

Committee Report – 9 April 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah, Senior Planner (Development)

Report Summary			
Application Number	25/02049/FUL		
Proposal	2 dwellings with attached garages		
Location	Land Adjacent Church View Farm Swinderby Road South Scarle NG23 7JW		
Applicant	Mr J Williams and Miss A Garner	Agent	John Halton Design Ltd
Registered	8th December 2025	Target Date	2nd February 2026
Recommendation	Approve subject to conditions and a Unilateral Undertaking		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the site lies outside of the village and is contrary to DM8 – the proposal is therefore a departure from the development plan. The application was also called in by Cllr Dales due to concerns raised by the Parish about countryside location and setting of heritage assets.

1.0 The Site

- 1.1 The application site lies within the open countryside, next to the village of South Scarle. The site is currently agricultural land and is adjacent to a site which has recently been granted planning permission for a new dwelling (currently under construction), and a bungalow which has permission to be demolished and a new dwelling built in its place. The village is within a conservation area, however the site lies outside of this. There are various listed buildings within the village, including St Helena’s Church which is Grade I listed and located to the south west of the site (a minimum of 60m away).
- 1.2 The site is approximately 0.31 hectares in size and is accessed from Swinderby Road which lies to the north. This access is an existing shared access for the bungalow and the dwelling currently under construction. To the south of the site is an agricultural building. To the east are open fields.

1.3 The site has the following constraints:

- Open Countryside
- Setting of Conservation Area
- Setting of Listed Buildings

2.0 Relevant Planning History

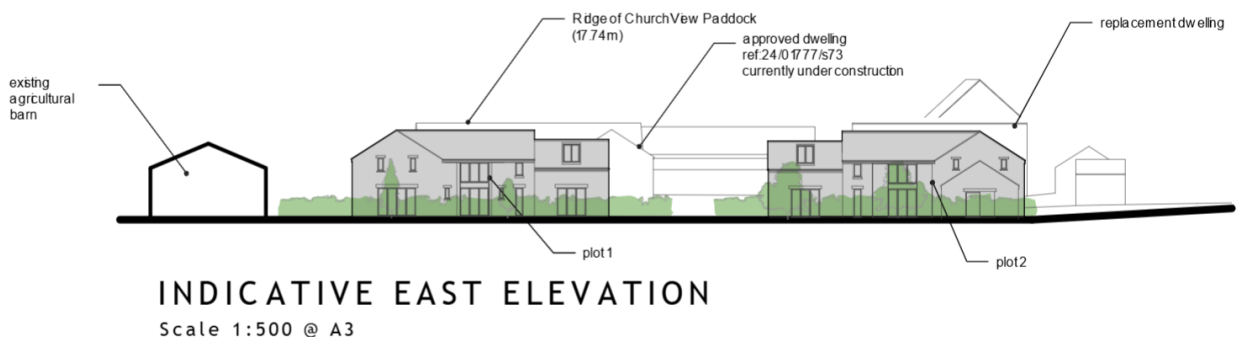
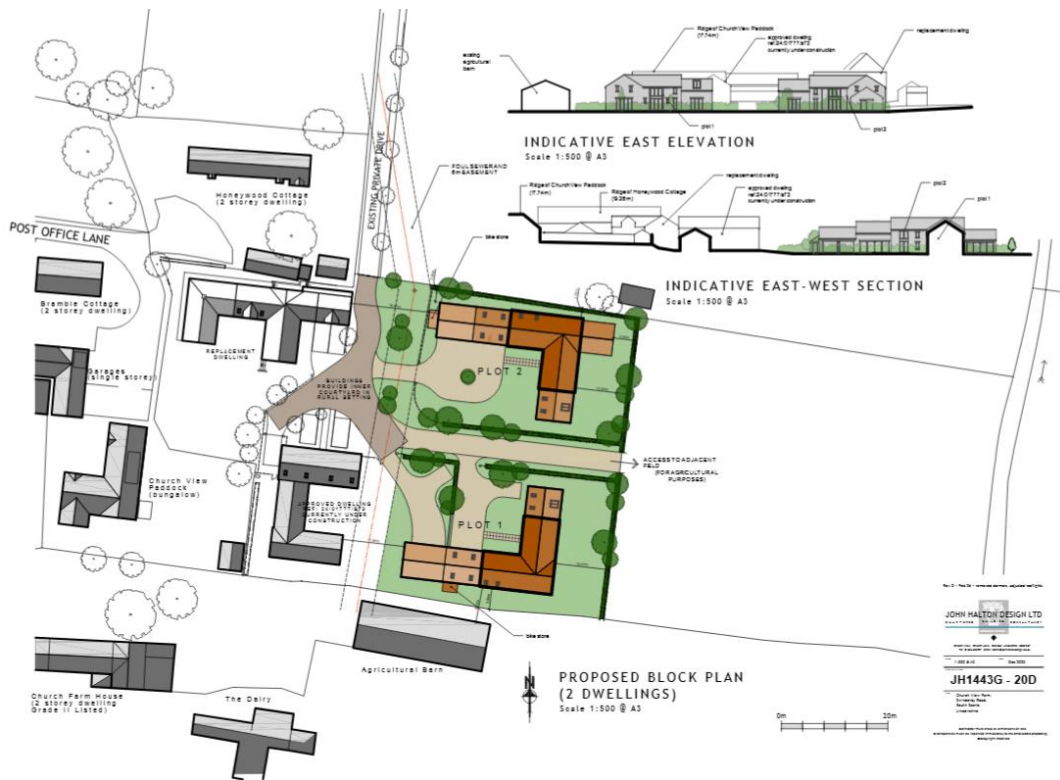
2.1 PREAPP/00204/25 – Advice given on the potential for residential development. Concerns about countryside location balanced against lack of housing land supply.

2.2 25/02052/S73 - Application to vary conditions 02 and 05 to substitute approved drawings with revised to incorporate changes to layout and change window colour as submitted planning statement and materials schedule attached to planning permission 24/00339/FUL. Granted permission.

2.3 24/01244/FUL - Demolish agricultural barn. Erect 1 dwelling. Granted permission.
24/01244/FUL and 25/02052/S73 share the same access as the application site however for the most part relate to the adjacent sites to the west of the application site.

3.0 The Proposal

3.1 This application seeks permission for 2 detached dwellings with attached garages. Plot 1 would include an additional double garage for the use of the neighbouring dwelling which is currently under construction (approved under 24/01244/FUL). The proposed dwellings would be L-shaped, positioned around a central 'courtyard' area. An access is proposed between the 2 dwellings to allow agricultural access to the land to the east (which is owned by the applicant). The proposed dwellings would use a mix of Ancaster Limestone and red brick, with clay pantiles and slate roof tiles to the roof. Each would have 4 bedrooms.



3.2 Documents assess in this appraisal:

- JH1443G - 01D Visual of Plot 1 Front View
- JH1443G - VIS 03C Visual of Plot 2 Front View
- JH1443G - 20D Proposed Block Plan
- JH1443G – 21E Plot 1 Plans and Elevations
- JH1443G – 22E Plot 2 Plans and Elevations
- JH1443G - LPB Site Location Plan
- JH1443G 01 Existing Block Plan
- JH1443G 23 Swept Path Analysis

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 17 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 23rd February 2026.

5.0 Policy Planning 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
Core Policy 3 – Housing Mix, Type and Density
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 and 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 took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

- 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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

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

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

5.7 Other Material Planning Considerations

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Appraisal

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:

Nottinghamshire County Council (Highways) – Standing advice applies.

Town/Parish Council:

South Scarle Parish object to the proposal on the following grounds:

- Outside village envelope – conflict with open countryside policy
- Not 'infill' and is undeveloped land
- Adjacent to the conservation area and will cause harm to views of South Scarle from easterly entrance
- Sewerage could be a problem
- 4 houses have been on the market for a considerable amount of time – no more large houses needed

Representations/Non-Statutory Consultation:

NSDC Conservation – The comments in summary conclude that there would be no harm to the setting of the Grade I listed church, nor the setting of other listed buildings within the vicinity, however the proposal would result in less than substantial harm to the setting of the conservation area due to a reduction in the openness of the site by the large scale of the dwellings and the proximity to the conservation area. This reduction in openness is

somewhat mitigated by the design of the dwellings through the use of appropriate materials, the agricultural design elements and the lower ridge height. Overall conclusion – less than substantial harm to the setting of the conservation area.

NSDC Ecology – The proposal would be policy compliant subject to a condition. *Further detail on the comments is provided in the relevant section of this report.*

Trent Valley Internal Drainage Board – The site is within the Trent Valley Internal Drainage Board district. The Board maintained South Scarle Moor Drain, an open watercourse exists to the East of the site to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways as a means of water disposal should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted. The design, operation and future maintenance of the of site drainage systems must be agreed with the Lead Local Flood Authority.

- 6.1. Comments have been received from 11 third parties/local residents (5 in support, 6 objecting) that can be summarised as follows:

Objections

- Proposed properties are outside of the village – open countryside
- Site is agricultural land that enhances conservation area and rural character of South Scarle – proposal would have significant impact to conservation area and list building settings
- Development encroaches excessively into countryside – will severely affect heritage character and views that forms eastern boundary of South Scarle
- Proposed houses are large scale – overbearing impact on historic buildings and adjacent agricultural fields
- Concerns for wildlife – barn owls
- Over-intensification of Church View Farm
- Issues with blockages of foul sewer – additional properties will cause further problems
- Concerns about increased traffic on Swinderby Road
- Expansion of the village – pressure on local services and no facilities within village
- Residents do not want this development

Support

- Beautiful location, not intrusive or invasive - would blend into background.
- Land would benefit from the proposal and two additional executive homes would have a positive effect making the village more desirable.
- Site has not been in agricultural use for years – development would have positive effect on South Scarle
- Government policy is to increase housing stock – the proposal falls within this strategy, contributes to housing shortfall
- Design reflects agricultural style and would be in keeping with the village
- Infrastructure already in place and makes sensible location for 2 dwellings

7.0 Appraisal

7.1 The key issues are:

- Principle of development
- Housing Mix
- Impact on Visual Amenity, Character of the Area, Heritage Assets (setting) and the Landscape
- Impact on Amenity
- Impact on the Highway
- Impact on Ecology
- Flood Risk and Drainage

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

7.3 The proposal seeks full planning permission for 2 dwellings. The site is on the edge of South Scarle, identified in the Amended Core Strategy as an 'other village'. There is built form to the south and west of the site, however the site is considered to be located within the open countryside. Policy DM8 strictly controls the type of development supported in the open countryside and only supports new dwellings where the design is exceptional. This is a very high bar and the proposal has not been put forward on this basis. As such, in principle, the proposal is not acceptable due to the conflict with DM8.

- 7.4 Notwithstanding the above, at present the Council cannot demonstrate a 5 year housing land supply, with a current supply of 3.84 years. As such, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF is relevant.
- 7.5 For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.6 Due to the lack of 5-year housing supply, the relevant development plan policies are out of date. Therefore the proposal should only be refused if there is a strong reason for refusal relating to protected areas or assets of particular importance, or if the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.7 The site is not within the conservation area, however, is within the setting of the conservation area. Impact on designated heritage assets can be a strong reason for refusal in the context of the presumption in favour of development as set out in footnote 7 of the NPPF.
- 7.8 Given the significant increase in housing target the Council now faces, the principle of development is likely to be considered acceptable, when applying the presumption in favour of development as explained above, subject to detail and site specific impacts. The site is adjacent to an existing settlement which although does not have its own services, is close to Collingham (approximately 2.3 miles), a 'principal village', which has a range of services which would be accessible for future occupants. There would be a reliance on private vehicle, however the distance is reasonable for cyclists as a sustainable mode of transport. In addition, there is a nearby train station at Swinderby, 1.4 miles from the site. On balance, the site can be considered sustainable for 2 new dwellings, and the scheme would make effective use of the land.
- 7.9 The site specific impacts are discussed in more detail in the next sections, however if no harm is identified, or the level of harm is low and not considered a strong reason for refusal, then the proposal should be approved in line with paragraph 11 of the NPPF.

Housing Mix

7.10 The District Wide Housing Needs Assessment carried out by Arc4 in 2020 is the most up to date Housing Need Survey for the district. South Scarle is within the Collingham sub area of the document and the following table sets out the dwelling mix expected for new developments in the area.

Dwelling type and number of bedrooms	Current stock profile (%)	Market need profile (%)	Affordable rented need profile (%)	Intermediate need profile (%)
1 to 2-bedroom house	9.2	4.9	58.6	6.0
3-bedroom house	30.9	46.8	21.6	35.8
4 or more-bedroom house	31.5	17.9	16.6	35.8
1-bedroom flat	0.3	0.0	0.0	0.0
2 or more-bedroom flat	1.9	1.9	0.0	0.4
1-bedroom bungalow	0.9	2.0	0.0	2.4
2-bedroom bungalow	11.5	12.6	3.1	7.9
3 or more-bedroom bungalow	13.3	13.9	0.0	11.7
Other	0.5	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0

7.11

7.12 The scheme proposes 2, 4 bed dwellings. Due to the small scale of the scheme in terms of the number of dwellings, the mix of dwellings is not expected to fully reflect the above. It is noted that the highest market need is 3 bedroom houses within this area, however the need for 4 bed dwellings is 17.9% which is the second highest market need in the sub-area. The dwellings would contribute to this need, as well as the overall district need for housing generally. The dwellings have been put forward as self builds therefore would meet the needs of the future occupants. Overall, the fact that the 2 dwellings are both large family homes is not a reason to refuse the application and is acceptable.

Impact on Visual Amenity, Character of the Area, Heritage Assets (setting) and the Landscape

7.13 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.

7.14 Policy DM5(b) of the emerging local plan requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

7.15 Paragraph 135 of the NPPF states that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.

7.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special regard to the desirability of preserving listed buildings or their settings when considering planning applications which affect them. Core Policy 14, DM9, and Part 16 of the NPPF seek to ensure designated heritage assets are preserved and enhanced. Any harm to designated heritage assets should be given great weight in the

planning balance. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

7.17 The conservation comments are noted. The design concept is broadly acceptable (taking reference from traditional agricultural buildings) however the large scale of the dwellings is acknowledged in terms of footprint and floorspace. The mix of stone and red brick is considered acceptable as there are examples of stone buildings within South Scarle, therefore reflecting the character of the conservation area.

7.18 Plot 1 (elevations below) would have a maximum height of approximately 7m. Plot 1 includes 2 double garages. The intention is that one garage would serve the adjacent dwelling currently under construction. The plans and elevations for the dwellings are detailed below:



FIRST FLOOR PLAN
Scale 1:100 @ A1



GROUND FLOOR PLAN
Scale 1:100 @ A1



NORTH ELEVATION
Scale 1:100 @ A1



SOUTH ELEVATION
Scale 1:100 @ A1



WEST ELEVATION
Scale 1:100 @ A1



EAST ELEVATION
Scale 1:100 @ A1

External Materials Schedule

01	(Ancaster) Limestone Stone Wall
02	Red Facing Brickwork
03	(Ancaster) Dressed Limestone
04	Slate Roof Tiles
05	Interlocking clay pantries

Rev. E - Rev. D3 - revised details on wall elevation
Rev. D - Rev. D2 - revised details on external wallings
& window & entrance

PLOT 1

JOHN HALTON DESIGN LTD
ARCHITECTS

Plot 1, 1443G, South Scarle, Lincolnshire
Scale 1:100 @ A1 Date: 2023

JH1443G - 21E

Quoted fees only. Excludes VAT, planning fees, building regulations fees, etc.
Dimensions and levels are approximate. © Copyright reserved

All dimensions are approximate
0m 10m



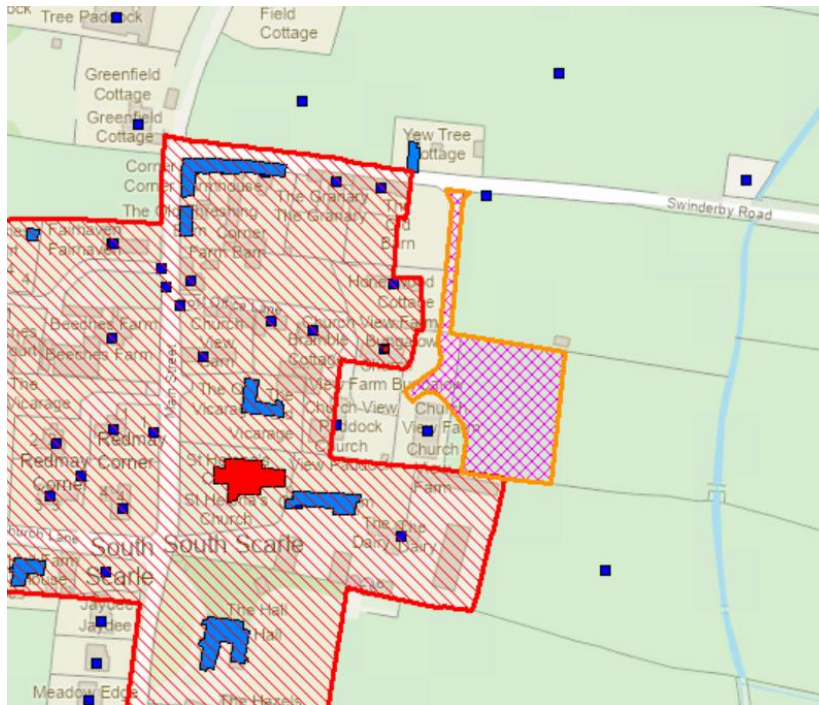
7.19 Plot 2 is similar in design to Plot 1 however includes a single storey offshoot to the main L-shape form. Both plots incorporate varied ridge heights to break up the massing. The maximum height of Plot 2 is 6.88m.

7.20 It is accepted that the scheme would encroach into the countryside, with the dwellings positioned slightly further east than the existing agricultural building which lies to the south (see extract of block plan). The dwellings would reflect the designs of the adjacent approved dwellings to the west and would be positioned to be broadly in line with them.

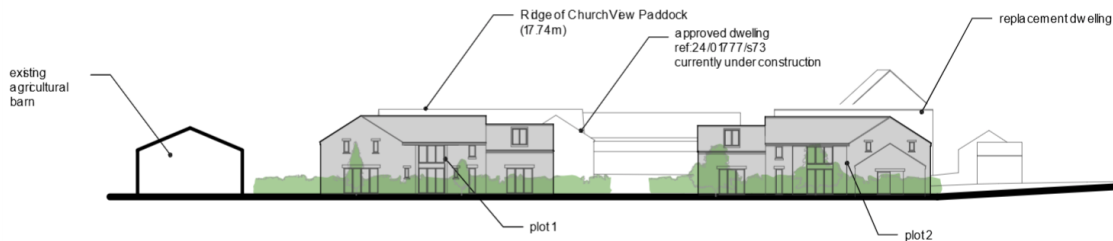


7.21

7.22 The conservation area boundary lies to the west (indicated in red) and includes the adjacent bungalow (which has permission for a replacement dwelling). The site is shown in orange. The blue highlighted buildings are Grade II listed and the red highlighted building is the Grade I church. As can be seen from the map extract, there are a number of buildings sited between the site and the listed buildings. The church can be seen from Swinderby Road when approaching the village from the east. It is however considered that the height of the proposed dwellings would be low enough that the visual impact would not compete with the church, but would be viewed in context of the existing built form (see below indicative east elevation).



7.23



INDICATIVE EAST ELEVATION

Scale 1:500 @ A3

7.24

7.25 It is considered that the significance of the church is experienced mostly from Main Street, where the church is prominent, and within the immediate surroundings of the church. The proposal would not impact the church from Main Street, nor its immediate setting.



7.26 Above – St Helena's Church from Main Street.



7.27 Above – View from Swinderby Road when approaching from the east.

7.28 The top of the church can be seen over the top of the existing dwellings when approaching South Scarle from the east, and given the relatively low ridge heights (maximum 7m) it is considered this would continue to be the case. In addition, the proposed layout of the scheme includes a gap between the 2 dwellings where an access is proposed to the agricultural land to the east. The parts of the dwelling in closest proximity to this gap are also lower in height. This aspect of the scheme has been designed with the view of the church in mind to minimise any impact on views.

- 7.29 For the reasons above, it is not considered that the development would impact the setting of the Grade I Listed Church.
- 7.30 It is also considered there would not be any impact to the setting of other listed buildings within the village due to the separation distances and intervening built form.
- 7.31 The conservation team has concluded there would be less than substantial harm to the setting of the conservation area. This is due to the large scale of the dwellings and the prominent position on the edge of the village. The site is only immediately adjacent to the conservation area to the south, with modern dwelling in between the site and the conservation area boundary to the west. Because of this and the positive aspects of the design, the level of harm would be at the lower end and therefore it is not considered the harm would be a strong reason for refusal (within the context of paragraph 11 of the NPPF and the presumption in favour of sustainable development). When weighing up the public benefits of the proposal (2 additional dwellings which would contribute to the Council's housing target), the benefits would outweigh the low level of harm identified. The proposal would be accordance with paragraph 215 of the NPPF.
- 7.32 The site lies within Character Zone ES PZ 4 as identified in the Landscape Character Assessment SPD. The landscape is characterised by mostly flat landform around villages. The landscape condition is described as moderate, as is the landscape sensitivity. The landscape actions are to conserve and create. In relation to built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements and creating new development which reflects the local built vernacular.
- 7.33 There would be some impact to the character of the area and the landscape due to the encroachment of built form to the east of the village where there is currently no development, however the dwellings would be sited immediately adjacent to the village, and the boundary of the site would be set back from Swinderby Road by a minimum of 66m, with an open field being retained between. This would retain the rural character of the area either side of Swinderby Road and on balance, when considering the design of the scheme (which reflects local vernacular), the visual impact is considered to broadly accord with the policy aims of the Landscape SPD and is acceptable.
- 7.34 To ensure boundary treatments are acceptable, the details of hard and soft landscaping can be secured by condition, and permitted development rights for fencing and boundary treatments can be removed. This will enable the Council to retain control over any boundary treatments that are erected that could be prominent within the landscape. The proposed block plan indicates hedgerow to the boundaries – this and/or post and rail fencing would be acceptable to retain the rural character of the area.

Impact on Residential Amenity

- 7.35 Policy DM5(b) explains that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

- 7.36 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.37 Plot 2 would be sited to the northern part of the site and would be a minimum of 16.47m for the approved replacement dwelling to the west (end gable to end gable). The existing bungalow (to be demolished) is located further away from the proposed dwelling therefore there are no concerns in relation to amenity impact for existing occupiers of the bungalow.
- 7.38 The distance between Plot 1 (in the southern part of the site) to the dwelling approved and currently under construction would be 11.59m (also gable end to gable end). The sections closest to the neighbouring dwellings would be the attached garages which are lower in height and do not have any windows to the side gables, therefore would not pose any overlooking issues nor result in overbearing impacts or any loss of light.
- 7.39 The minimum distance between the 2 proposed plots would be 12.35m. This would be between the two storey gables with windows serving a lounge to the ground floor and a bedroom to the first floor. The agricultural access would be located in between the 2 plots – the windows would face onto this access. Although these are habitable rooms, given the relationship here is not back to back (which would usually require a distance of 21m), the distance is considered acceptable. In addition, the north to south distance between the dwellings would be 38.8m which is more than sufficient to ensure no unacceptable levels of overlooking. There are no neighbouring properties immediately north or south of the site (an agricultural building lies to south).
- 7.40 In terms of amenity space, each plot would have garden space to the east, enclosed by hedgerow. The garden space is considered acceptable and in proportion to the proposed dwellings.
- 7.41 Given the nature of the proposal (residential) there are no concerns in relation to noise generation. In respect of the adjacent agricultural access and use, the area of land is not large and it is not anticipated that intensive agricultural use would take place. As such, there would be limited impact to future occupants in relation to noise from agricultural vehicles or machinery. The land is also owned by the applicant therefore they would retain control over the intensity of the use.
- 7.42 Overall, the proposed layout ensures sufficient separation distances between the 2 proposed dwellings and the neighbouring dwellings, that there would be no issues in relation to overbearing impact, loss of privacy or loss of light, amenity space, or noise impacts.

Impact on Highways

- 7.43 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5(b) states that parking provision should be based on the scale and specific location of development.
- 7.44 Paragraph 115 of the NPPF seeks to ensure that safe and suitable access to the site can be achieved for all users.

- 7.45 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.46 The existing access is private and has been approved for shared use between the dwelling currently under construction and the replacement dwelling (in place of the bungalow). Typically, private drives should serve no more than 5 dwellings. In this instance the access would serve a total of 4 dwellings which is considered acceptable. Concerns from local residents have been noted, however the addition of 2 dwellings would be highly unlikely to generate a significant increase in traffic movements on Swinderby Road.
- 7.47 The scheme includes garage provision for the dwelling currently under construction, as well as a double garage for each of the proposed dwellings. Parking to the front of the garages would also be available. The Parking SPD requires 3 spaces for each 4 bedroom dwelling – there is therefore more than sufficient space for parking.
- 7.48 Because the access is private, refuse vehicles would not be able to enter the site and occupants would be required to take their wheelie bins over 25m to the public highway on collection days. This is not ideal, however this is the same situation for the other 2 recently approved dwellings and is not a reason to refuse planning permission.
- 7.49 Overall, the impact on highway safety and the network is consider acceptable.

Impact on Trees and Ecology

- 7.50 Policy DM5 and Core Policy 12 seek to protect and enhance natural features of importance within or adjacent to development sites. Paragraph 136 of the NPPF states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 7.51 There are no trees which would require removal for the proposal – as such the impact on trees is acceptable. There are trees shown on the proposed block plan. Details of the landscaping can be secured by condition.
- 7.52 The Council's Ecology Officer has commented on the application. The following is taken from the comments (full comments are available to view online).
- 7.53 *The site does fall within outer Impact Risk Zone (IRZ) for Besthorpe Meadows Site of Special Scientific Interest (SSSI); however, the proposed development does not fall within a category of development that Natural England would consider likely to pose a risk to the nature conservation status of this designation. Therefore, I can confirm that the proposed development would not have an adverse impact on any site designated for its nature conservation interest.*
- 7.54 *Having undertaken a site visit myself I can confirm that the field comprised of modified grassland that has been previously subject to periodic grazing and is species-poor. The existing access track consists of hardstanding. Part of the southern boundary is bound by a native hedgerow. None of the habitats that would be affected by the proposals have any significant nature conservation value. New hedgerows and trees are proposed as part of*

the proposals and I would advise that these should comprise of native species of local provenance.

7.55 *It is considered that there is limited potential for the presence of protected species; however, breeding birds within the hedgerow have not been a consideration, though this is to be retained. If this hedgerow requires any management, the main mitigation measures would be that ecological supervision would be required if vegetation management cannot take place outside of the bird nesting season (April – August).*

7.56 *No other species-specific enhancements have been proposed. Some additional specific enhancement for species would be appropriate, but I consider these should be proportionate to the scale of the development. It is suggested that the provision of at least one bat and one bird box are integrated into the walls of the new dwellings. Details of suitable locations and requirements are provided below.*

7.57 *Bird bricks/boxes*

- *Swift bricks and bird boxes can be positioned on a west to east facing aspect (avoiding southern aspects as this will be too warm for developing eggs and chicks). Consideration should be provided for west facing aspect if there is potential to be exposed to driving rain.*

- *Boxes should be approximately 5 metres or more above ground level and ideally will be sited close to the eaves or bargeboards. In larger buildings optimal height will depend on the design of the building and the surrounding area.*

- *Ideally avoid siting bricks directly above windows to avoid potential conflict with residents.*

- *Avoid siting bricks where predators (such as domestic cats) can perch or climb. Bat boxes*
- *Bat boxes can be positioned in a in a south-west, south or south-east facing direction (avoiding north facing aspects).*

- *Boxes should ideally be installed at a height of at least 4m where it is safe to do so*

- *Ideally site boxes away from artificial light sources.*

- *Use untreated wood for any handmade boxes.*

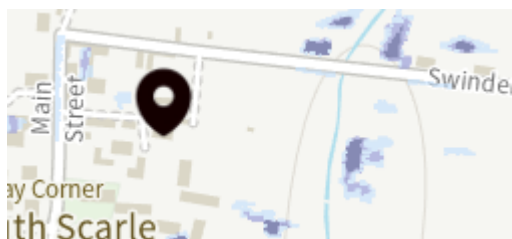
- *Avoid siting bricks where predators (such as domestic cats) can perch or climb.*

7.58 *With the proposed compensation, mitigation and enhancement measures implemented, I consider that the proposal would be compliant with matters relating to biodiversity within the NPPF and relevant local planning policies.*

7.59 *The recommended condition for a bat and bird boxes has been included (albeit it is not considered necessary to be pre-commencement and the wording has been amended to prior to development above damp proof course). In summary the impact on ecology is acceptable.*

Flood Risk and Drainage

- 7.60 The site is within Flood Zone 1 therefore at very low risk of fluvial flooding. The site is also at very low risk of surface water flooding (see map extract below).



- 7.61
- 7.62 The application form states that surface water will be dealt with via soakaways. This is in line with the hierarchy within the PPG, and considering the very low level of surface water risk, is likely to be suitable. Notwithstanding the comments from the Internal Drainage Board, it is not considered that evidence of the ground suitability is required prior to determination due to the low risk.
- 7.63 The application form states that the site will be connected to the main sewer for foul sewage which is also considered acceptable. Comments from local residents have been noted in regard to pressure on existing infrastructure, however the addition of 2 dwellings is not significant and the connection to the public sewer is dealt with via a separate legal process. Adequate drainage is also covered by Building Regulations.
- 7.64 Overall, there are no concerns in relation to drainage, and it is not considered the proposal would increase flood risk within the area (from any source).

Other Matters

- 7.65 The concerns raised by local residents which are planning matters have been addressed in the relevant sections of this report. The number of houses for sale in the village is not a material consideration and does not outweigh the overall need for housing within the district which is significant.

Community Infrastructure Levy (CIL) –

- 7.66 The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £70m² for CIL purposes. Details of the charge will be sent to the applicant separately.

Biodiversity Net Gain

- 7.67 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 such as self builds. The applicant has stated that both dwellings would be

self builds – this will need to be secured by a legal agreement which the applicant has agreed to.

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 - LEG2526/4521

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.

Legal will need to be instructed in relation to the Unilateral Undertaking

9.0 Planning Balance and Conclusion

9.1 In summary, the principle of residential development would usually be unacceptable on this site due to the open countryside location, as the scheme is contrary to DM8. However, as explained earlier in the report, the presumption in favour of sustainable development, set out in paragraph 11 of the NPPF is applicable due to the Council's lack of 5-year housing land supply. Given the location immediately adjacent to the settlement, proximity to Collingham, and the limited scale of the scheme (in terms of number of dwellings), on balance the site's location is considered sustainable.

9.2 Although the site is adjacent to the conservation area, no part falls within it. The conservation team have identified a low level of harm to the setting of the conservation area due to the scale of the dwellings and the reduction in openness to the east of the conservation area.

9.3 This harm amounts to 'less than substantial harm' and is considered to be at the lower end of the scale, as the design of the dwellings reflects characteristics of the conservation area. Paragraph 215 of the NPPF requires less than substantial harm to be weighed against the public benefits of the scheme. In this instance the scheme would contribute 2 dwellings to the Council's housing targets, which although is a small contribution, is given significant weight in the planning balance due to the lack of 5 year housing land supply. The benefit of approving smaller schemes is that these are often built out at a quicker rate than larger schemes. Where harm to a conservation area provides a strong reason for refusal, the presumption in favour of development does not apply (as set out in footnote 7 of the NPPF). However, given that in this instance the public benefits outweigh the less than substantial harm, the harm to the setting of the conservation area is not a strong reason for refusal.

- 9.4 In weighing up the other material planning considerations, there would be no unacceptable impacts in relation to visual impact, residential amenity, highway safety, ecology, trees, drainage or flood risk.
- 9.5 Considering the above, despite the conflict with DM8, there is no strong reason to refuse the application when applying the presumption in favour of sustainable development. The recommendation therefore is to approve the application, subject to conditions and a unilateral undertaking to secure the dwellings as self-builds.

10.0 Conditions

1. 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.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans/submitted documents:

- JH1443G - 20D Proposed Block Plan
- JH1443G – 21E Plot 1 Plans and Elevations
- JH1443G – 22E Plot 2 Plans and Elevations
- JH1443G - LPB Site Location Plan

Reason: So as to define this permission.

3. No works in relation to the following details shall be commenced until manufacturer's details (samples upon request) have been submitted to and approved in writing by the Local Planning Authority:

Bricks/Stone
Roofing materials
Windows
Doors
Garage doors

Works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development preserves the character and appearance of the setting of the Conservation Area.

4. Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a) full details of all soft landscaping to be provided on site, to include every tree, shrub, hedge to be planted (including its proposed location, species and size). The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- b) full details of all hard surfacing materials to be provided to car parking, pedestrian access and circulation areas on site.
- c) means of enclosure.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

- 5. Prior to first occupation of the development hereby approved the hard landscaping shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity and highways safety.

- 6. The approved soft landscaping shall be completed during the first planting season following the first occupation of the dwelling, or such longer period as may be agreed in writing by the Local Planning Authority. 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. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

- 7. A. Prior to any development above damp proof course, a Bat and Bird Box Plan shall be submitted to, and approved by, the local planning authority. The plan is to show the type, location of the proposed boxes, and details for fixing them into place.

B. The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes shall be submitted to, and be approved in writing by, the local planning authority to fully discharge the condition. Thereafter, the installed boxes shall be retained for compliance.

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

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no walls or fencing, other than post and rail fencing no greater 1m in height, shall be erected within the site without written approval from the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the openness of the site is retained

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 PAYABLE on the development hereby approved as there is an increase in net floor area. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH - (tel: 01476 584800).

04

All wild bird species, their eggs and nests are protected by law. Therefore, if the proposed removal of the buildings cannot be undertaken outside of the nesting season for most species (i.e., during the period September-February, inclusive), the buildings to be removed should be checked for nesting birds by a competent ecologist immediately prior to the commencement of approved works.

05

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. Contact details are available on their website www.eastmidlandsbc.com.

06

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

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

OR

- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply: Self-build.

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 25/02049/FUL

