

Report to Planning Committee 9 April 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Yeung Browne – Planning Development Officer

Report Summary			
<b>Application Number</b>	26/00259/PIP		
<b>Proposal</b>	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 1 dwelling		
<b>Location</b>	Land Off Bilsthorpe Road Eakring		
<b>Applicant</b>	Mr & Mrs A & D Corah	<b>Agent</b>	GraceMachin Planning & Property
<b>Registered</b>	27.02.2026	<b>Target Date</b>	31.03.2026
		<b>Extension of time</b>	15.04.2026
<b>Web Link</b>	<a href="#">26/00259/PIP - Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 1 dwelling</a>		
<b>Recommendation</b>	That Permission in Principle is Approved		

**This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.**

## 1.0 The Site

1.1 The site is located at the north of Bilsthorpe Road at the village of Eakring, beyond of the defined built-up area of Eakring. The proposed site consists of a section within a parcel of land, positioned north of the dwelling known as Hawthorn House. A Public Rights of Way (PRoW) known as Eakring FPN0.22 runs across to its west. Open field to the north and east of the proposed site.



**Aerial view of the proposed site**



**Proposed site location plan**

- 1.2 The application site measuring approximately 1.03 hectares (29m by 48m). The whole parcel of land appears to be used as paddock, including land to the east and north. It is noted that a towing caravan is positioned to the northeast of the proposed site within the wider parcel of land on site visit. Mature hedges forms the south and west boundary of the site.
- 1.3 There is an existing gated access to the wider parcel of land from the PRoW, but it is positioned north beyond the proposed site. No trees are visible within the proposed site; some mature hedges separate the dwelling to the south.
- 1.4 According to Environment Agency Flood Maps, the site is in Flood Zone 1 therefore at very low risk of fluvial flooding, and also at very low risk of surface water flooding.
- 1.5 While the site is not within the Eakring conservation area, it is adjacent to the north of the CA and there are number of local interest buildings in close proximity, most notably Ashcroft, Apple Cottage, Manor Farmhouse and outbuildings. The site is considered to fall within open countryside.

## **2.0 Relevant Planning History**

- 2.1 None direct.
- 2.2 Related Application 03/02937/FUL (the whole parcel of land) - Proposed erection of an animal field shelter, 2 loose boxes and tack room was approved in February 2004.
- 2.3 Applications to the south at Cherry View, which are relevant
- 2.4 16/01745/FUL Erection of Two, two-bedroomed dwellings and associated access Refused and Dismissed at Appeal due to the impact on the character and appearance of the Conservation Area.
- 2.5 20/00879/FUL Proposed Erection of Single Storey Dwelling and Garage Refused due to harm to the Conservation Area but ALLOWED on Appeal due to the sensitive design and scale not appearing out of keeping.

## **3.0 The Proposal**

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of minimum of 1 dwelling and a maximum of 1 dwelling on the site. No specific details are required at this stage.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 Documents assessed in this appraisal:
  - Planning Statement received 23 February 2026
  - Application Form received 23 February 2026

- ~~Site Location Plan ref: 01 REV A received 23 February 2026~~
- ~~Block Plan ref: 02 received 23 February 2026~~
- Revised Site Location Plan ref: 0281-01B received 27 March 2026
- Revised Block Plan ref: 0281-02A received 27 March 2026
- Planning Statement received 23 February 2026

#### **4.0 Departure/Public Advertisement Procedure**

- 4.1 Occupiers of five properties have been individually notified by letter. A site notice has also been displayed near to the site on 02 March 2026.
- 4.2 Site visit undertaken 02 March 2026.

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

##### **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 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 & Development Management DPD (adopted 2013)**

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- 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.

[Submission Amended Allocations & Development Management DPD Schedule of Main Modifications and Minor Modifications / Clarifications](#)

- 5.5 Relevant policies in the Draft Amended Allocations & Development Management DPD:
- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
  - Policy DM5(a): The Design Process
  - Policy DM5(b): Design
  - Policy DM12: Presumption in Favour of Sustainable Development

#### 5.6 **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (with amendment - February 2025)
- Planning Practice Guidance

#### 6.0 **Consultations**

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

##### **Statutory Consultations**

6.1 None

##### **Parish Council**

6.2 **Eakring Parish Council** – has no objection to the application.

##### **Representations/Non-Statutory Consultation**

6.3 **NCC Highway** – The Highway Authority (HA) would need to see consideration for pedestrian visibility splays and direct access to the site from public adopted highway. HA cannot support this application due to the minimal information submitted at this stage, objection would not be raised should the applicant provide sufficient details of the proposed access and resident parking.

- 6.4 **NCC Rights of Way** – No objection providing the followings are acknowledged:
- The development would be expected to recognise the existing of the PRow and any impact upon public access/safety during and after the construction process.
  - The application would need to outline how access and safety of the public would be managed.
  - Border fencing/boundary treatment will need to be assessed and agreement must be reached before any works begin.
  - Consideration at the technical stage should also include additional traffic could affect the safety to the PRow, responsible on surface repairs, treatment on surface of footpath etc.
- 6.5 **NSDC Conservation Team** – stated that if the proposal was brought forwards to the full application stage, the works are not considered to safeguard the street scene of the conservation area. It is considered the proposal represents harmful back land development beyond the rear boundary of the conservation area, which would be harmful to the overall character and appearance of the historic settlement pattern of the Eakring Conservation Area. The open and rural aspect of the CA, as described in the Eakring Conservation Area Appraisal would be negatively impacted upon by the construction of a dwelling in the location.
- 6.6 **No representation has been received from any local residents or interest party.**

## **7.0 Appraisal**

- 7.1 The key issues are:
- Principle of Development
  - Location
  - Land Use
  - Amount of Development
- 7.2 All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3 The National Planning Policy Framework 2024 (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 of the Allocations and Development Management Development Plan Document (DPD).
- 7.4 On 16th December 2025 the Government Published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government Policy or Guidance. However, they are capable of being material considerations in the assessment of this application. As the policy document is in the early stages of consultation it has been afforded limited weight.

## Principle of Development

- 7.5 This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).

## Location

- 7.6 The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. In accordance with Spatial Policy 3 (Rural Areas), proposals outside of settlements and villages, within the open countryside, will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.7 Eakring is not defined within the settlement hierarchy and is therefore an 'other village'. Proposed Developments within these villages are assessed against Spatial Policy 3 'Rural Areas'. The locational criteria outlined in Spatial Policy 3 supports the development of sites within sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farmyards and community facilities. It would not normally include undeveloped land, fields, paddocks or open spaces which form the edge of built form.
- 7.8 Eakring, along with many other villages in the district, does not have an established village envelope. The site is located towards the north-western edge of the main built-up area of the settlement and borders open fields to the west and north. To the east are a number of dwellings running along Bilsthorpe Road and Main Street with the main village to the east and southeast of the proposed site.
- 7.9 The village itself is an 'other village' as set out within the Settlement Hierarchy, therefore would fall to be assessed against SP3. The site is located beyond the built up extremities of the village and therefore within the open countryside, however adjacent to the fringe of housing within the village. Policy DM8 therefore applies and this states that – Planning Permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.
- 7.10 Following the publication of the NPPF on 12th December 2024, the LPA can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date

for decision making in respect of housing and the tilted balance will need to be applied as the NPPF is an important material planning consideration.

- 7.11 The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. The LPA is currently only able to demonstrate a housing land supply of 3.84 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.
- 7.12 The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.
- 7.13 Footnote 8 (in relation to out of date policies) states, ‘this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.’
- 7.14 Therefore, it needs to be determined if Eakring is a sustainable village. Eakring has sustainable access into Bilsthorpe, a Principal Village located approximately 2 miles to the south and has a few local services itself, including a public house and church. There is also a bus service to Newark, Mansfield, and Ollerton. As such, the village is considered a sustainable location. Given its location close to an existing settlement this is considered acceptable for a small-scale residential development.
- 7.15 It is acknowledged that NSDC Conservation Team objected to the proposal in principle. The conservation team considered a new dwelling at this location represents harmful back land development beyond the rear boundary of the conservation area, which would be harmful to the overall character and appearance of the historic settlement pattern of the Eakring Conservation Area (ECA).
- 7.16 It would be relevant to take in to consideration that directly south to the proposed site is a new dwelling known as Hawthorn House. This dwelling was refused by the Council under application reference 20/00879/FUL in September 2020 for the reasons of it being within the open countryside and in the Conservation Area, and its siting at the settlement fringe would cause less than substantial harm to the character and appearance of the conservation area by changing the density of development at the transition from the open countryside to the village core.

- 7.17 However, the application was allowed on appeal in February 2021. The Planning Inspector considered while the site is located on the edge of the settlement and within the Conservation Area, given its relationship with nearby buildings and the presence of established landscaping around the boundaries, the proposal would fit in with the existing domestic setting of the area and not upset the rural context or dispersed fringe character of the settlement. Furthermore, the Inspector acknowledged that the site is in close proximity to footpaths which run into the centre of Eakring and to services and facilities. There is a bus stop within relatively short walking distance to the site which provides services to nearby settlements, allowing access to a further variety of facilities. Whilst the comments of the Conservation Officer have been taken into consideration, in accordance with the NPPF the harm caused by the development upon the setting of the Conservation Area, must be considered against the benefits. It is clear that a previous Inspector has already given this consideration and although this was 5 years ago, the landscape has not much changed to a degree that their comments are not still valid. The Council cannot demonstrate a 5 year housing land supply, and in Officer's opinion, the harm to the setting of the Conservation Area is not considered a strong reason to refuse the development at this stage when weighed up against the delivery of 1 dwelling to the local area. (A full copy of the Inspector's decision for 20/00879/FUL is attached to the end of this report under Appendix A).
- 7.18 Overall, the site will provide one additional housing unit on the edge of the village but into land considered open countryside. At this stage it is not known whether the dwelling would be a bungalow or house, nor the final design, but such details would come at the technical detail stage.

#### Amount of Development

- 7.19 The application proposes one dwelling to the fringe of the village. The site measures approximately 29m by 48m. This equates to c.0.13 hectares. The generally accepted density for new residential development within the District is 30 dwellings per hectare. The number of dwelling on site would be 1, which equates to an approximate density of 4 per hectare. Given the rural, edge of settlement location, this maximum is considered acceptable, as any higher density would likely result in an unacceptable visual impact, traffic generation, drainage, sewerage or local infrastructure (these would be matters for the TDC stage).
- 7.20 Given the size of Eakring, it is not considered the additional 1 dwelling would overwhelm the existing village. Furthermore, given the proximity of the site to the service centre of Ollerton and Clipstone, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed. With regards to the provision of affordable housing, there is no policy requirement to provide affordable housing provision on developments of less than 10 dwellings.
- 7.21 In this instance, the proposed site is considered to be within the open countryside adjacent to the fringe of the village of Eakring. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are convincing issues which would warrant refusal. Whilst Eakring is an 'other village', with some but not all the essential amenities, the site is located within 1.6 miles of the Principle Village of Bilsthorpe, and approximately 3.4 miles to a Service Centre Ollerton and Boughton, which have wide range of services and amenities. Considering the Council's lack of a five-year housing land supply, and an out-of-date local plan, the provision of housing is given additional weight in

the planning balance. At this stage, there are no impacts that would significantly or demonstrably outweigh the provision of housing, in accordance with NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

### **Matters for Technical Details Consent Stage**

- 7.22 The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD sets out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.

#### Impact on Visual Amenity and the Character of the Eakring Conservation Area

- 7.23 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.24 Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.25 Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.26 The site falls within zone MN PZ 26, part of the Mid-Nottinghamshire Farmlands Regional Character Area as identified in the Landscape Character Assessment SPD. The landscape is characterised by a gently undulating rounded landform, resulting in medium to long distance views with frequent wooded skylines and some pylon lines in the distance. Views are, however, often enclosed due to both topography and mature, species-rich hedgerows bounding lanes and tracks throughout the area. Numerous woodland blocks contribute to an intermittent sense of enclosure. The landscape condition is defined as very good and the landscape action for the area is to 'conserve', including conserving and enhancing the ecological diversity of deciduous riparian woodland through consistent management and conserving and maintaining hedgerows and preventing fragmentation (through lack of management and intensification of arable farming).
- 7.27 Policy DM5(b) states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

- 7.28 As part of the Development Plan, Core Policy 14: Historic Environment and DM9: Protecting and Enhancing the Historic Environment amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.
- 7.29 Section 16 of the NPPF states that heritage assets are an irreplaceable resource and should be preserved in a manner appropriate to their significance, so that they can be appreciated for their contribution to the quality of life of existing and future generations.
- 7.30 No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage - the proposed dwellings should not result in harm or detrimental impact on the character or appearance of the Eakring Conservation Area. The construction of a single new dwelling would likely be more prominent than the existing structures. The design should aim to minimise the visual impact due to the edge of settlement location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

#### Impact on Residential Amenity

- 7.31 Policy DM5(b) of the Emerging Allocations and Development Management DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.32 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The immediate neighbouring property to the proposed site would be Hawthorne House to the south and Ashcroft to the southeast. Providing the detached dwellings would have sufficient space apart from each other on their side elevations; and subject to openings on the side elevations (if any) are design/considered carefully and would not have any direct view to each other's internal areas. Given the size of the site, it is considered that acceptable spacing and amenity could be achieved at technical detail stage, thereby achieving a scheme which would not result in unacceptable impacts upon the amenities of neighbouring occupiers, in relation to overbearing impacts, overshadowing, loss of light or loss of privacy. This would be subject to technical details and further assessment.

#### Impact on Highways, Parking and Rights of Way

- 7.33 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.34 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.

- 7.35 No details of any accesses have been included in the submission. It is likely that a new access would be created from an unmade track which is also a Public Rights of Way. The Highway Authority advised that consideration should comprise pedestrian visibility splays and a direct access to the public adopted highway. The proposal should also show the site direct access to the public adopted highway at technical details stage. Rights of Way officer at VIA EM, has stated that Footpath 22 does run adjacent to the proposed development site and the application for development is expected to recognise its existence and the impact upon public access/safety during and after the construction process. An increase in vehicular traffic to and from the site is apparent and the applicant would need to outline how access and safety of the public would be managed. Details of the boundary treatment to enclose the site would also be required to ensure the open rural aspect of the location is maintained.
- 7.36 As result of the comments from the highway authority, it is considered essential to have the same red outline of the proposed site at stage 1 (permission in principle) and stage 2 (technical detail stage). The agent has submitted revised site location plan and block plan to include the direct access to the public adopted highway.
- 7.37 Nevertheless, HA stated in the comment that they cannot support this application due to the minimal information submitted at this stage; objection would not be raised should the applicant provide sufficient details of the proposed access and resident parking; of which, these details shall be submitted at the technical details stage for further assessment.

#### Trees, Landscaping and Ecology

- 7.38 Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged.
- 7.39 Whilst some already fragmented hedge would be removed, the scheme does not appear to be proposing to remove any trees within the site or around the access. If this is the case; in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended would be required to support the Technical Details Consent application.
- 7.40 Ultimately it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees/hedgerows or would result in the removal of such features, you would be required to submit a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.

- 7.41 Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

#### Flood Risk and Drainage

- 7.42 The site has a very low risk of flooding from rivers and from surface water. At present the site is undeveloped therefore any development on site would potentially increase the risk of surface water flooding. Paragraph 173 of the NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 7.43 In terms of surface water, in accordance with Core Policies 10, and Policy DM5, new development should positively manage its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime. Development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems. The PPG explains that sustainable drainage systems (or SuDS) are designed to control surface water run off close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change.
- 7.44 The application site lies within Flood Zone 1 and is therefore at a very low risk of flooding. It is therefore sequentially preferable in terms of flood risk.
- 7.45 Nevertheless, the proposal would result in the development of an existing greenfield site, which has the potential to increase surface water drainage. Details of how surface water run-off would be suitably disposed of would be considered at the Technical Details Consent stage, however Officers are satisfied that there would be a technical solution to ensure that surface water run-off from the site would not increase. For example, if soakaways are not suitable, the site is large enough to accommodate on-site surface water attenuation measures.

#### Community Infrastructure Levy (CIL)

- 7.46 The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £70m<sup>2</sup> for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

#### Biodiversity Net Gain (BNG)

- 7.47 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 TDC application would need to clearly set out how the application complies with one of the exemptions for BNG or detail how BNG would be achieved on-site or in accordance with the BNG hierarchy.

## **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 - LEG2526/4026**

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 purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for 1 dwelling and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.

9.2 It is therefore recommended that unconditional Permission in Principle is approved.

9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.

9.4 Technical Consent Submission Requirements:

- Completed Technical Details Consent Application Form
- Site Location Plan
- Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
- Existing and Proposed Plans and Elevations
- Further details requested by the NCC Highway Authority and Rights of Way team
- Preliminary Ecology Assessment (and any follow-up surveys as recommended)
- Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
- Details of BNG

## **10.0 Informative Notes to the Applicant**

- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's up to date Development Plan Policy sets out the criteria for which all new development should be assessed against. This includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.
- 02 The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
- 03 You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission 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/](http://www.newark-sherwooddc.gov.uk/cil/)
- 04 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).

#### 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.

Appendix A – Appeal Decision of Land North of Cherry View off Bilsthorpe Road, Eakring Newark NG22 0DG (Ref: 20/00879/FUL)

## Appeal Decision

Site Visit made on 19 January 2021

**by Chris Baxter BA (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 February 2021**

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**Appeal Ref: APP/B3030/W/20/3262031**

**Land North of Cherry View off Bilsthorpe Road, Eakring, Newark NG22 0DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Meanley against the decision of Newark & Sherwood District Council.
  - The application Ref 20/00879/FUL, dated 29 May 2020, was refused by notice dated 22 September 2020.
  - The development proposed is proposed erection of single storey dwelling and garage.
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### Decision

1. The appeal is allowed and planning permission is granted for proposed erection of single storey dwelling and garage at land north of Cherry View off Bilsthorpe Road, Eakring, Newark NG22 0DG in accordance with the terms of the application, Ref 20/00879/FUL, dated 29 May 2020, and subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are:
  - whether the proposal preserves or enhances the character or appearance of the Eakring Conservation Area; and
  - whether the proposal is in a suitable location with regards to development plan policies.

### Reasons

#### *Conservation Area*

3. The appeal site is a parcel of undeveloped land located within Eakring Conservation Area (ECA).
4. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The ECA in the immediate area of the appeal site is characterised predominantly by residential properties of variant styles with space between the properties being a main aspect. The Council describe the area as representing transition from the open countryside, where isolated agricultural

buildings and farmsteads predominate, to the inner core of the village, which is relatively dense. I concur with this description.

6. The proposal would be sensitive in design and scale, not appearing out of keeping with the mixed styles of the properties in the area. The proposed property would be located centrally within the site ensuring that open space is maintained between the built form. A detached garage is proposed which would not differ from adjacent residential sites that also have separate outbuildings of similar size to the proposed garage.
7. The site is located on the edge of the settlement however, given its relationship with nearby buildings and the presence of established landscaping around the boundaries, the proposal would fit in with the existing domestic setting of the area and not upset the rural context or dispersed fringe character of the settlement.
8. I have had regard to the Newark and Sherwood Landscape Character Assessment (LCA) which identifies the area as being within Policy Zone Mid-Nottinghamshire Farmlands. Beyond the access track to the west and hedgerow to the north of the site, the landscape opens up to expanse views across open countryside. Given the siting of the proposal and its relationship with the existing built form and natural environment, I do not consider that the surrounding landscape would be adversely harmed.
9. Accordingly, the proposed development would preserve the character and appearance of the ECA. The proposal would be in accordance with Spatial Policy 3 and Core Policies 9, 13 and 14 of the Newark and Sherwood District Council Amended Core Strategy 2019 (CS), Policies DM5, DM8 and DM9 of the Newark and Sherwood Local Development Framework Development Plan Document 2013 (DPD), the LCA and the Framework which seeks new development to take account of the distinctive character and setting of Conservation Areas and not have a detrimental impact on the character of the location or its landscape setting.

#### *Location*

10. The appeal site is an undeveloped parcel of land which is accessed off an unmade track and does not appear to be part of a farmyard. Nevertheless, the site is on the edge of the settlement and is bounded by substantial landscaping, particularly to the north, and does sit within close proximity to a number of properties. A number of these neighbouring properties have substantial curtilages some which extend up to and surround the appeal site on most sides. Due to the location of the site, the established natural boundary treatment and its immediate setting within a predominantly residential environment, I find that the appeal site does form part of the village of Eakring.
11. The site would be in close proximity to footpaths which run into the centre of Eakring and to services and facilities. There is a bus stop within relatively short walking distance to the site which provides services to nearby settlements, allowing access to a further variety of facilities. I also note that in the Council's committee report for residential development<sup>1</sup> on a site close to the appeal site, Officers state "*that Eakring has sustainable access into Bilsthorpe, a*

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<sup>1</sup> Council's Reference Number: 19/01701/FUL

*Principal Village located approx. 2 miles to the south and has a few local services itself, including a public house and church.*” On this basis, I am satisfied that future occupants of the proposed development would not be entirely reliant on private motor vehicles to undertake everyday activities. The proposed property would be located where it would enhance the vitality of the rural community of Eakring as well as surrounding settlements.

12. I therefore find that the proposed development for residential accommodation is suitably located. The proposal would not be contrary to Spatial Policy 3 of the CS, Policy DM8 of the DPD and the Framework which seeks to focus housing in sustainable, accessible villages and strictly control and limit development away from main built up areas of villages.
13. I note that there has previously been a refused permission<sup>2</sup> on this site which was subsequently dismissed at appeal. Insufficient information has been provided in respect of this scheme and therefore I cannot be sure it is directly comparable to the appeal scheme, particularly with regards to development plan policies, location and design. In any case, I have determined this appeal on its own merits.
14. I have had regard to the Council’s Officer report and statement of case, including reference to Planning Inspector Reports<sup>3</sup>. The matters raised in these do not alter my findings above.

#### **Other Matters**

15. I have had regard to all representations from local residents, including comments on local need and affordable housing, highway safety in relation to access and traffic, ecological issues, privacy and overlooking. I have given careful consideration to these matters and note that the Council have not raised concerns to some of these matters. They do not lead me to a different overall conclusion on the main issues nor do I find that they would result in the scheme having any harmful effects that would be contrary to the relevant development plan policies.

#### **Conditions**

16. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. To ensure the development preserves or enhances the ECA, conditions are imposed in relation to materials, external features and landscaping. Details for these conditions are required prior to development commencing due to the sensitive nature of the site being within a conservation area. The Council had recommended multiple conditions relating to existing and proposed landscaping, and protection of trees and hedgerows. In the interests of precision and clarity, I have rationalised these into two landscape conditions.
17. The appellant has indicated that a condition removing permitted development rights would be unreasonable and unnecessary. However, I have noted above that the ECA is characterised by the open space between buildings. Further extending the proposed development could reduce the open space between buildings and potentially have a detrimental effect on the character and

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<sup>2</sup> Council Reference number: 16/01745/FUL

<sup>3</sup> Planning Inspectorate Reference Numbers: PINS/B/3030/429/6 & PINS/B3030/429/8

appearance of the ECA. I have therefore attached a condition removing permitted development rights which is reasonable and necessary.

**Conclusion**

18. For the reasons given above I conclude that the appeal should be allowed.

*Chris Baxter*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan 1806.A.2c; Proposed Plans and Elevations 1806.A.1d.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until drawings and sections at a scale of not less than 1:10 of the features detailed below have been submitted to and approved in writing by the local planning authority.
  - External windows including roof windows, doors and their immediate surroundings including details of glazing and glazing bars;
  - Window and door heads and cills;
  - Verges and eaves;
  - Rainwater goods;
  - Extractor vents;
  - Flues;
  - Meter boxes;
  - Soil and vent pipes.

Development shall be carried in accordance with the approved details and retained for the lifetime of the development.

- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Part 1, Classes A, AA, B, C, D and E shall be constructed other than those expressly authorised by this permission.

Committee plan - 25/01974/PIP

