



Report to Planning Committee 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Howard Cheng – Planner

Report Summary			
Application No.	25/01823/PIP		
Proposal	Application for Permission in Principle for Residential Development of One Dwelling Following Demolition of Existing Open-Fronted Car Port.		
Location	Land To The North Of Hawthorn Cottage Main Street Kirklington Newark On Trent NG22 8NL		
Applicant	Dr Victoria Howe	Agent	Mr Anthony Northcote
Web Link	25/01823/PIP Application for Permission in Principle for Residential Development of One Dwelling Following Demolition of Existing Open-Fronted Car Port. Land To The North Of Hawthorn Cottage Main Street Kirklington Newark On Trent NG22 8NL		
Registered	22.10.2025	Target Date	26.11.2025 (EOT agreed until 19.01.2026)
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 near Kirklington on the southern side of A617 behind two pairs of semi-detached two storey houses and a detached two storey house.
- 1.2 The application site comprises a detached car port, an LPG tank and a storage container. It is connected to A617 via a private access road located in between the two pairs of semi-detached two storey houses.
- 1.3 The application site is also located within Kirklington Conservation Area and there is a

Grade II listed building (Greet Farmhouse) located on the other side of A617 opposite the access point of the application site. The application site is located within the Grounds at Hall Farm, Kirklington, a non-designated heritage asset (ref: MNT26698). Land to the north, east and west is all covered by different Historic Environment Record entries.

- 1.4 Immediately to the north and west of the application site are open fields. To the east of the application site is a private access road and a woodland. To the southeast of the application site beyond the aforementioned access road, as well as to the south of the application site, are some residential properties that face onto A617. On the other side of A617 are also some residential properties, which include the Grade II listed building.
- 1.5 The application site is located within Flood Zone 1.
- 1.6 Site photos are as follows:



Photo 1 – The application site from A617



Photo 2 – The application site from the southeast



Photo 3 – The rear of the existing detached car port



Photo 3 – Views to the west of the application site

2.0 Relevant Planning History

Reference number	Proposal	Decision	Date of decision
25/01683/TWCA	T1 - Apple Tree - Fell	No Objection	01.10.2025
22/00442/LDC	Application for a Lawful Development Certificate relating to use of land and buildings for residential purposes without complying with Condition No.1 of Planning Permission 46/-/81/691 Hawthorn Cottage, Pine Tree Cottage, Mint Cottage And Sycamore Cottage	Certificate Issued	29.04.2022
16/01880/TWCA	Fell 3 Leylandii trees, 1 Apple tree and 1 Willow	Application Permitted	14.11.2016

	treeCrown clean and remove deadwood to 2 Apple trees.		
4681691LB	Demolish outbuildings	Application Permitted	20.04.1982
4681691	Erect dwellings and refurbish cottages.	Application Permitted	20.04.1982

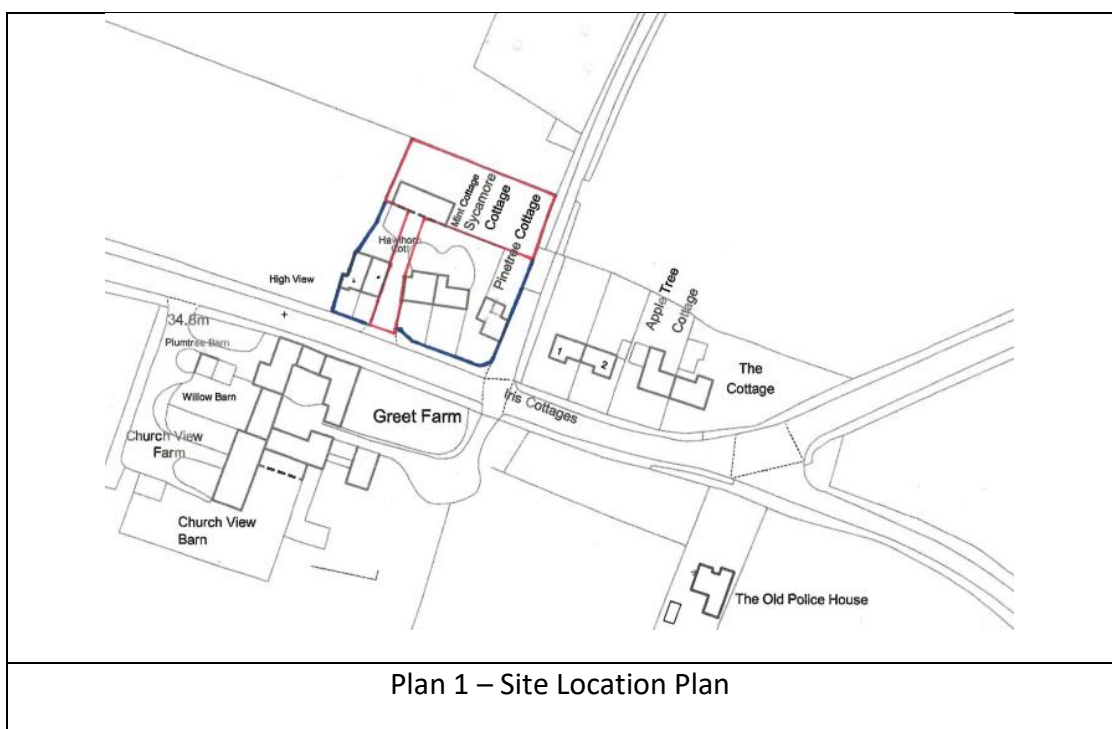
3.0 **The Proposal**

3.1 The application seeks permission in principle for residential development of one dwelling following the demolition of the existing open-fronted car port.

3.2 Documents assessed in this appraisal:

Name	Reference No.	Date received
Location Plan		21 st October 2025
Planning Statement and Heritage Impact Assessment	(Dated Oct 2025)	21 st October 2025

3.3 Key plans are as follows:



4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 9 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 11th November 2025.

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 14 – Historic Environment

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

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 took place between Tuesday 16 September and Tuesday 28 October 2025. The period of consultation has concluded and the Inspector is considering the representations and finalising 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)

6.0 **Consultations and Representations**

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

Statutory Consultations

6.1. None.

Town/Parish Council

6.2. Kirklington Parish Council (consulted on 03.11.2025) – no comment received.

Representations/Non-Statutory Consultation

6.3. NSDC Conservation – No objection in principle.

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

7.0 **Appraisal**

7.1. 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.

7.2. As the application concerns the conservation area and there is a listed building nearby, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are 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." Section 72(1) of the Act requires LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

7.3. The duties in sections 66 and 72 of the Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and character and

appearance of conservation areas 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 or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

- 7.4. The Planning Practice Guidance (PPG) advises that permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 7.5. The permission in principle consent route has two stages. The first stage, or permission in principle stage, establishes whether a site is suitable in-principle. The second 'technical details consent' stage is when the detailed development proposals are assessed.
- 7.6. The PPG also states that the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.
- 7.7. As such, the main issue is whether or not the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Principle of Development

Location

- 7.8. The application site is located approx. 0.19 miles to the northeast of St Swithun's Church in Kirklington. There are other residential properties on both the same and opposite sides of A617 immediately to the east and south of application site. They are surrounded by open fields and there is an approx. 150m distance separating them from the larger cluster of development of Kirklington, which includes residential properties, the Church and a primary school, along Church Lane, A617, Home Farm Lane, Forge Close and Southwell Road.
- 7.9. The application site is also located within Kirklington Conservation Area and there is a Grade II listed building (Greet Farmhouse) located on the other side of A617 opposite the access point of the application site. The application site is located within the Grounds at Hall Farm, Kirklington, a non-designated heritage asset (ref: MNT26698). Land to the north, east and west is all covered by different Historic Environment Record entries.
- 7.10. 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.
- 7.11. Spatial Policy 3 of the ACSDPD relates to rural areas. There is no defined boundary to the extent of the main built-up area of Kirklington in the Local Development

Framework. Given the degree of separation of the application site from the main developed area in Kirklington, it is considered that the application is not located within the village of Kirklington.

- 7.12. Spatial Policy 3 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.
- 7.13. 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 detached car port 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.

- 7.14. It is not considered that the proposed dwelling would meet the requirements of DM8.
- 7.15. 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.*

- 7.16. The main differences between ADMPD and DAADMPD have been emboldened. Based on the information submitted in support of this application, 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.
- 7.17. In short, it is considered that the location of proposed development would conflict with both Policy DM8 in the ADMPD and Policy DM8 in the DAADMPD.
- 7.18. 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. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states special attention

needs to be paid to the desirability of preserving or enhancing the character or appearance of that area when making the decision.

- 7.19. Core Policy 14 of the ACSDPD and Policy DM9 of the ADMDPD relate to heritage assets and historic environment. Paragraphs 210 to 215 of the NPPF set out what and how to consider planning applications in relation to designated heritage assets. Paragraph 216 of the NPPF sets out how to consider the effect of an application on the significance of a non-designated heritage asset
- 7.20. The Conservation Team has been consulted and in principle raised no objection to the proposed development which would consist of one dwelling following the demolition of existing detached car port.
- 7.21. The Conservation Team pointed out that this area of Kirklington Conservation Area that the application site is located in is unusual in its disparate connection to the nucleated core of the village. Nonetheless, it is considered that the parkland and landscape to the north of the application site is still relevant to the historic settlement of Kirklington. It is considered that the proposal would not result in encroachment upon an area of the Conservation Area that would be considered as unacceptable.
- 7.22. It is acknowledged that the application site is essentially a parcel of land to the rear of existing residential properties, however, there is already an existing detached car port on the land. This existing detached car port is considered to make a neutral contribution to the street scene of Kirklington Conservation Area.
- 7.23. In short, it is considered that the presence of a Grade II listed building on the other side of A617 opposite the access point of the application site, the application being located within Kirklington Conservation Area and the demolition of the existing detached car port would not make the application site an inappropriate location for the proposed development.

Land Use

- 7.24. The land use of the proposed development would be residential.
- 7.25. Immediately to the north and west of the application site are open fields. Beyond the fields further to the north are some properties in Commercial, Business and Service uses and stables. To the east of the application site is the access road connecting the aforementioned properties and stables to the A617. Beyond this access road is a woodland.
- 7.26. To the southeast of the application site beyond the aforementioned access road as well as to the south of the application site are some residential properties that face onto A617. On the other side of A617 are also some residential properties.
- 7.27. Notwithstanding the inappropriate location of the proposed development, due to conflict with Policy DM8 in the ADMDPD, the land use of the proposed development is considered to be acceptable.

Amount

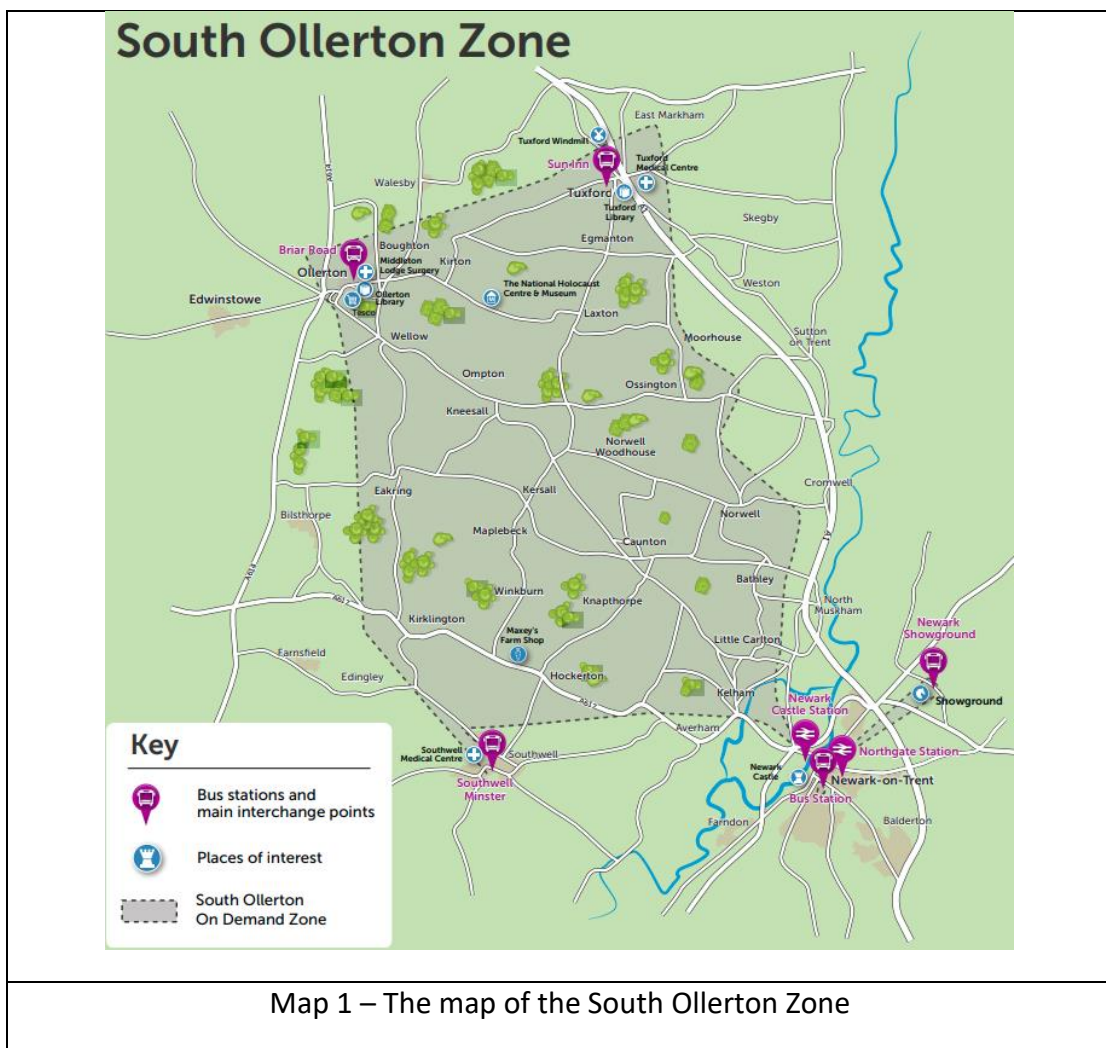
- 7.28. The proposed development is for one dwelling, following the demolition of existing detached car port.
- 7.29. Core Policy 3 of the ACSDDP relates to Housing Mix, Type and Density. It sets out development densities in all housing developments should normally be no lower than an average 30 dwellings per hectare net, and housing developments with a lower density would require justification, taking into account individual site circumstances.
- 7.30. The proposal would equal to approximately 10 dwellings per hectare, which would fall below the normal requirement of 30 dwellings per hectare net. Notwithstanding the inappropriate location of the proposed development due to conflict with Policy DM8 in the ADMDDP, the lower density of the proposal is considered to be appropriate and acceptable owing to the location of the application site and the variations of density of the existing development nearby. The amount of development is therefore acceptable.

Planning Balance

- 7.31. 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.
- 7.32. 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. As of 1st April 2025, Newark and Sherwood District Council as the local planning authority determining this application only has 3.84 years of housing land supply, falling short of the minimum of five years' worth of housing required by the NPPF.
- 7.33. 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.
- 7.34. 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

- 7.35. Footnote 7 of the NPPF expands on 'protect areas or assets of particular importance' and designated heritage assets are one of them. At this stage, it is considered that the application of policies in relation to designated heritage assets in the NPPF would not provide a strong reason for refusing the development proposed, as assessed in Paragraphs 7.18 to 7.23 above.
- 7.36. Turning to 11(d)(ii), the proposal would provide 1 net dwelling that can potentially be delivered relatively quickly, and it is considered that smaller developments are more likely to be carried out, thus increasing the likelihood of the proposal contributing to the shortfall of the housing supply. There would also be social and economic benefits to the locality. These benefits are given moderate weight.
- 7.37. The proposal would be located in an unsustainable location in the open countryside for new residential land use. It is acknowledged that Kirklington has a limited range of local services, as there is a primary school, a village hall and a Church, but no shops or public houses. It is also acknowledged that Kirklington is not served by any regular bus service. However, Kirklington is served by 'Nottsbus On Demand' in its South Ollerton Zone, which offers flexible on demand (as well as advance booking) bus service Monday to Saturday 7am to 7pm (excluding bank holidays) from Kirklington to identified bus stops or designated pick-up points in the Zone (see Map 1), which includes Southwell, Newark, Ollerton and Tuxford, with no fixed route. There is an identified bus stop approx. 0.2 miles to the west of the application site. At the time of writing the report, a single journey costs £2.50 and a day ticket costs £4.40. According to Google maps, Southwell, which is a Service Centre, is less than 10 minutes away (driving time).



Map 1 – The map of the South Ollerton Zone

- 7.38. The application site already benefits from an existing access point directly off the A617, which offers connection to the wider road networks, through a wide private access road which is located within the redline boundary of the application site.
- 7.39. It is therefore considered that the level of harm that would arise from the introduction of one new residential dwelling in the open countryside in this unsustainable location would be modest.
- 7.40. In this instance, it is considered that the identified adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, and permission in principle is recommended to be granted.

Matters for Technical Details Consent Stage

- 7.41. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The default duration of a grant of permission in principle by application is 3 years, and applications for technical details consent must be determined within the duration of the permission granted.

Impact upon Visual Amenity, the Character of the Area, the setting and significance of

nearby listed building and Kirklington Conservation Area

- 7.42. Core Policy 14 of the ACSDPD and Policy DM9 of the ADMDPD relate to heritage assets and historic environment. Paragraphs 210 to 215 of the NPPF set out what and how to consider planning applications in relation to designated heritage assets. Paragraph 216 of the NPPF sets out how to consider the effect of an application on the significance of a non-designated heritage asset.
- 7.43. 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.
- 7.44. Core Policy 9 and Policy DM5 relate to demonstrating high standard of sustainable design that reflect, protect and enhance the District's environment.
- 7.45. 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. It is not subject to a proposed main modification.
- 7.46. The design of the proposal would be critical to whether the proposal would be acceptable in this regard, and design information in accordance with DM5(a) in the DAADMDPD is expected to be submitted during the second stage.
- 7.47. The Conservation Team has commented that consideration would need to be given to form, scale, mass, density and material palette, as the site is in a historic location, directly opposite a Grade II listed farmhouse and surrounded by landscape that has Historic Environment Record entries.

Impact upon Residential Amenity

- 7.48. 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.
- 7.49. 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.
- 7.50. It is noted that there is currently an LPG tank and a storage container. Paragraph 35 of the submitted Planning Statement and Heritage Impact Assessment sets out that this LPG tank is currently only used by a single property and when that property next becomes vacant, that property would be modified to not be reliant on LPG. It is unclear as to whether the LPG tank would be able to be removed from the application site prior to the submission of the application for technical details consent. Details of the LPG tank, should it still be present on site when the submission of the application for technical details consent, would be required to be submitted during the second stage.

- 7.51. It is also noted that all existing residential properties to the south of the application site feature openings on their northern elevation at both ground and first floor levels that appear to be serving habitable rooms. There is no boundary treatment on the southern boundary of the application site.
- 7.52. Subject to an appropriate design, including boundary treatments and position of openings, it is considered that the proposal would be capable of being acceptable in relation to residential amenity.

Impact upon Highway Safety

- 7.53. Spatial Policy 7 of the ACSDPD relates to Sustainable Transport. Policy DM5 (1.) and (2.) of the ADMDPD relate to Access and Parking respectively. Additional wordings have been included in DM5(b)(1.) and (2.) in the DAADMDPD, which are subject to a proposed main modification, to encourage integration of sustainable and active modes of travel, as well as to maximise opportunities for multimodal travel.
- 7.54. The Residential Cycle and Car Parking Standards & Design Guide SPD 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. Given the size of the application site, it is considered that the proposal for up one dwelling would be able to provide sufficient parking provisions.
- 7.55. It is unclear as to the use of the existing detached car port, which would be demolished. If the existing detached car port is currently used by occupiers at the existing residential properties to the south of the application site for parking, details of replacement parking provisions for those properties would be required to be submitted during the second stage. Further details in relation to the existing private access road would also be required to be submitted during the second stage.
- 7.56. Subject to the above, it is considered that the proposal would be capable of being acceptable in relation to impacts upon public right of way.

Impact upon Ecology

- 7.57. Core Policy 12 of the ACSDP, Policy DM7 of the ADMDPD and Policy DM7 in the DAADMDPD, which is only subject to modifications in very minor in nature, relate to conserve and enhance the biodiversity and geological diversity of the District.
- 7.58. Policy DM5 (5.) and (7.) of the ADMDPD, and DM5(b)(6.) in the DAADMDPD, which is only subject to modifications in very minor in nature, relate to Trees, Woodlands, Biodiversity & Green Infrastructure and Ecology.
- 7.59. A Preliminary Ecological Appraisal (including Preliminary Bat Roost Assessment), and any additional necessary surveys, would be required to be submitted during the second stage.

Trees and Landscaping

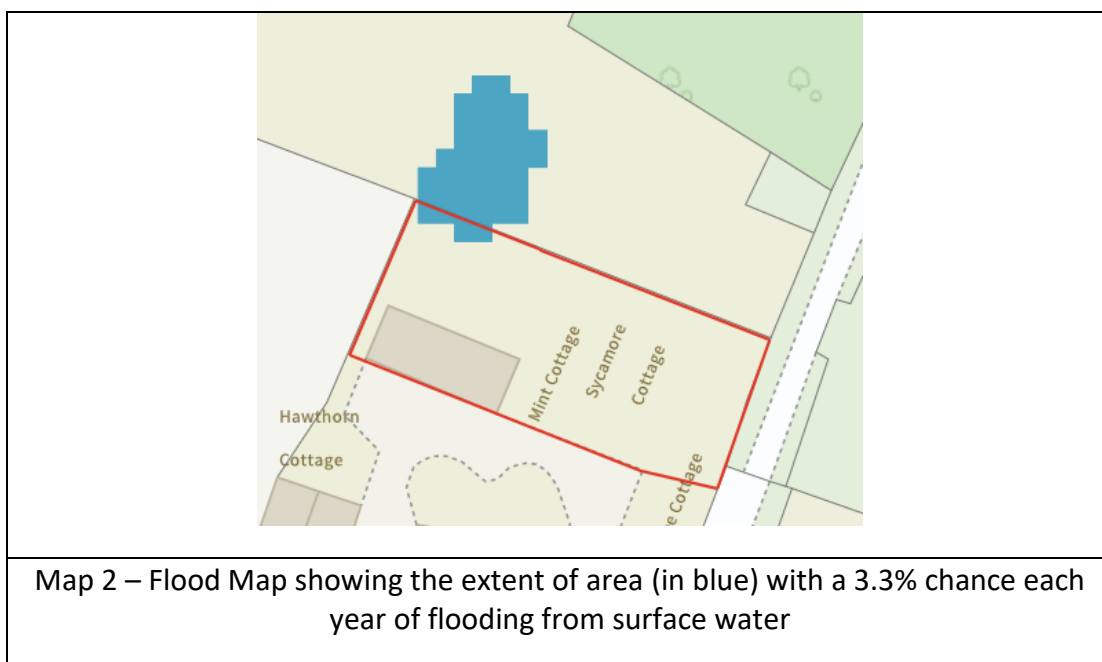
- 7.60. There are existing trees within the application site, and they would be expected to be

retained unless not in a suitable condition. Additional tree planting would also be expected as part of the landscaping scheme.

- 7.61. A tree survey with appropriate tree protection information and landscaping details would be required to be submitted during the second stage.

Flood Risk and Water Management

- 7.62. Core Policy 9 and Core Policy 10 of the ACSDPD 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.
- 7.63. DM5(9.) of the ADMDPD relates to Flood Risk and Water Management and further seeks to steer development away from areas at highest risk of flooding.
- 7.64. DM5 in the DAADMDPD has been subdivided into four parts (a, b, c and d). Policy DM5(d) in the DAADMDPD 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 ADMDPD, to seek demonstration that principles laid out within the drainage hierarchy have been followed, and the incorporation of sustainable drainage systems. This section of DM5 in the DAADMDPD is subject to modifications.
- 7.65. The application site is located within Flood Zone 1. The northeastern corner of the application site has a more than 0.1% chance each year of flooding from surface water, and a small area of land immediately to the east of the northeastern corner of the application site has a more than 3.3% chance each year of flooding from surface water (see Map 2).



- 7.66. Details of water management (the disposal of surface water and foul sewage) would be expected to be submitted during the second stage.

Other Matters

- 7.67. **Community Infrastructure Levy (CIL)** – The site is located within Housing High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m² for CIL purposes. However, CIL may only be applied to development consented through the permission in principle route if technical details consent has been granted. Therefore, the subsequent technical details consent (as a grant of planning permission) would be liable to CIL charges.
- 7.68. **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), however the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition. Details of how the site will achieve a 10% BNG will be required at the technical details stage.

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 Implication – LEG2526/5459

- 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 considered that the application site would be located in an unsustainable location in the open countryside for the proposed residential use and would be in conflict with Policy DM8 in the Allocations & Development Management DPD, however, Newark and Sherwood District Council as the local planning authority determining this application does not have five years' worth of housing required by the NPPF.

- 9.2. The proposal would provide 1 net dwelling and the associated benefits. The harm that would arise from the introduction of one new residential dwelling in the open countryside in this unsustainable location is considered to be modest.
- 9.3. In this instance, it is considered that the identified adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, and therefore permission in principle is recommended to be granted.

10.0 Conditions

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

Informatives

01

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).

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. You are advised that CIL applies to all planning permissions granted on or after this date. Thus the subsequent technical details consent (as a grant of planning permission) may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/.

03

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.

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

BACKGROUND PAPERS

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

Application case file.



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