



Report to Planning Committee 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston - Senior Planner.

Report Summary			
Application No.	25/01445/FULM		
Proposal	Erection of an animal therapy provision including associated animal shelter and livestock fencing to grazing paddocks.		
Location	Wings East School Main Street Kirklington NG22 8NB		
Applicant	Kedleston Group Limited	Agent	Cynergi Ltd - Mr David Limb
Registered	30.09.2025	Target Date / Extension of Time	30.12.2025 30.01.2026
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0. <i>Should Members resolve to agree to the recommendation then due to the statutory objection from Sport England, the application will need to be referred to the Secretary of State to determine if they wish to call in the application, in accordance with the Town and Country Planning (Consultation)(England) Direction 2024.</i>		

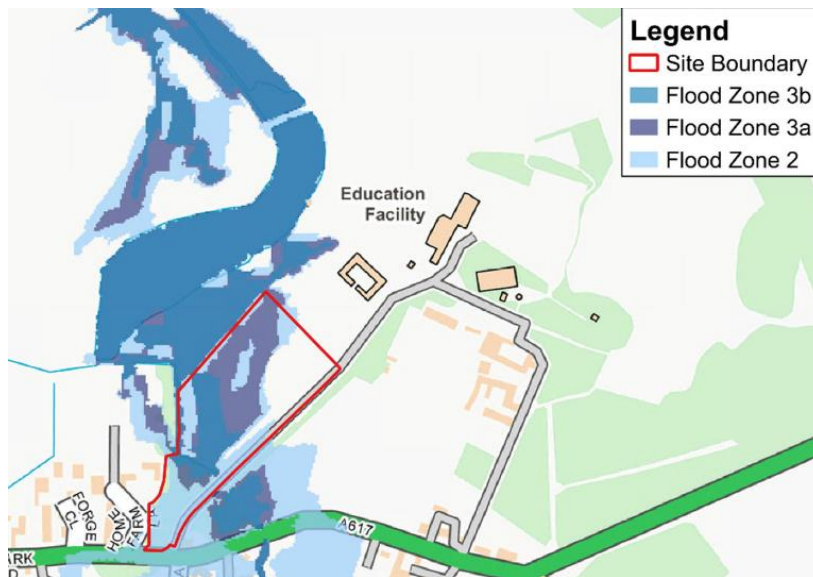
This application is being referred to the Planning Committee for determination, in accordance with the Council's Scheme of Delegation, as there is an objection from a Statutory Consultee (Sports England)

The Site

- 1.1 The site comprises of land at 2.06ha which is located within the existing school grounds to the south west of the main school building, and to the north of Main Street (A617) and north-east of the village of Kirklington. Wings School is a private school for children with challenging educational needs aged 9-16 years.
- 1.2 The existing school building is Grade II listed and located within the defined Conservation Area (CA), however the location of the buildings and paddocks are located outside of the CA, but the access (within the red line) is within the CA. Other listed buildings are located to the south and comprise of the Grade II listed School Lodge,

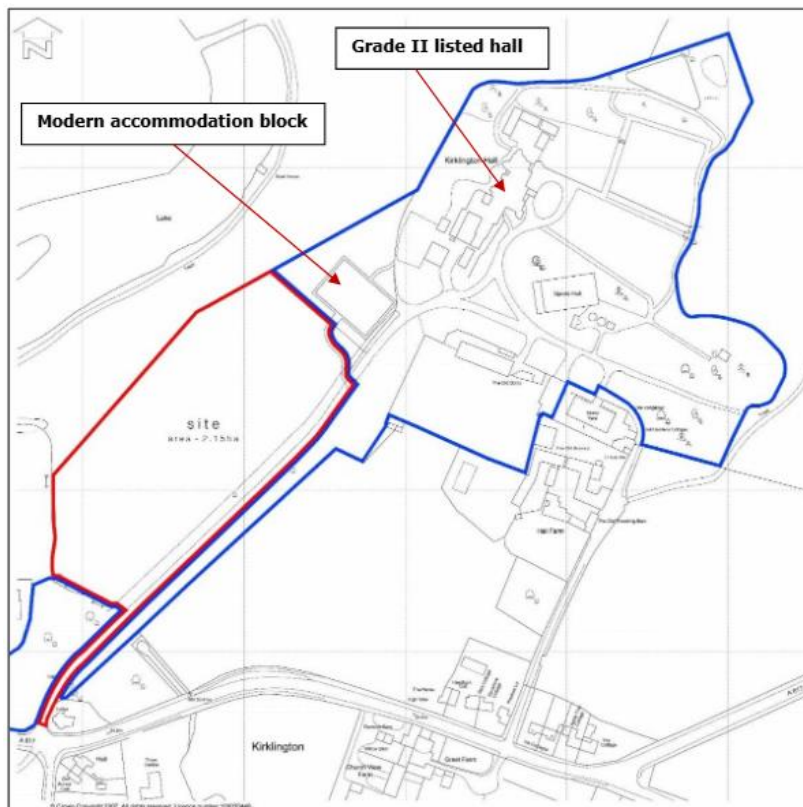
Grade II listed The Old School and Grade II* listed Church of St Swithins.

- 1.3 The land is reasonably flat and laid to grass and was formerly used as play fields for the school (football pitch).
- 1.4 Land to the south-west of the site (outside of the red line) contains a group of trees which are protected by a group Tree Preservation Order (N10 – Kirklington Hall).
- 1.5 The site is located within land which is defined by the Environment Agency flood maps as being located within Flood Zone 1, 2, 3a and 3b and therefore at highest risk from flooding. It is also at very low risk from surface water flooding.



1.6

1.7



1.8 The site has the following constraints:

- Flood risk – Zone 2 and 3a
- Listed buildings Grade II and II*
- Tree Preservation Order
- Conservation Area

2.0 Relevant Planning History

- 2.1. 18/00447/FUL - New all weather multi use games area (M.U.G.A.) and additional car parking. Approved 30.04.2018 24/00167/DISCON - Request for confirmation of discharge of condition 04 (Foul Water) attached to planning permission 23/01604/FUL; Glass Recycling Compound Conditions discharged 09.02.2024
- 2.2. 17/02124/FUL - Provision of internal and external door and window protection, introduction of anti-climb wire to eaves above external fire escape stair and new building mounted external lighting. Approved 17.02.2021 (\$106 legal agreement secured for the measures)
- 2.3. 17/02125/LBC Provision of internal and external door and window protection, introduction of anti-climb wire to eaves above external fire escape stair and new building mounted external lighting. Approved 17.02.2021
- 2.4. 12/00395/FUL Construction of all weather multi use games area (M.U.G.A) and

additional car parking Approved 21.05.2012

- 2.5. 09/00422/LBC Erection of satellite dishes to existing hall and existing old bothy (2 No) Approved 29.05.2009
- 2.6. 09/00421/FUL Erection of electricity sub-station (revised design) Approved 27.05.2009
- 2.7. 08/02271/FUL Formation of extension to existing hall building to provide single storey room and kitchen staff changing rooms, provision of new inlet and extract louvres within the pitched roof over the new single storey kitchen area, provision of underground fuel storage tanks, provision of over spill parking bays, internal alterations and single storey bathroom extension to old bothy, provision of new gates and fence to main entrance drive and new electricity sub-station Approved 10.02.2009
- 2.8. 08/02272/LBC Formation of extension to existing hall building to provide single storey room and kitchen staff changing rooms, provision of new internal partitions within existing hall building, provision of new inlet and extract louvres within the pitched roof over the new single storey kitchen area, internal alterations and single storey bathroom extension to old bothy Approved 10.02.2009
- 2.9. 08/00667/FULM Construction of new accommodation building. Approved 06.08.2008
- 2.10. 08/00666/CAC Removal of 6 No. temporary mobile classrooms, existing timber framed chemistry classroom and adjacent chemical store, 2 No. open fronted timber framed stores and single storey changing rooms to sports hall Approved 06.08.2008
- 2.11. 08/00669/FULM Demolition of single storey changing rooms and construction of new single storey equipment store and 2 storey changing facilities to sports hall and construction of 2 storey accommodation building adjacent to the walled garden and the Old Bothy. Approved 06.08.2008
- 2.12. 08/00668/LBC Alterations and extensions to main hall and demolition of 3 no. curtilage listed structures. Approved 06.08.2008
- 2.13. *Other applications on the site exist but these are the most recent and relevant.*

3.0 The Proposal

- 3.1 This application seeks full planning permission for the use of land to accommodate livestock, namely alpacas, and the erection of a timber framed animal shelter on a concrete base. The land would be separated into two paddocks (85mx71m) with an animal shelter located to the west of the site. Land outside of the paddocks would be used as space to walk the alpacas.
- 3.2 The shelter would measure approximately 7.4m length, 3.6m width, 2.9m height.

3.3



3.4



3.5 The alpacas have been introduced to the site as animal therapy for the pupils at the school, to create a therapeutic learning experience for the students through animal care that is structured, creates discipline, supports emotional development through caring for another creature.

3.6 The work was carried out in June/July 2025 and four alpacas are now onsite.

3.7 The application has been assessed based on the following plans and documents:

- Application form
- Design and Access Statement August 2025
- Heritage Statement August 2025
- Flood Risk Assessment September 2025 (25-0128 Rev P01)
- DRWG no. 483-10 Rev A Animal Shelter and Fence Details;
- DRWG no. 483-80 Part Site Plan as Existing;
- DRWG no. 483-81 Rev B Part Site Plan as Proposed;
- DRWG no. 483-01 Block Plan;
- DRWG no. 483-01 Location Plan;

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 33 properties have been individually notified by letter. A site notice has

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

4.2 Site visit undertaken on 10.10.2025.

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 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile
- 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

5.2. Allocations & Development Management DPD (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

5.3. 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.

[Submission Amended Allocations & Development Management DPD](#)

[Schedule of Main Modifications and Minor Modifications / Clarifications/](#)

5.5. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (amended 2025)

Planning Practice Guidance (online resource)

S.66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990

Newark and Sherwood Playing Pitch Strategy 2023

Landscape Character Assessment SPD

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 For guidance on Statutory Consultees see Table 2: [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](#)

Environment Agency – We have no objection to the proposal in principle. However, this proposed development is planned to site the animal shelter within flood zone 3a. Our interpretation of the NPPF vulnerability classifications would put this proposed development within the Less Vulnerable category as:

- Land and buildings used for agriculture and forestry.

Therefore, it is allowed in flood zone 3a however for we would request that the development is altered to move the animal shelter out of flood zone 3 this is to ensure the safety of animals and handlers in the event of a flood. Furthermore, as the plan is to have it sited on the concrete under its own weight. If the shelter remains in flood zone 3 we request that it is fixed in place to prevent its movement should the area be flooded.

The wire fencing is requested to have an aperture no less than 100mm x 100mm to allow free flow of any flood waters experienced.

NCC Lead Local Flood Authority –Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions;

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy dated September 2025 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

o No surcharge shown in a 1 in 1 year.

o No flooding shown in a 1 in 30 year.

o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

Reason A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

Informative

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

Following the clarification with the LLFA, they agree that the condition is not required.

Historic England - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

Sport England – Objection – The proposal would lead to the loss of a playing field which would not be replaced. Therefore, the proposal would be contrary to exception 4 of the Sport England’s Playing Fields Policy and with paragraph 104(b) of the NPPF.

The proposal would lead to the loss of playing field in an area where there is a deficiency in the provision of playing fields.

Should the LPA be minded to grant planning permission for the proposal, contrary to Sport England’s objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2024, the application should be referred to the Secretary of State via the Planning Casework Unit.

Town/Parish Council

- 6.1. Kirklington Parish Council – No objection

Representations/Non-Statutory Consultation

- 6.2. NSDC Conservation – The development is considered to result in less than substantial harm to the setting of Kirklington Hall, principally to the landscaped park which is a non-designated heritage asset. It is appreciated that the use of the school and its curtilage for use as part of an educational use provides public benefits. The benefits of the scheme, though hard to quantify may be considered to outweigh the less than substantial and reversible harm to the setting of the listed building and landscaped park.

- 6.3. NSDC Environmental Health - No animal activities license is needed at this time if the animals are to be kept on site.

I would recommend a wash hand basin is installed in close proximity to the animal handling area where the washing of hands with hot and cold water, soap and means of drying hands is available, this is to prevent any spread of infectious diseases which animals can carry.

Trent Valley Internal Drainage Board - The site is within the Trent Valley Internal Drainage Board district. The Board maintained Northern Drain, an open watercourse, exists within the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. It is noted that development is shown to be outside of this distance. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

7.0 Comments of the Business Manager – Planning Development / Appraisal

- 7.1. The key issues are:

1. Principle of development/loss of playing fields
2. Impact on the Heritage Impact and the Visual Amenities of the Area
3. Impact on Residential Amenity
4. Highway Safety
5. Flood Risk
6. Ecology and BNG

Principle of Development and loss of playing fields

- 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. Spatial Policy 1 'Settlement Hierarchy' sets out the settlement hierarchy for the district. It also states that outside of settlements designated as Service Centres and Principal Villages, development will be considered against the sustainability criteria set out in Spatial Policy 3. Spatial Policy 3 'Rural Areas' states that The District Council will support and promote local services and facilities in the rural communities of Newark & Sherwood. The rural economy will be supported by encouraging tourism, rural diversification, and by supporting appropriate agricultural and forestry development.
- 7.4. Given The development does not fit neatly into the above criteria, however given the proposal would support an existing educational facility, which is in private ownership, it would seek to support a local service and facility in a rural community, thus in principle it is acceptable. However, SP3 states that the proposal should be considered against the five criteria of Location, Scale, Need, Impact and Character. These are explored in more detail below.

Location

- 7.5. The location of the site is such that it is considered to be within the village settlement and has sustainable connections to the larger settlement of Southwell which is identified within the settlement hierarchy as a Service Centre.

Scale

- 7.6. The development is low scale and ancillary to the main use of the educational facility.

Need

- 7.7. The proposal is a new facility to support the community facility of the school. The animals and the shelter are there to provide therapy for the pupils at the school to aid with behaviour.

Impact

- 7.8. The use is ancillary to the main building use and would be maintained and managed as part of the maintenance of the school. It is not sought as an attraction for members of the public. Matters of drainage etc are considered in a subsequent section in this report, however the built form is minor within Flood Zone 2 and 3a, approx. 30m² in footprint, and therefore the impact is not considered detrimental.

Character

- 7.9. This is explored in the heritage and visual amenity section below.
- 7.10. The proposal has been subject to a Statutory Objection by Sport England. Sport England are currently a statutory consultee, however government has confirmed its intention to remove Sport England from the list of statutory consultees required to provide advice on planning applications. This change is part of the broader reforms aimed at streamlining the planning system to facilitate growth and development. Government has launched a consultation process regarding reforms, which will run until 13th January 2026. This consultation seeks feedback on the proposed changes and aims to ensure that any removal of statutory consultees is balanced with appropriate safeguards for high-impact cases. However, at present their status as a statutory consultee remains and must be taken into consideration.
- 7.11. The proposal is sited on existing land used in the summer of 2014 (according to the school), as a football pitch for the existing school. The school state that it was never fit for use due to the uneven playing surface and general topography of the land and the field has been unused for sport for the last 11 years. The use of the 'football pitch' was relocated in 2014 to another area of the grounds which is better and safer for the children to play on. The school is a private school for children with additional needs and whom have been taken out of 'mainstream' schools. However, Kirklington is identified within the Southwell Area on the Council's Playing Pitch and Outdoor Sport Strategy and Action Plan (December 2023), which has a shortfall of 0.5 Adult 11v11 and 1 youth 11v11 pitches. The existing pitch has the potential to provide 11v11 and U17 & U18's 11v11.
- 7.12. The pitch is and has not been used by any club and was solely used by the existing school. Due to the nature of the school and the secure nature of it to protect the welfare of the pupils, opening up the 'freedom' for external clubs to use the site would not be appropriate. Also in order for the site to be used for competitive sports, would require additional facilities nearby such as changing rooms and toilets. None of which are provided, and the nearest facilities would be within the school which is highly secure.
- 7.13. The NPPF states that *'Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:*
a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'(para 104)
- 7.14. The site has provided alternative sports provision for football within the site, however due to the nature of the development, it is reversible, and the fencing and buildings can be removed, when it is considered that the paddocks and use of the site for alpacas is not required. The applicant has stated that since the football pitch was relocated, the school do play matches with other schools in the SEN league, however, the residential

use of the site, nature of the children, safeguarding and protection issues prohibit external use of the site by the wider public. However, given that the site is not suitable for public use, the loss of the pitch is not considered harmful to the healthy and well-being of the community. As such whilst the objection by Sport England is acknowledged, a refusal on those grounds as suggested, is not considered appropriate. Whilst Para 104 of the NPPF is acknowledged, the re-provision, coupled with the inappropriate use of the site for a sports pitch (outside of the use of the school), are considered to result in a proposal which accords with para.104, but also taking in to account the very specific circumstances for the development, which in any case would override the loss of the sports pitches, in this case.

- 7.15. Other material considerations also must be taken into account, and these are explored below.

Impact on the Heritage Impact and the Visual Amenities of the Area

- 7.16. Core Policy 9 (Sustainable Design) states that new development should be of an appropriate form and scale to its context complementing the existing built and landscape environments. DM5 requires development to respect the existing local vernacular in terms of scale, layout, design, materials and detailing.
- 7.17. Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications 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.
- 7.18. The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. 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.
- 7.19. The relevant Landscape Policy Zone for the site is Kirklington Village Farmlands (MN PZ 27) within the Mid Nottinghamshire Farmlands Character area. Landscape condition is defined as very poor and landscape sensitivity is defined as moderate giving a policy action embedded within CP13 as 'create'. Landscape actions for built form include create new areas of planting in order to minimise impact. In terms of landscape features, the creation of new hedgerows and restore existing, seek opportunities to recreate historic field pattern and contain new development within historic boundaries.
- 7.20. The proposal is for the extension of the existing facility with an additional unit which mirrors that of the existing in terms of scale, design and materials. Due to the siting of buildings in the area specifically to the south of the site, the buildings would not result in harm to the character of the area.

- 7.21. The scale of the development is such that it would not result in an intrusive or incoherent built form to the surrounding landscape setting. The site is located within the grounds of the Grade II Listed Building (Grade II* Listed Church is located outside of the immediate setting) and would be located just outside of the CA. S.66 of the LB Act 1990 states the LPA should 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. S.72 of the same Act, which relates to the CA, states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. This is also reflected in the NPPF (2024) and the policies contained within the LPA's Development Plan.
- 7.22. The siting of the development is such that it is located away from the main hall building, however the proposal is considered to result in a less than substantial harm to the setting of Kirklington Hall, principally to the landscaped park (which is a non-designated heritage asset in its own right). In accordance with para 215 of the NPPF (2024), less than substantial harm to the significance should be weighed against the public benefits. The proposal would aid the behaviour of the children who suffer with conditions such as ADHD and the therapy of working with the animals is sought to aid with the behaviour of those children. In this case it is considered that the public benefits of the scheme and the fact the harm to the setting of the listed building would be reversible, are considered to outweigh the harm caused.
- 7.23. The lack of visual prominence of the buildings and the set back siting from the boundary of the CA is considered to preserve the character of the CA.
- 7.24. As such it is considered that the scheme is acceptable and in accordance with the policy context set out.

Impact upon Residential Amenity

- 7.25. The Policy DM5 advises development proposals should have regard to their impact on amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
- 7.26. No concerns have been raised from local residents. The nearest dwelling is located approximately 130m south of the site with a tree belt located in between. The siting of the buildings and the use of the land for animals, therefore, is considered to not result in harm to the amenity of local residents.
- 7.27. No conflict is identified in terms of amenity (loss of privacy, light or overbearing) therefore in respect of DM5 and the proposal is a compatible use for its context as required by CP9.

Impact upon Highway Safety

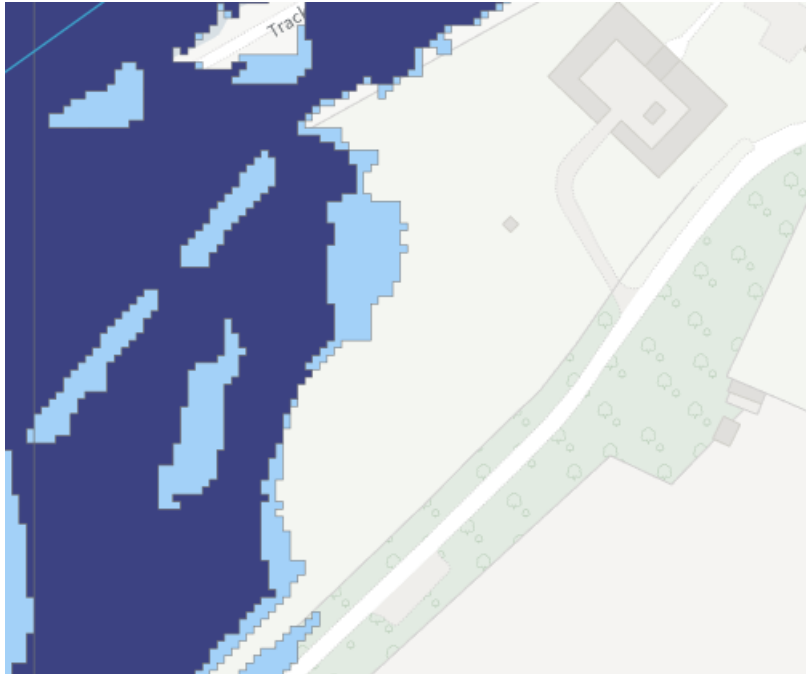
- 7.28. SP7 and DM5 set out policy in respect of highway safety, transport and parking. All the animals would be cared for by existing staff and pupils and any increase in vehicle

movements would only be as a result of occasional vet visits as and when required or any additional bedding etc associated with the animals.

- 7.29. Although the proposal may increase the number of occasional movements to the site, due to the scale of the proposal, this is not considered to result in any increased demand for parking or vehicle movements, and thus. I find no conflict with the requirements of DM5 and SP7 or the NPPF.

Flood Risk Impacts and surface water drainage

- 7.30. Part of the site falls within Flood Zone 2 and 3a where there is a medium to high probability of flooding as shown on the Environment Agency's Flood Map for Planning.
- 7.31. Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk flood zones.



- 7.32.
- 7.33. The building used for the 'stables' is located within the land at highest risk from flooding within the site, however although there is alternative land within the site which is at lowest risk of flooding, it could be considered that the application of the sequential test has not been passed. The PPG states that 'The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of

flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.’ (Paragraph: 027 Reference ID: 7-027-20220825)

- 7.34. Para 176 of the NPPF states that applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments. Footnote 62 of the NPPF defines that minor development is that with a footprint of less than 250m².
- 7.35. In accordance with Annex 3:Flood risk vulnerability classification of the PPG, the use of the land is classified as ‘less vulnerable’ and in accordance with Table 2: Flood risk vulnerability and flood zone ‘incompatibility’, the use of the land is compatible in flood zone 2 and 3a and the application of the exceptions test is not necessary.
- 7.36. Comments have been received from the Environment Agency stating they have no objections but request that the shelter is fixed in place to the concrete base to prevent movement should it be flooded and the wire fencing should have an aperture no less than 100mm x 100mm to allow free flow of any flood waters. The agent has submitted information in response to this stating (despite information in the design and access statement) that the shelter will be securely fixed and anchored to the concrete slab and the livestock fencing installed around the paddocks has apertures exceeding the stated limitations. NCC as the Lead Local Flood Authority, have also commented on the application, stating no objection and recommend the imposition of a condition relating to the submission of a detailed surface water drainage scheme to be submitted based on the principles set forward by the submitted FRA. However, the proposal is retrospective and the FRA does not recommend any additional measures with regards to drainage or surface water, and concludes that the development is considered to be safe for its lifetime without increasing flood risk elsewhere. The site is shown at an increased risk of surface water but when the existing drainage is taken into account, it is unlikely that the site will experience increased surface water flooding. The agent states there is a residual risk that the site could experience surface water flooding should the existing drainage infrastructure at the site become overwhelmed, blocked or the outfalls to the River Greet become surcharged. However, any resultant surface water flooding would likely be shallow; and the EA model confirms depths of below 20cm.
- 7.37. Therefore, having clarified the condition with the LLFA, stating that the application is retrospective they confirm that the imposition of the condition is not required. However, it is noted and accepted that the proposal has been completed without any formal consultation with the LLFA and as such the impacts on/of surface water flooding to the development and surrounding area are unknown. The applicant has therefore submitted further information on their approach to surface water, and have stated:

- 7.38. "The proposed animal shelter has a pitched roof, with a total plan area of approximately 34m², with each roof pitch (c.17m²) draining to a gutter and two separate downpipes which discharge onto the adjacent grassed field. This mirrors the pre-development drainage arrangement, where rainfall infiltrated directly into the surrounding permeable ground. As such, the development does not introduce any new impermeable surfacing or concentration of flows that would increase runoff beyond the existing situation.
- 7.39. This approach aligns with the principles set out in the CIRIA SuDS Manual (C753), which identifies infiltration to ground as the preferred method in the drainage hierarchy.
- 7.40. Given the small roof area, the direct discharge to permeable grassed ground, and the fact that this replicates the pre-development drainage regime, the proposals will not result in any increased flood risk on or off site."
- 7.41. It is considered that flood impacts are acceptable and would not place third parties at risk.

Impact upon Ecology (including BNG)

- 7.42. The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM5. Core Policy 12 and Policy DM7 seek to conserve and enhance the biodiversity of the district whilst DM5 seeks to retain features of importance through integration and connectivity of green infrastructure.
- 7.43. This scheme doesn't amount to any tree or hedgerow removal and the proposal is not considered to result in any harm to local ecology.

BNG

- 7.44. Due to the retrospective nature of the proposal, mandatory Biodiversity Net Gain would not be applied in this case. That said, the proposal would anyway be exempt from mandatory Bio-diversity net gain as the biodiversity gain planning condition does not apply in relation to planning permission which is for retrospective developments.
- 7.45. No conflict has been identified in respect of CP12, DM7 and DM5.

Other matters

- 7.46. NSDC Environmental Health have commented on the application stating that no animal licence is required at this time if the animals are to be kept on site. They do however recommend a wash hand basin is installed in close proximity to the animal handling areas to prevent any spread of infectious diseases. From visiting the site, it is clear that this already exists on the side of the building. Therefore, no further action is required.



7.47.

7.48. With regards to the disposal of any waste, the agent confirms that this is removed from the site on a trailer which is used by a local farm.

7.49. **Community Infrastructure Levy (CIL)** – The proposed development would be exempt from CIL due to them being buildings less than 100m² in floor area.

7.50. **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG. The proposal is retrospective, BNG is therefore not applicable in this case.

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 - LEG2526/7207**

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

9.0 Conclusion

9.1. The application is for the retention of a building used to house four alpacas on the site and the associated land to be used as paddocks. Although the land is located within an area at highest risk from flooding, it is not considered to result in harm to the area through increased risk and the use is compatible with the area. The building is located within the grounds of the Grade II listed building and although it has been concluded

that the harm is less than substantial, this is weighed against the public benefit of providing therapy to the local children who suffer from behavioural issues and the fact that it is reversible. The proposal would not result in any harm to local ecology, highway or neighbour amenity.

- 9.2. The proposal has garnered an objection from the statutory consultee, Sport England, due to the loss of the football pitch. Whilst this has been considered, the applicant has stated that the football pitch was not used since summer 2014 and due to the condition of the ground, was actually re-provided elsewhere in the site and is now used more. Therefore, it is considered that the use of the site would not result in an unacceptable loss of playing fields. The applicant has also stated that the site is not suitable for external clubs to use the football pitches due to the sensitive nature of the school and matters of safeguarding.
- 9.3. The proposal is supported by the Development Plan and the NPPF and PPG which are material planning considerations. Although some very minor harm has been found to impact on the setting of the listed building, this has been found to have a clear and convincing justification. In reaching this view, the report has considered carefully the special duties under S.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.4. Should Members resolve to approve the application in accordance with Officer recommendation, due to the statutory objection from Sport England, then in accordance with the Town and Country Planning (Consultation) (England) Direction 2024, the application should be referred to the Secretary of State via the Planning Casework Unit to ascertain if they wish to call the application in. Therefore a decision cannot be issued until a decision is received from the SoS.

9.5. 10.0 Conditions

01

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- DRWG no. 483-10 Rev A Animal Shelter and Fence Details;
- DRWG no. 483-81 Rev B Part Site Plan as Proposed;
- DRWG no. 483-01 Block Plan;
- DRWG no. 483-01 Location Plan;

Reason: So as to define this permission.

02

There shall be no burning of used straw or manure from the stable block on any part of the site.

Reason: In the interests of residential amenity.

Informatives

01

The animal shelter shall be anchored securely fixed to the concrete base and remain as such for the lifetime of the development.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

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.

04

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 to development which would fall under the exemption of being retrospective.

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.

