



Report to Planning Committee 13 November 2025

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Lead Officer: Howard Cheng – Planner

Report Summary			
Application No.	25/00961/FUL		
Proposal	Residential redevelopment of former poultry complex comprising the construction of 1no. dwelling and ancillary accommodation		
Location	Kennels Farm May Lodge Drive Rufford		
Applicant	Willett Homes Ltd	Agent	IBA Planning Limited - Mr Nick Baseley
Web Link	25/00961/FUL Residential redevelopment of former poultry complex comprising the construction of 1no. dwelling and ancillary accommodation Kennels Farm May Lodge Drive Rufford		
Registered	04.07.2025	Target Date	29.08.2025 (EOT until 17.11.2025)
Recommendation	To Grant Planning permission subject to the condition(s) detailed at Section 10.0.		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the principle of development would represent a material departure from the Development Plan (Policy DM8 of the Allocations & Development Management DPD), and the recommendation is for approval.

1.0 The Site

- 1.1 The application site is located approx. 0.6 miles to the east of Rufford and currently comprises 2 no. of disused agricultural buildings. The one closer to the northeastern boundary has become derelict.
- 1.2 These buildings benefit from a prior approval, which was granted in March 2024 under reference number 23/02276/CPRIOR, for the creation of 5 no. of dwellinghouses including demolition works.
- 1.3 The application site is not served by any public highway although there is a public right of way (footpath) running in an east-west direction to the south of the application site. The application site is only accessible via private single track roads.

- 1.4 The application site is located within the grounds of Rufford Abbey Park and Garden, which is Grade II listed (List Entry Number 1001085). There is a Scheduled Monument (List Entry Number 1011013) approx. 880m to the northwest of the application site. There are also a number of a listed buildings to this direction including the Grade I listed Rufford Abbey (List Entry Number 1302352).
- 1.5 Immediately to the north and west of the application site is a woodland. To the east and south of the site are open fields.
- 1.6 The access track and existing buildings are sitting on a flat ground. The surrounding land within the application site slopes up very gently from west to east.
- 1.7 The application site is located within Flood Zone 1.
- 1.8 Site photos are as follows:



Photo 1 – The application site



Photo 2 – The application site from a distance from the southwest



Photo 3 – Southeastern elevation of the longer existing agricultural building



Photo 4 – Views towards the west and southeastern elevation of the shorter (derelict) existing agricultural building

2.0 Relevant Planning History

2.1.

Reference number	Proposal	Decision	Date of decision
23/02276/CPRIOR	Application to determine if prior approval is required for change of use of existing (former) agricultural building to create 5no. dwellinghouses (resubmission of 23/00383/CPRIOR)	Prior Approval Required and Granted – Not implemented however is extant.	13.03.2024
23/00383/CPRIOR	Application to determine if prior approval is required as to impacts of the development "Change of use of	Application Refused	03.05.2023

	agricultural buildings to 5 dwellinghouses" and risks on the site (resubmission of 22/01080/CPRIOR)		
22/01949/DEM	Application to determine if prior approval is required as to the method of demolition, for the demolition of an agricultural building, and any proposed restoration of the site.	Prior Approval Is Not Required	08.11.2022
22/01079/CPRIOR	Notification of change of use of part of agricultural building to Class E.g to flexible commercial use under Schedule 2, Part 3 Class R.	Application Closed	29.07.2023

3.0 **The Proposal**

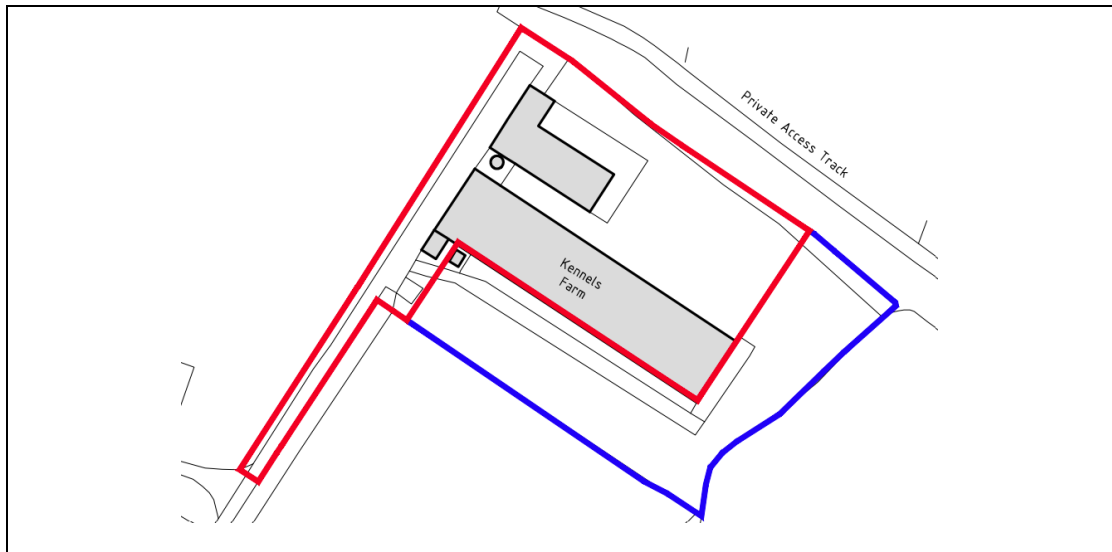
- 3.1 The application seeks permission for the demolition of existing agricultural buildings on the application site and the erection of a single dwelling house with ancillary accommodation in the form of a one-bed annexe. The main portion of the proposed dwelling would be single storey, and there would be a two storey element near the northeastern boundary of the application site.
- 3.2 It would be finished in Ground Granulated Blast-furnace Slag (GGBS) concrete with vertical profiled 'Millboard' or similar cladding.
- 3.3 Documents assessed in this appraisal:

Name	Reference No.	Version	Date received
Bat Roost Assessment	RSE_6280_01_V2*	V2	11 th June 2025

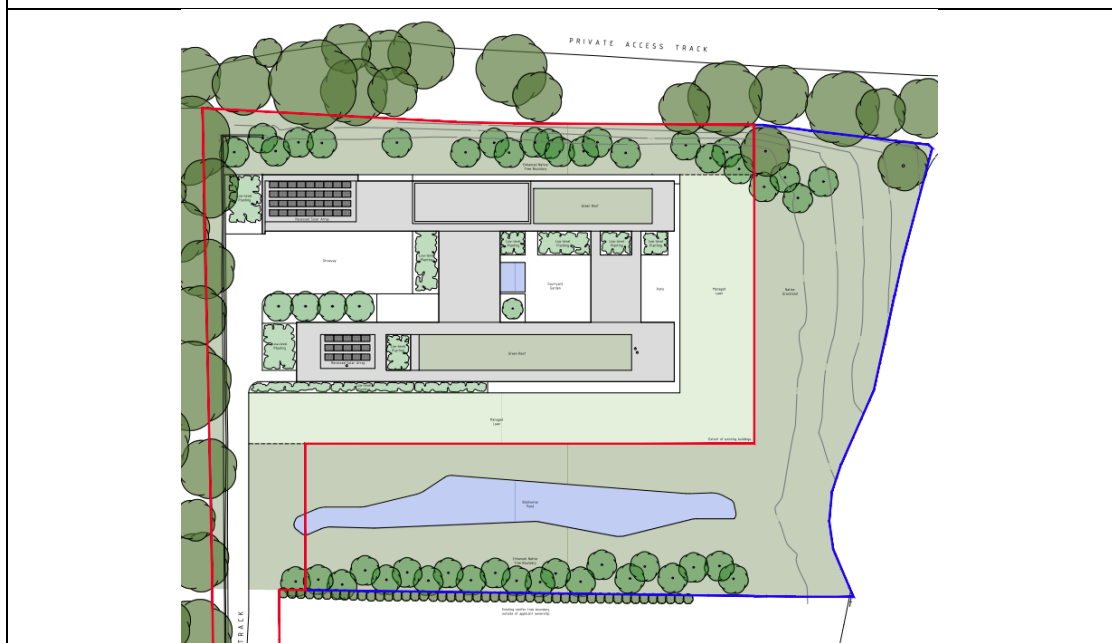
Proposed Landscaping Plan	24/012/020		11 th June 2025
Proposed Elevations 4 North East	24012/018	v01	11 th June 2025
Proposed Elevations 3 South East	24012/017		11 th June 2025
Proposed Elevations 2 South West	24012/016		11 th June 2025
Proposed Elevations 1 North West	24012/015		11 th June 2025
Proposed First Floor Plan	24012/012		11 th June 2025
Proposed Ground Floor Plan	24012/011		11 th June 2025
Building 2 Elevations	24012/007		11 th June 2025
Existing Building 2 Floor Plan	24012/005		11 th June 2025
Existing Building 1 Elevations	24012/003		11 th June 2025
Existing Building 1 Floor and Roof Plans	24012/002		11 th June 2025
Proposed Site Plan	24012/010		11 th June 2025
Letter from agent	KennelsFarmRedevt/2 (dated 10 th June 2025)		11 th June 2025
Revised Design and Access Statement	(dated March 2025)	2	4 th July 2025
Revised Site Location Plan	24012/001	V03	4 th July 2025
Access Map (Not Site Location Plan)	24012/001	V04	13 th October 2025
Heritage Statement	25005 (dated 6 th October 2025)		13 th October 2025
Revised BNG Metric Calculator	(Dated 7 th October 2025)		13 th October 2025
Revised BNG Visualisation Plans	(Dated 7 th October 2025)		13 th October 2025

*The cover page shows a reference number of RSE_6280_01_V1 with an Issue Date of July 2022.

3.4 Key plans are as follows:



Plan 1 – Existing Block Plan



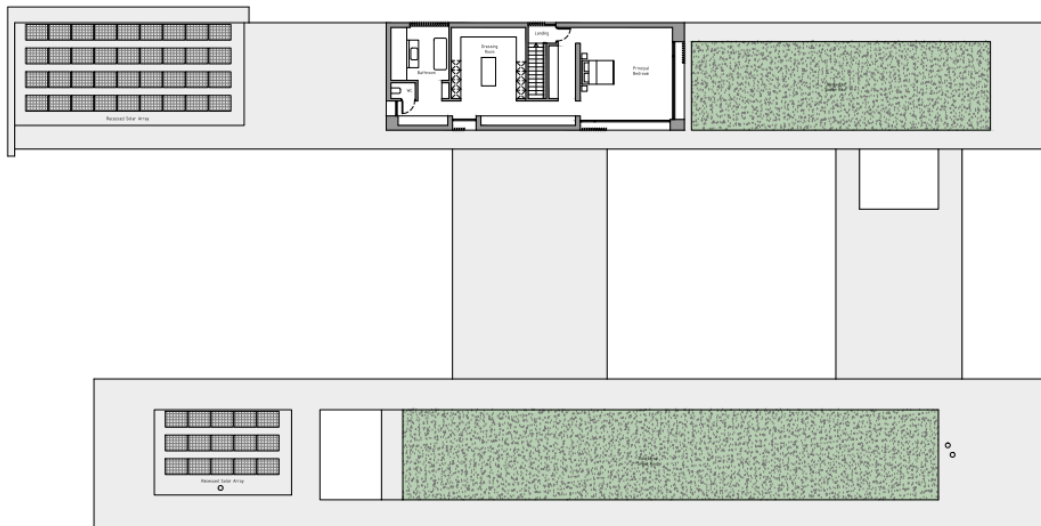
Plan 2 – Proposed Site Plan



Plan 3 – Proposed Front (top) and Rear (bottom) elevations



Plan 4 – Proposed southeastern (top) and northwestern (bottom) side elevations



Plan 5 – Proposed Ground floor (top) and First floor (bottom) plans

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 3 properties have been individually notified by letter. Two site notices

have also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 7th August 2025.

4.3 Amended Biodiversity Net Gain information, an additional plan to confirm access route and a heritage statement have been received during the course of the application. It is considered not necessary to consult the neighbours again on this basis.

5.0 Planning Policy Framework

5.1. Neighbourhood Plan

Not applicable.

5.2. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

5.3. Allocations & Development Management DPD (adopted July 2013)

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

5.4. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. 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.

5.5. 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.

5.6. Other Material Planning Considerations

National Planning Policy Framework (2024, amended Feb 2025)

Planning Practice Guidance

Draft Amended Allocations & Development Management DPD (September 2023, second publication)

Residential Cycle and Car Parking Standards & Design Guide SPD (2021)

Landscape Character Assessment SPD (2013)

6.0 Consultations and Representations

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

- 6.1. Environment Agency – Decided not to make any formal comment as the development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.
- 6.2. Highway Authority (Nottinghamshire County Council) – Considered there are unlikely to be any wider highway implication, and although the site is not in a sustainable location it is a replacement use. Pointed out the County Council's Countryside Access Team should be consulted.
- 6.3. Historic England – (latest comments) No objection to the proposal on heritage grounds.
- 6.4. Initial comments from Historic England raised concerns on the proposal on heritage grounds due to insufficient information to fully assess the potential impact of the proposal on the historic environment.
- 6.5. Lead Local Flood Authority (Nottinghamshire County Council) – Considered it is not required to response to this application as it is not a major application.
- 6.6. The Gardens Trust – Did not wish to make comments on the application.

Town/Parish Council

- 6.7. Rufford Parish Council – Objected to the proposal on the grounds that it is new residential development in a rural area.

Representations/Non-Statutory Consultation

- 6.8. Lincolnshire County Council Archaeology Team – No further action is required in relation to archaeology.
- 6.9. Nottinghamshire County Council Public Right of Way Team – Objected to the proposal until certain named conditions are accepted. Set out how the safety of the public will be managed need to be addressed and required assurances that the public right of way will not be impacted upon neither during or after the development phase.
- 6.10. NSDC Conservation – Considered the proposal would preserve the special interest of the registered park & garden, and the setting of the Abbey, and that the proposal would have no adverse impact on the setting of any other heritage asset. Suggested a condition to control development with the curtilage of the proposed dwelling.
- 6.11. NSDC Ecology – (latest comments) Provided suggested conditions for the submission of a construction environmental management plan as well as details of bat and bird box prior to the commencement of development. Pointed out the latest submitted BNG information only contained a minor error remaining that can be amended at the point of submissions and subsequent approval by the local planning authority of a Biodiversity Gain Plan (BGP) prior to the commencement of development.
- 6.12. Initial comments from NSDC Ecology raised no concerns to the potential ecological impacts of the proposal except pointed out the BNG information was inaccurate and required amendments.
- 6.13. NSDC Policy – Confirmed the consented conversion development has been included in the 5 year housing land supply, and considered the impacts arising from the reduction in number of dwellings at this location would be modest to the housing land supply.
- 6.14. NSDC Pollution Prevention and Control – Recommended the use of the full phased contamination condition.
- 6.15. The Ramblers – No objection.
- 6.16. A comment has been received from a member of the public that can be summarised as follows:
- No objection and welcome it as a more favourable alternative to the previously approved scheme
 - Request that access to the development be limited via Red Hill only to minimise impact on the neighbouring property, and ask that such restriction be formally included as a condition

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact upon Designated Heritage Assets

- Impact upon Visual Amenity, the Character of the Area and Open Countryside
 - Impact upon Amenity
 - Impact upon Highway Safety and Public Right of Way
 - Impact upon Ecology
 - Contaminated Land
 - Flood Risk and Water Management
 - Planning balance
- 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.
- 7.3. As the applications concern designated heritage assets of a listed building section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 7.4. The duties in section 66 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

Preliminary matters

- 7.5. It is noted the proposal would include ancillary accommodation in the form of a one-bed annexe. The applicant has confirmed that the ancillary accommodation is proposed to be ancillary to the main dwelling and is not proposed to be in any form of independent dwelling/separate planning unit. The applicant has also provided further clarifications on the potential ancillary uses, which can include for occupation by the future occupiers' elderly parent(s).
- 7.6. It is considered that the inclusion of such one-bed annexe as an ancillary accommodation within this application for a single dwelling would be in line with the description of the application, which reads 'Residential redevelopment of former poultry complex comprising the construction of 1no. dwelling and ancillary accommodation' and does not raise concerns in relation to the creation of a separate planning unit.

Principle of Development

- 7.7. Spatial Policy 1 of the Amended Core Strategy DPD (ACSDPD) defines the Settlement Hierarchy for the district and the application site is not located in an area within the category of 'Settlements central to delivering the Spatial Strategy' of the Hierarchy. Spatial Policy 1 sets out this proposed development should be assessed against Spatial Policy 3.
- 7.8. Spatial Policy 3 of the ACSDPD relates to rural areas and sets out development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. It also sets out that policies to deal with such applications are set out in the Allocations & Development Management DPD.
- 7.9. Policy DM8 of the Allocations & Development Management DPD (ADMDPD) relates to and controls development in the open countryside. There are 12 types of development listed under Policy DM8. It is considered the proposal, which is for the demolition of existing disused agriculture buildings and erection of a single residential dwelling, would relate to the third type of development, New and Replacement Dwellings. This part of 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.*
- 7.10. It is not considered that the proposed dwelling would meet the requirements of DM8.
- 7.11. As set out under Paragraph 5.4, a schedule of 'main modifications' has now been agreed to the submitted Draft Amended Allocations & Development Management DPD (DAADMPD). The wording of this part of DM8 has been proposed to be amended within the DAADMPD but are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given. DM8 in the DAADMPD in relation to New and Replacement Dwellings reads as follows:
- Planning permission **will not be granted for isolated new dwellings unless they are of outstanding quality or** innovative nature of design, reflecting the highest standards of architecture. Proposals will also need to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.*
- 7.12. The main differences between ADMDPD and DAADMPD have been emboldened. It is not considered that the proposal is of outstanding quality and can significantly enhance its immediate setting being sensitive to the defining characteristics of the local area.
- 7.13. In short, it is considered that the proposal would conflict with both Policy DM8 in the ADMDPD and Policy DM8 in the DAADMPD.

- 7.14. However, prior approval was granted for the creation of 5 no. of dwellinghouses from the existing disused agricultural buildings (including demolition works) in March 2024 (under reference number 23/02276/CPRIOR), and this consent is extant (i.e. the applicant can create residential use on site by benefiting from this consent as of the time of writing the report).
- 7.15. It is considered that the prior approval consent provides a realistic fallback position for the applicant in creating residential use on the application site.
- 7.16. Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development and that this is at the heart of the NPPF (paragraph 10). Paragraphs (c) and (d) of Paragraph 11 of the NPPF explains what this means for decision making. It commands development proposals that accord with an up-to-date development plan be approved without delay [paragraph (c)] and to grant permission where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless two scenarios apply [paragraph (d)]. Explanations as to when policies that are most important for determining an application are considered out-of-date have been provided by Footnote 8 of the NPPF. Footnote 8 sets out being out-of-date also includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites for applications involving the provision of housing.
- 7.17. A revised version of the NPPF was published in December 2024 which reintroduced the requirement to include a 'buffer' to the five-year supply of housing. Newark and Sherwood District Council as the local planning authority determining this application since then only has 3.43 years of housing land supply, falling short of the minimum of five years' worth of housing required by the NPPF.
- 7.18. As such, it is considered that the policies which are most important for determining the application are out-of-date and Paragraph 11(d) of the NPPF applies.
- 7.19. Paragraph 11(d) of the NPPF sets out that permission should be granted unless one or both of the following applies:
- 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*
- 7.20. Footnote 7 of the NPPF expands on 'protect areas or assets of particular importance' and designated heritage assets are one of them.
- 7.21. Having regard to the extant approval for the creation of 5 no. of dwellinghouses at the application site, and Paragraph 11(d) of the NPPF, it is considered that the principle of

proposal is acceptable, subject to the following assessment on material considerations which seeks to address the various considerations set out in Paragraph 11(d) in turn.

Impact upon Designated Heritage Assets

- 7.22. The application site is located within the grounds of Rufford Abbey Park and Garden, which is Grade II listed (List Entry Number 1001085). There is a Scheduled Monument (List Entry Number 1011013) approx. 880m to the northwest of the application site. There are also a number of a listed buildings to this direction including the Grade I listed Rufford Abbey (List Entry Number 1302352).
- 7.23. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.24. Core Policy 14 of the ACSDPD seeks the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy.
- 7.25. Policy DM9 of the ADMDPD sets out, in accordance with the requirements of Core Policy 14, all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place.
- 7.26. As set out under Paragraph 5.4, a schedule of 'main modifications' has now been agreed to the submitted Draft Amended Allocations & Development Management DPD (DAADMDPD). The wording of the relevant part of DM9 has been proposed to be amended within the DAADMDPD and is subject to a proposed main modification, albeit very minor in nature. DM9 in the DAADMDPD requires all development proposals concerning heritage assets to **conserve them in a manner appropriate to their significance**, contribute to the wider vitality, viability and regeneration of the areas in which they are located **(including its contribution to economic vitality)**, reinforce a strong sense of place **and be enjoyed for their contribution to the quality of life of existing and future generations**. The main differences between ADMDPD and DAADMDPD have been emboldened. It is considered that substantial weight can be given.
- 7.27. Paragraph 210 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 7.28. When considering the impact of a proposed development on the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to or loss of significance of a designated heritage asset should require clear and convincing justification (Paragraphs 212 and 213 of the NPPF).
- 7.29. Historic England (HE) was consulted and the initial comments raised concerns on the proposal on heritage grounds due to insufficient information to fully assess the potential impact of the proposal on the historic environment. The applicant submitted a heritage statement and HE has been consulted again. The latest comments from HE confirmed HE has no objection to the proposal on heritage grounds. HE set out the presence of intervening woodland and varied topography would limit the physical and visual relationship between the site and Rufford Abbey, and its listed buildings.
- 7.30. The Gardens Trust was also consulted and did not wish to make comments on the application. The Archaeology Team from Lincolnshire County Council confirmed no further action is required in relation to archaeology.
- 7.31. The Conservation Team has also been consulted and considered the proposal would preserve the special interest of the registered park & garden, and setting of the Abbey, given the separating distances, heavily screened site by trees to the north and west and the low topography of the application site. The Conservation Team has also deemed that this part of the Rufford Abbey Park and Garden can be seen as a weaker element of the landscaped Park owing to the enclosed nature of the fields. It is considered that the current poor condition of the application site fails to make a positive impact upon the significance of the Park.
- 7.32. The Conservation Team has suggested that consideration should be given to the control of development within the curtilage of the proposed dwelling, both within the grounds, and to the roof of the proposed dwelling. This is in the interests of preserving the low impact nature of the proposal, to protect the character of Rufford Park. A condition has been recommended to remove the permitted development rights from the proposed dwelling.
- 7.33. It is considered that the proposal would have no adverse impact on the setting of any other heritage asset.
- 7.34. In short, it is considered that the proposal would not result in any unacceptable impacts to any designated heritage assets, subject to the recommended condition.

Impact upon Visual Amenity, the Character of the Area and Open Countryside

- 7.35. Core Policy 9 of the ACSDDP expects new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural

environment and contributes to and sustains the rich local distinctiveness of the District through a number of ways.

- 7.36. Policy DM5 of the ADMDPD states that (4.) the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.37. DM5 in the DAADMDPD has been subdivided into four parts (a, b, c and d), and part a and a portion of part b relate to design. DM5 (a) of the DAADMDPD relates to the design process and is subject to a main modification. Therefore, only very limited weight has been given. DM5(b)(4.) of the DAADMDPD relates to Local Distinctiveness and Character and reads the same as the currently adopted DM5(4.). They are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.
- 7.38. The adopted Landscape Character Assessment SPD, which is a District-level assessment of landscape character, provides an explanation of the differences between landscapes that is based around a sense of place, local distinctiveness, characteristic wildlife, and natural features. Based on the comprehensive assessment of this landscape character SPD, 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.
- 7.39. The application site is located in Policy Zone S PZ 10 within the Landscape Character Assessment SPD and the landscape condition has been defined as good. The landscape sensitivity has been defined as moderate and the landscape action is to conserve and reinforce. It sets out one of the landscape actions is to promote measures for reinforcing the traditional character of farm buildings using vernacular building styles.
- 7.40. A design and assessment statement has been submitted in support of the application, which loosely follows the design process set out in Part a of DM5 of the DAADMDPD. In brief, the proposal is based on two linear forms, connected with secondary cross-links, and seeks to emulate the existing arrangement of parallel poultry sheds. Different material options were explored and landed on GGBS concrete as the primary building material, with vertical profiled 'Millboard' or similar cladding as a secondary finish. The submitted design and assessment statement explain that they have sustainability benefits which will be further discussed in the Planning balance section (Paragraph 7.85). The proposed vertical profiled cladding is the same material approved under the previous prior approval consent.
- 7.41. The application site is on ground lower than the surrounding land, and there is a woodland to the north and west. The proposed dwelling would be contained within the application site in a rectangular shape. The private amenity spaces would be featured within the dwelling in the form of an internal courtyard, limiting the spread of development footprint.
- 7.42. It is acknowledged that the proposed dwelling would feature a two storey element, however, it would be located near the rear northern boundary and would not appear

disproportionate or overly dominating, having regard to its width in comparison with the linear form of the proposed dwelling. The remainder of the proposed dwelling, except the chimney, would be single storey with a height of approx. 3.5m.

- 7.43. More and most importantly, the proposal would replace the existing disused agricultural buildings, which would represent not only a betterment to the existing buildings, but also a betterment to the consented 5 no. of dwellinghouses to be created from converting the existing buildings. Additional planting has also been proposed, including trees, low level planting and green roof, which would improve the appearance of the proposed dwelling and surrounding area.
- 7.44. Conditions have been recommended for details of the cladding, timber battens and solar panels to be submitted prior to their installation in the interests of visual amenity. A condition has also been recommended for details of hard and soft landscape works to be submitted.
- 7.45. On balance, it is considered that the proposal would not result in any unacceptable harm to the open countryside and the visual amenities of the area subject to the conditions.

Impact upon Residential Amenity

- 7.46. Policy DM5 of the ADMDPD states that (3.) development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
- 7.47. DM5(b)(3.) in the DAADMDPD relates to Amenity and additionally states that all proposals for new housing developments should demonstrate that they provide adequate internal and external space in order to ensure an appropriate living environment for future occupiers. They are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.
- 7.48. There would be an approx. 70m distance separating the proposal from the closest neighbouring residential property in the vicinity, The Kennels Bungalow. Given the separating distance and the residential nature of the proposal, it is considered that the proposal would not result in any unacceptable impact to the amenity or operation of any surrounding land uses.
- 7.49. Turning to the amenity of the future occupiers of the proposal, it is considered that all habitable rooms would receive sufficient daylight. The proposed dwelling would meet the Technical housing standards – nationally described space standard as a 6-bedroom 8-person two storey dwelling. There would be an internal courtyard garden as well as covered patio areas, which would provide sufficient amenity space for the future occupiers of the proposal.
- 7.50. The application site is bounded by woodland to the north and west, and open fields to the east and south, which would not be harmful to the amenity of the future occupiers of the proposal.

- 7.51. In short, it is considered that the proposal is acceptable in this regard.

Impact upon Highway Safety and Public Right of Way

- 7.52. Spatial Policy 7 of the ACSDPD relates to Sustainable Transport. It covers all aspects of sustainable transport from accesses, impact of additional traffic to highway network, safety, parking provision and need for travel. It also encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities.
- 7.53. Policy DM5 (1.) and (2.) of the ADMDPD relate to Access and Parking respectively. Policy DM5 (1.) seeks safe and inclusive access to new development, and Policy DM5 (2.) sets out parking provision for vehicles and cycles should be based on the scale and specific location of the development.
- 7.54. DM5(b)(1.) and (2.) in the DAADMPD relate to Access and Parking respectively and additional wordings have been included to encourage integration of sustainable and active modes of travel, as well as to maximise opportunities for multimodal travel. They are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given
- 7.55. Given the nature of the proposal, it is acknowledged the proposed development would rely mainly on private transport. The Highway Authority (Nottinghamshire County Council) (HA) has been consulted and considered that there are unlikely to be any wider highway implications. The HA also pointed out the site is not considered to be in a sustainable location although it would be a replacement use.
- 7.56. The Residential Cycle and Car Parking Standards & Design Guide SPD (RCCPSDGSPD) sets out the recommended minimum parking standards, based on location of the property and number of bedrooms, and design principles for parking in new residential developments in the District.
- 7.57. The proposed dwelling would be located near Rufford and would have 6 bedrooms. According to the RCCPSDGSPD, a minimum of 3 spaces are recommended. The proposal would include a garage and a covered parking area. It is considered they can accommodate 3 no. of cars, and electric vehicles charging facilities. A store room has also been proposed immediately next to the garage which would be able to accommodate cycle parking spaces.
- 7.58. As pointed out by the HA, the proposed development would be accessed via a public right of way. The Public Right of Way that would be used by the proposed development is currently a footpath (Rufford No. 12) and the Public Right of Way Team (PRWT) at Nottinghamshire County Council has been consulted. The PRWT suggested that there would be an increase in traffic to and from the site and pointed out how the safety of the public will be managed has not been mentioned.
- 7.59. The applicant has submitted an access plan during the course of the application confirming future occupiers of the proposed development would be using the private access road to the north and west of the proposed dwelling before joining the public

right of way to reach Red Hill Lane. The applicant has also clarified that the owner of the application site is also the owner of the public right of way and already has an obligation to maintain it.

- 7.60. The PRWT raised two points regarding the public right of way and objected to the proposal until the two points have been accepted by the applicant, which would allow the development to be acceptable.
- 7.61. The two points requires no disturbance to the surface of the footpath without prior authorisation and the safety of the public using the path be observed at all times. The applicant has agreed to the two points via an email and an informative has been recommended regarding those points.
- 7.62. The Ramblers have also been consulted and raised no objection to the proposal. The Ramblers advised that the right of way should be kept clear and the safety of users ensured during the work, assuming there will be heavy traffic during the demolition and rebuilding. One of the points that the applicant has already agreed to request the safety of the public using the path to be observed at all times.
- 7.63. The proposal would not directly affect the public right of way and it is understood that it is likely the future occupier(s) will enter into an agreement with the land owner to contribute proportionately to the maintenance of the public right of way. It is therefore considered that the proposal would not result in any unacceptable impacts to the public right of way.
- 7.64. Besides, in view of the extant prior approval consent for 5 no. of dwellinghouses (4 no. of 2-bedroom dwellinghouses and 1 no. of 4-bedroom dwellinghouse), it is considered any impacts to the public right of way that this proposal might have would be less than the already consented development.
- 7.65. It is noted that a comment has been received from a member of the public requesting a condition be imposed to restrict the access to the development be limited via Red Hill Lane only. As per Paragraph 7.59, the applicant has confirmed that future occupiers of the proposed development would be using the private access road to the north and west of the proposed dwelling before joining the public right of way to reach Red Hill Lane. It is also understood that the roads near the application site are all privately owned, and in view of the scale of the proposed development, it would not be reasonable to restrict the usage of private roads via a condition as this would be a future private matter between the occupiers and all interested parties including the land owner(s).
- 7.66. In short, it is considered that the proposal would have sufficient parking provision and would not result in any unacceptable impacts to the public right of way. It is acknowledged the proposal would rely mainly on private transport and its sustainability will be further discussed in the Planning balance section (Paragraph 7.86).

Impact upon Ecology

- 7.67. Core Policy 12 of the ACSDPD seeks to conserve and enhance the biodiversity and

geological diversity of the District. Policy DM7 of the ADMDPD seeks to protect, promote and enhance green infrastructure in line with Core Policy 12. Policy DM7 in the DAADMDPD seeks to protect, promote and enhance biodiversity and the ecological network of habitats, species and sites of international, national and local importance, and further requires all development proposals to enhance biodiversity of a net gain of at least 10%. They are subject to modifications in very minor in nature. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.

- 7.68. Policy DM5 (5.) and (7.) of the ADMDPD relate to Trees, Woodlands, Biodiversity & Green Infrastructure and Ecology respectively. Policy DM5(5.) seeks to protect and enhance natural features of importance within or adjacent to development sites. Policy DM5(7.) requires the submission of an up-to date ecological assessment when a site may provide a habitat for protected species, and states significantly harmful ecological impacts should be avoided.
- 7.69. DM5(b)(6.) in the DAADMDPD relates to Trees, Woodlands, Biodiversity and Green and Blue Infrastructure. It states that all natural features within or adjacent to development sites should not be unnecessarily adversely impacted. DM5(b)(7.) in the DAADMDPD relates to Ecology and additional wordings have been included to state new Development should deliver an evidenced net gain in biodiversity appropriately integrated into design and layout in accordance with Policy DM7. They are subject to modifications in very minor in nature. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.
- 7.70. A Bat Roost Assessment (dated September 2024) has been submitted in support of the application. It considered the existing buildings offer negligible scope for roosting and no further survey is necessary. It recommended that precautionary approach be adopted during the early stage of the proposed development. The submitted Assessment also contained information regarding other protected species.
- 7.71. The Ecology Team has been consulted and considered the information in relation to bat and other protected species is appropriate and acceptable. The Ecology Team confirmed that the proposal would not have any impact on any site afforded either a statutory designation for its nature conservation interest, and suggested conditions for the submission of a construction environmental management plan as well as details of bat and bird box prior to the commencement of development. Conditions for the construction environmental management plan to be submitted prior to the commencement of development and the details of bat and bird box to be submitted prior to before development above damp proof course level take place have been recommended accordingly.
- 7.72. 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.

- 7.73. The applicant has provided amended details during the course of the application and now seek to make off site gains. The Ecology Team has confirmed that the latest submitted BNG information only contained a minor error remaining that can be amended at the point of submissions and subsequent approval by the local planning authority of a Biodiversity Gain Plan (BGP) prior to the commencement of development. An appropriately worded BNG informative has been recommended.
- 7.74. In short, it is considered that the proposal would not result in any unacceptable impact upon ecology subject to the recommended conditions.

Contaminated Land

- 7.75. Paragraph 196(a) of the NPPF requires planning decisions to ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 196(b) then sets out land after remediation should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990, and (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 7.76. No information in this regard has been submitted in support of this application. The Pollution Prevention and Control Team has been consulted and recommended the use of the full phased contamination condition. The condition has been recommended accordingly and it is considered the proposal would be acceptable in relation to land contamination.

Flood Risk and Water Management

- 7.77. Core Policy 9 and Core Policy 10 of the ACS DPD relates to Sustainable Design and Climate Change respectively. Together, they require new developments to pro-actively and positively manage surface water through design and layout.
- 7.78. DM5(9.) of the ADMPD relates to Flood Risk and Water Management and further seeks to steer development away from areas at highest risk of flooding.
- 7.79. As set out in Paragraph 7.37, DM5 in the DAADMPD has been subdivided into four parts (a, b, c and d). Policy DM5(d) in the DAADMPD relates to Water Efficiency Measures in New Dwellings and requests proposals for new dwellings to meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, or relevant successor standard. Additional wording has also been included within DM5(b)(10.), which relates to Flood Risk and Water Management and is replacing DM5(9.) in ADMPD, to seek demonstration that principles laid out within the drainage hierarchy have been followed, and the incorporation of sustainable drainage systems. They are subject to modifications and limited weight can be given.
- 7.80. The application site is located within Flood Zone 1. The Environment Agency has been consulted and decided not to make any formal comment as there are no fluvial flood risk concerns associated with the application site with it locating in Flood Zone 1.
- 7.81. The Lead Local Flood Authority (Nottinghamshire County Council) has considered it is

not required to respond to this application as it is not a major application.

- 7.82. It is noted the strip of land immediately adjoining the northeastern extent of the application site has a high chance (more than 3.3% chance each year) of flooding from surface water, and the remainder of the application site has a low chance (between 0.1% and 1% chance each year) of flooding from surface water.
- 7.83. Surface water is proposed to be disposed of via sustainable drainage system and foul sewage is proposed to be disposed of via package treatment plant. No connection to the existing drainage system has been proposed. A condition has been recommended for relevant details to be submitted, which include meeting water efficiency standard of 110 litres per person per day.
- 7.84. In short, it is considered the proposal is acceptable in relation to Flood Risk and Water Management, subject to the condition for further relevant details to be submitted.

Other Matters

- 7.85. **Community Infrastructure Levy (CIL)** – The applicant has clarified that a self build exemption is not proposed to be claimed and the existing buildings on site do not qualify for exemption for the purpose of the calculation. The site is located within Housing Low Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £0m² for CIL purposes. The development would result in 860m² of Gross Internal Area, the CIL charge on this development is therefore £0.

Planning Balance

- 7.86. The proposal would have no adverse impact on the setting of any designated heritage assets and therefore does not provide a strong reason for refusing the proposal as per Paragraph 11(d)(i) of the NPPF.
- 7.87. Turning to 11(d)(i), it is acknowledged that the application site is not located in a sustainable location, however, as set out in Paragraph 7.14, the prior approval consent for the creation of 5 no. of dwellinghouses from the existing disused agricultural buildings (including demolition works) granted in March 2024 under reference number 23/02276/CPRIOR provides a realistic fallback position for residential use at the application site. This material consideration establishes the principle of residential use at the application site significantly. It is noted the Parish Council has objected to the proposal on the grounds that it is new residential development in a rural area.
- 7.88. This proposal would reduce the number of dwellings at an unsustainable location by 4 (from 5 to 1), although it would simultaneously result in a net loss of 4 dwellings towards the housing land supply. The Policy Team has been consulted and it is considered that the level of benefits and harm arising from the reduction in number of dwellings at this location would both be modest. It is considered the low density of the proposal and lack of affordable homes do not give rise to any adverse impacts despite the lack of housing land supply within the District given the location of the application site.

- 7.89. The design of the proposal is considered to represent a betterment of the consented conversion development which would utilise the existing buildings on site. The proposed dwelling has also been designed with the intention to be in line with Passive House principles to achieve highly efficient thermal and environmental performance, including orientation of the dwelling, solar panels, sustainable drainage system, etc. It is considered the positive environmental impacts would weigh positively in the overall balance, albeit would be limited given the scale of the proposal, which is for a single dwelling, and the benefits would mostly be felt by the future occupiers of the proposed dwelling.
- 7.90. The reduction of number of dwellings would also reduce the number of vehicles required to use the public right of way, which would bring limited benefits.
- 7.91. The proposal would not result in any unacceptable adverse impacts to the open countryside, the visual amenities of the area, amenity and highway safety. The proposal would also be acceptable in relation to ecology, contaminated land, flood risk and water management, subject to conditions.
- 7.92. It is considered that the benefits of the proposal would not be outweighed by adverse impacts arising from the unsustainable location of the proposed dwelling, and planning permission is recommended to be granted.

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.

Legal Implications – LEG2526/7760

- 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. It is acknowledged that the application site is not located in a sustainable location, however, there is a realistic fallback position to introduce residential use at the application site by benefiting from the previously consented conversion development.
- 9.2. It is considered the proposal would represent a betterment of the consented conversion development, due the design and incorporation of Passive House principles, reduce number of dwellings in an unsustainable location, reduce vehicles using the public right of way.
- 9.3. It is considered would have no adverse impact on the setting of any designated heritage assets, the open countryside, the visual amenities of the area, amenity and

highway safety. The proposal would also be acceptable in relation to ecology, contaminated land, flood risk and water management.

- 9.4. It is considered that the benefits of the proposal would not be outweighed by adverse impacts arising from the unsustainable location of the proposed dwelling. As such, the recommendation is to grant planning permission subject to conditions.

10.0 Conditions

01

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

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

02

The development hereby permitted shall be carried out in accordance with the application form and the following approved plans:

- Revised Site Location Plan, drawing no. 24012/001 Rev V03, received on 4th July 2025
- Proposed Elevations 4 North East, drawing no. 24012/018 Rev v01, received on 11th June 2025
- Proposed Elevations 3 South East, drawing no. 24012/017, received on 11th June 2025
- Proposed Elevations 2 South West, drawing no. 24012/016, received on 11th June 2025
- Proposed Elevations 1 North West, drawing no. 24012/015, received on 11th June 2025
- Proposed First Floor Plan, drawing no. 24012/012, received on 11th June 2025
- Proposed Ground Floor Plan, drawing no. 24012/011, received on 11th June 2025
- Proposed Site Plan, drawing no. 24012/010, received on 11th June 2025

Reason: To define the permission and for the avoidance of doubt.

03

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

Reason: In the interests of visual amenity and to accord with Core Policy 9 of the adopted Newark and Sherwood Amended Core Strategy DPD and Policy DM6 of the adopted Allocations & Development Management DPD.

04

Notwithstanding the hereby approved plans, cladding and timber battens shall not be installed until details of the cladding have been submitted to and approved in writing by the local planning authority. The development thereafter shall be undertaken in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to accord with ACSDPD Core Policy 9 and ADMDPD Policy DM5.

05

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Classes, A, AA, B, C, D, E, F, G and H of Part 1, as well as Classes A and C of Part 2 of Schedule 2 of the Order unless consent has firstly be granted in the form of a separate planning permission.

Reason: In the interests of preserving the low impact nature of the proposed development and to protect the character of Grade II listed Rufford Abbey Park and Garden, to accord with ACSDPD Core Policy 9 and Core Policy 14 and ADMDPD Policies DM5 and DM9.

06

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land contamination risk management (LCRM)' (<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>).

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

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

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

No development shall take place (including demolition, ground works, vegetation clearance) until an annotated construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The annotated CEMP: Biodiversity Plan shall include the following:

- a) Clearly mark "biodiversity protection zones" that are to be protected on-site.
- b) Use of protective fences, exclusion barriers and warning signs.
- c) Details of practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) Details of the location and timing of sensitive works to avoid harm to biodiversity features.
- e) List key personnel and communication lines.
- f) Reference to the Precautionary Methods of Working outlined at Section 4 of the Bat Roost Assessment report, dated 21/08/2025 produced by RammSanderson.

The approved annotated biodiversity plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To safeguard protected species as required by the National Planning Policy Framework, ADMDPD Policy DM5 and ACSDPD Core Policy 12.

08

No development above damp proof course level shall take place until a bat and bird box plan has been submitted to, and been approved by, the local planning authority. The plan shall show the type and location of the proposed boxes, and details for fixing them into place (including height).

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by ACSDPD Core Policy 12.

09

Prior to the first occupation of the hereby approved development, bat and bird boxes shall be installed as per the details approved by Condition 08 and photographic evidence of the installed boxes shall be submitted to, and be approved by, the local planning authority.

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by ACSDPD Core Policy 12.

10

No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate principles laid out within the drainage hierarchy have been followed, consideration have been given to sustainable drainage system and the Building Regulation

optional higher water efficiency standard of 110 litres per person per day, or relevant successor standard, is met.

The scheme for the disposal of foul and surface water shall then be implemented and completed in accordance with the approved details prior to the first occupation of the hereby approved development.

Reason: To ensure a satisfactory standard of development in terms of the disposal of foul water and to minimise the risk of flooding elsewhere, to accord with ACSDPD Core Policy 9 and Core Policy 10 and ADMDPD Policies DM5.

11

No development above damp proof course level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- (ii) proposed finished ground levels or contours;
- (iii) hard surfacing materials.

Hard landscaping works shall be completed in full in accordance with the approved details prior to the first occupation of the hereby approved development.

Soft landscaping works shall be completed in full in accordance with the approved details during the first planting season following the first occupation of the development hereby approved. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: In the interests of visual amenity and to accord with ACSDPD Core Policy 9 and ADMDPD Policy DM5.

12

Notwithstanding the hereby approved plans, prior to the installation of any solar panels, details, which shall include specifications and visual materials, finish and appearance, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to accord with ACSDPD Core Policy 9 and ADMDPD Policy DM5.

Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/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 in this location.

03

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

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

04

The development granted by this notice must not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

Details about how to comply with the statutory condition are set out below.

Biodiversity Net Gain

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 to require the approval of a biodiversity gain plan before development is begun, because none of the statutory exemptions or transitional arrangements are considered to apply.

The Biodiversity Gain Plan should be submitted via the Planning Portal, as an application for approval of details reserved by condition following grant of planning permission.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

05

There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

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.



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