (CIL)

The proposal is not CIL liable.

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 – LEG2526/8471**
- 8.3. 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 Planning Balance

- 9.1. The recent GTAA has identified a significant unmet need for gypsy and traveller pitches. This development would contribute ten pitches to the significant unmet need and contribute towards a five-year land supply, which weighs heavily in favour of the proposal, given the current level of identified need. This positive contribution is a significant benefit, and one which should be afforded significant weight in the planning balance. The lack of sufficient alternative sites to meet the Districts 5-year supply also attracts significant weight.
- 9.2. Moreover, it is noted that an approval would provide a settled base that would facilitate access to education and enable the families to continue their gypsy way of life. The human rights of families means due regard must also be afforded to the protected characteristics of Gypsies and Travellers in relation to the Public Sector Equality Duty (PSED) when applying the duties of section 149 of the Equality Act 2010. These factors also attract significant positive weight in favour of the development.
- 9.3. In contrast, the proposal would have limited localised landscape impacts, and the site lacks access via a footpath. Additionally, the site technically lies outside the settlement boundary, albeit is directly adjacent so not considered wholly unsustainable. That said, the lack of a footpath may lead to a dependence on private motor vehicles. Officers attach moderate weight to these harms, in respect of landscape impact and location/sustainability of the site.
- 9.4. Moderate harm is considered appropriate as the site would be within proximity to the wide and diverse range of services and facilities offered within the Newark Urban Area. Journeys to access these services would be short in terms of distance and duration. Therefore, the site would be considered consistent with the approach of directing new Traveller pitches to the Newark area.
- 9.5. The proposal is to change the use of the site and provide ten Traveller pitches. The proposal would inevitably result in some visual impact as the site was once an open and undeveloped field, however it is considered the layout and relatively limited scale of the proposal, plus the setback position of the plots from the main road and existing landscaping, the proposal would not result in an unacceptable visual impact on the character of the area or the wider landscape. Given the relationship to existing neighbouring properties, there are no adverse concerns regarding amenity, and the pitch sizes are compliant with Core Policy 5 to ensure adequate amenity for occupiers. Subject to conditions recommended by Network Rail, NCC Highways and the Planning Policy Team, it is considered on balance the highway impact would be acceptable, despite NCC's objection. The matters to which the objection relates are considered able to be overcome and addressed via conditions, and would not justify a strong reason for refusing development in light of the tilted balance, as per paragraph 11(d) of the NPPF.
- 9.6. Weighing all of these considerations in the planning balance, it is considered that the harm in relation to location and the lack of a footpath would be clearly outweighed by the other considerations in favour of the application. These other considerations consist of the significant weight afforded to the benefits of the additional pitches where there is both a significant unmet need and a significant shortfall in five-year supply, and the

lack of sufficient alternative sites. As such it is recommended that planning permission is approved, subject to conditions.

10.0 Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Site Location Plan reference LIBU 002
- Site Plan reference LIBU 001
- Refuse Vehicle Plan 1 reference LTP/6489/T1/01/01/B
- Refuse Vehicle Plan 2 reference LTP/6489/T1/01/02/B
- Caravan Swept Path Analysis Plan 1 reference LTP/6489/T1/02/01/0
- Caravan Swept Path Analysis Plan 2 reference LTP/6489/T1/02/02/0
- Visibility Splay Plan reference LTP/6489/V1/01/01/0

Reason: So as to define this permission and in the interests of proper planning.

02

Within 6 months of the date of this decision, the site access shall be provided in accordance with the scheme illustrated on site plan drawing number LIBU 001.

Reason: In the interest of highway safety.

03

Within 6 months of the date of this permission, detailed plans showing the location and appearance of site access gates shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be set back within the site to allow access for vehicles towing caravans and so as not to impede the flow of traffic on Bullpit Road. The approved details will be implemented and maintained for the life of the development and no gates shall be placed within 8m of the highway boundary.

Reason: In the interest of highway safety.

04

The existing site access shall be stopped-up and the area of highway over which it is formed has been laid to grass with new landscape planting, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this decision.

Reason: In the interest of highway safety.

05

Visibility splays of 48m for northbound vehicles and 99m for southbound vehicles shall be provided, clear of obstruction above a height of 0.6m above adjacent carriageway level within 6 months of the date of this decision and shall be thereafter maintained

Reason: In the interest of highway safety.

06

The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To ensure that the site is retained for use by gypsies and travellers only in order to contribute towards the LPAs 5-year housing supply.

07

No more than 1 static caravan and 1 touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on each pitch at any one time. For the avoidance of doubt, this permission authorises 10 pitches in total.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

09

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark

and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

10

The development hereby permitted shall not be floodlit or illuminated in any way, unless express planning permission has first been granted by the local planning authority.

Reason: In the interest of residential amenity.

11

Within 6 months of the date of this decision, details for refuse collection and waste storage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

Notes to Applicant

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 accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated.

03

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))

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 - The proposal is retrospective.

04

The Council must issue licenses for sites to be operated as a recognised caravan, mobile home or park home site. This is to ensure proper health, safety and welfare standards are maintained. A caravan site includes anywhere a caravan (including mobile or 'park' home) is situated and occupied for human habitation including on a permanent, touring or holiday basis. Further information is available by contacting the Environmental Health and Licensing Team at the Council on 01636 650000, or by visiting the Council's website at <https://www.newark-sherwooddc.gov.uk/caravansitelicence/>

05

The development makes it necessary to implement a new vehicular crossing and alter an existing vehicular crossing on Great North Road. These works shall be constructed to the satisfaction of the Highway Authority at the developer's cost. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed/approved and implemented.

To carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. To undertake the works, which must comply with Nottinghamshire County Council's highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.

Any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38/278 Agreement is issued.

Contact hdc.north@nottsc.co.uk

Relocation of existing street furniture shall be at the developer's expense.

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant/developer, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/the owner or occupier of the land.

Planning consent is not consent to work on or adjacent to the public highway, therefore prior to any works commencing on site, including demolition works, the developer must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 25/00805/FULM

