



Delegated Report to: Planning Committee – 07 May 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah, Senior Planner (Development)

Report Summary			
Application Number	26/00382/PIP		
Proposal	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 5 dwellings		
Location	Land To The East Of Hockerton Road Upton		
Applicant	Isobel Key	Agent	GraceMachin Planning & Property
Registered	3rd March 2025	Target Date/EOT	23.04.2026 EOT 12.05.2026
Recommendation	Grant Permission in Principle		

Procedural Matters

Departure from the Development Plan - This application is being referred to the Planning Committee for determination as the recommendation is contrary to the Development Plan (contrary to Policy DM8 – Development in the Open Countryside). The application has also been called in by Cllr Melton.

1.0 The Site

1.1 The application site is an undeveloped field located to the east of Hockerton Road, covering approximately 0.77 hectares. The site is irregular in shape, with a diagonal boundary line cutting through the field. The remaining portion of the field is outlined in blue on the site location plan, indicating ownership of the applicant. The boundaries to the north, west and south are lined by hedgerow. A Public Right of Way runs just beyond the eastern boundary of the site as shown on the plan below.

1.2 The village of Upton lies to the south and south east of the site, with a modern development of bungalows immediately adjacent on Watchorn Close. Neighbouring the site to the north is the cricket pavilion which operates as a children’s nursery during the week. Surrounding the site are open fields. The site falls within Flood Zone 1 (lowest risk of flooding). The site is located within the Upton Conservation Area and there are no listed buildings within the immediate vicinity.

1.3 The site location plan is shown below:



1.4

1.5 The site has the following constraints:

- Open countryside
- Within the Conservation Area
- Public right of way (runs through the site)

1.6 Photos of the site and surroundings are shown below:

1.7



1.8



2.0 Relevant Planning History

2.1 No recent planning history.

3.0 The Proposal

3.1 This application seeks permission in principle for residential development of 1 to 5 dwellings on the site.

3.2 The proposed dwellings would be accessed from Hockerton Road. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.

3.3 Documents assessed in this appraisal:

- Application Form
- Site Location Plan received 13th March 2026
- Covering email received 13th March 2026
- Supporting Letter received 19th March 2026
- Copy of Appeal Decision received 19th March 2026
- Supporting Letter received 20th April 2026

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 13 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 04.04.2025.

5.0 Policy Planning Framework

5.2 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 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

Core Policy 13 - Landscape Character

Core Policy 14 - Historic Environment

5.3 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

5.4 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

5.5 Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency

with national planning policy. 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.

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

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

5.8 [Other Material Planning Considerations](#)

National Planning Policy Framework 2024
Planning Practice Guidance (online resource)

6.0 Consultations and Representations

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

Upton Parish Council:

The Parish Council Object on the basis of location:

The field in question is in the Upton Conservation area and outside of the village envelope. Development on this land would alter the visual aspect of the area and create visual harm to the character appearance and significance of the UCA.

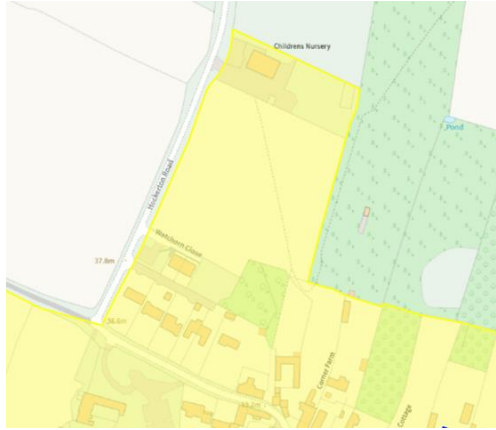
The development would be accessed from Hockerton Lane which is a narrow lane and constrained within its current form, visibility splays would be hard to achieve given the topography of the land and would be a highways safety concern.

This is not an extension of existing development within the village as is suggested but is new development outside of the existing settlement boundary and should be resisted.

Representations/Non-Statutory Consultation:

NSDC Conservation:

This application seeks approval for development in principle for up to 5 dwellings located in the Upton Conservation Area. The applicant's agent has submitted a supporting statement which incorrectly states the site is not located in the conservation area. I understand this does not materially alter the requirements for a submission at this stage. As such I provide the following comments:



The mapping above shows the application site clearly located within the conservation area boundary. There are no designated or non-designated heritage assets in close proximity. The site is bookended by modern built form; to the south there is a single storey bungalow range of properties set back from Hockerton Road with a large tarmac parking area fronting the site; this makes a harmful contribution to the streetscene of the CA, although its impact is diminished by its single storey height which results in limited overall impact. To the north of the site is the Upton Cricket Pavilion which is a neutral structure and is clearly affiliated with the recreational area of the playing field to the north. The application site is an open piece of greenfield land that is currently used for agricultural purposes. The site boundary is a low rise hawthorn hedge characteristic of the rural location. To the opposite side of Hockerton Road is a similar arrangement of open countryside and green fields. The conservation area boundary is extended to the north of the built settlement of Upton, although the reason for including this field is uncertain. The CA Appraisal states the following:

There are other overly modern developments in the village, notably "The Close", the houses on the north side of Hockerton Road and some individual modern houses on the east side of Main Road opposite Upton Hall. These developments have been assimilated into the village without significant detriment to it, as they are generally unassuming and their impact is softened by boundary walls, hedges and trees. The cumulative effect of all these developments to date may be described as "neutral" and their siting and design is such that they generally play little part in the composition of the street scene. However, this type of development could be repeated too often, and new development should aim to positively enhance the conservation area instead of merely avoiding offence.

The Sanderson map of 1835 (see below) shows no built form in this location and it assumed the CA boundary was extended to this point to prevent the spread of modern housing,

following on from the bungalows at the foot of the road, where Hockerton Rd meets Main Street.



6.1.

Assessment of Proposal

As the application is only for approval in principle, it is not possible to comment in detail at this stage. However, the CA boundary includes this open green field and consideration must be given to the erosion of character through newly built form. The loss of open green space within a CA setting will always amount to harm; in this instance the harm will be to the experience of entering / departing the village. At present, when travelling south / north along Hockerton Road, the experience of entering / departing the village is an open green country lane, which relates positively to the village's rural context. The bungalows at the bottom of Hockerton Road are low profile and do not substantially alter this green and open rural aspect, before the traveller arrives at Main Street, where the historic medieval core of the village begins.

Thus if the field was to be developed upon, it could be deemed harmful to the setting of the conservation area. The field is somewhat detached from the historic core of the village, yet it is still included within the CA boundary. Thus the CA character would have a fragmented and piecemeal layout with up to 5 dwellings on this location; it would not represent a seamless continuation of the urban grain and historic settlement pattern of the village. Notwithstanding this, there is built form with the bungalows at the foot of Hockerton Road. This means development has occurred along this rural secondary lane out of the village, although the nature of its siting, set back behind a tarmac parking area, is harmful. The CA Appraisal states: *However, this type of development could be repeated too often, and new development should aim to positively enhance the conservation area instead of merely avoiding offence.* Thus a repetition of low rise bungalows on this field 'offend' and would amount to harm. Without having further details of the proposal at this initial stage, it is not possible to identify the level of harm. However, it is possible to identify less than substantial harm to the experience of arriving / departing from the Upton Conservation Area, should

any development arise on this green field. The level of harm would be at the moderate to higher level, in accordance with Para 215 and 220 of the NPPF.

Conclusion

The works are not considered to safeguard the street scene of the conservation area as the proposal presently stands and thus does not accord with the parameters of Para 215 and 220 of the NPPF, or Section 72 of the Listed Building and Conservation Areas Act (1990).

6.2. Comments have been received from 16 third parties/local residents that can be summarised as follows:

- Site is located outside of the village
- Site is not 'infill' – would be expansion of village
- Site is within the conservation area – information submitted states it is not in the conservation and this is incorrect
- Field is visually important to the conservation area – development would harm the historic environment of the village and rural character of lane
- Grade II*Upton Hall is nearby and visible from the site – within wider setting
- Hockerton Road is a narrow single lane track with no footpaths or passing places
- Lane is in bad state of repair used by farm traffic and lorries
- Concern over increase in vehicles using lane, blind bends in the road
- Highway safety concerns – particularly for pedestrians, dog walkers, and people with pushchairs/children at the nursery
- Hockerton Road is used for emergency vehicles therefore it is vital it is kept clear at all times
- Hockerton Road is valued by pedestrians, dog walkers and horse riders – development would endanger use of the lane
- Negative impact on wildlife
- Loss of views across field - would be obscured by new housing
- Concern for safety of users of the public right of way and visual impact for users
- Water draining off field onto lane would need to be addressed
- Concerns over surface water and flood risk
- Cumulative impact of new development should be considered
- Adjacent bungalows were built as affordable community housing – exception site on edge of village
- Clearly conflicts with policies relating to conservation area, Landscape Assessment SPD and objectives in the NPPF

3 Comments in support of the application –

- There is a definite need within the village for affordable market housing for first time buyers and those wishing to downsize and stay in the location.
- New dwellings would be an asset to the village – there is waiting list for the adjacent bungalows proving a need for smaller properties within the village
- Increase in vehicle movements will be insignificant compared with existing users
- A small number of high quality bungalows could significantly improve the approach to the village
- Would not be visible from Main Street and not near listed buildings so impact on conservation area would be limited

The above matters are addressed within the appraisal section of this report.

7.0 Appraisal

7.1 The key issues are limited to the following (all other issues would be dealt with at Technical Details Stage if permission in principle is approved):

- Location
- Land Use
- Amount of Development

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

7.3 Principle of Development

7.4 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

- 7.5 Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial distribution of growth for the district. The focus for growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages'. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.6 The site is located just outside the village of Upton, therefore is within the open countryside. The proposal is for the construction of 1-5 new dwellings. Policy DM8 strictly controls development within the open countryside and only supports 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 are sensitive to the defining characteristics of the local area.
- 7.7 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. This includes where the development would re-use redundant or disused buildings and enhance its immediate setting.
- 7.8 It is not proposed that the dwellings would be of 'exceptional or innovative design' and with no design to assess at this stage, there is no provision in Policy DM8 to support the development in principle and there is clear conflict with the policy.
- 7.9 Notwithstanding the above, the Council cannot currently demonstrate a 5 year housing land supply (with a current demonstrable supply of 3.84 years). As such, the 'tilted balance' as set out in the NPPF is engaged.
- 7.10 Paragraph 11 of the NPPF (2024) sets out that plans and decisions should apply a presumption in favour of sustainable development. 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-date⁸, 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 combination⁹.

- 7.11 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.’ This means that the Council’s currently adopted Development Plan is out of date.
- 7.12 The proposal therefore falls to be assessed against the criteria set out in paragraph 11. This is discussed below, in relation to location, land use and amount only.
- 7.13 The existing site is undeveloped land in the open countryside and within the conservation area. There is built form to the south (dwellings on Watchorn Close), as well as the cricket pavilion to the north, therefore the dwellings would not be isolated and there would not be conflict with paragraph 84 of the NPPF.
- 7.14 Hockerton Road does not have a footpath and is a national speed limit country road before reaching Upton, which could be seen as a reason to suggest the location is unsustainable. It is noted that the village sign and 30mph limit is located just beyond the access to Watchorn Close, therefore vehicles would begin to slow upon approaching the site from the north. Conditions cannot be added to permission in principle, however there would be potential to require the relocation of the 30mph speed limit further north on Hockerton Road if it was felt necessary by NCC Highways at technical details stage. Although the lack of footpath is not ideal, it is noted that there is no footpath for the entire length of Hockerton Road including within the village, therefore it is not considered that the lack of footpath to this section should be reason to refuse permission in principle. Country roads are typically shared by a variety of users including pedestrians, cyclists, horse riders and vehicles therefore the development would not significantly alter the existing situation, nor significantly increase risk for users.



7.15

7.16 In terms of sustainability, Upton is defined as an 'other village'. There are limited services within Upton – there is a church, a public house, and the adjacent cricket pavillion and children's nursery. Southwell is approximately 3 miles west of Upton and is defined in the Amended Core Strategy as a 'service centre', whereby new development is directed as a sustainable location. A wide range of services would therefore be a short drive from the site and although occupants may somewhat rely on private vehicle, there is a bus service from Upton to Southwell as well as to Newark (from Main Street), therefore services could also be accessed via public transport. The distance to Southwell is also considered reasonable for cyclists. Therefore, on balance, the location of the site is considered sustainable.

Conservation Area

7.17 The site falls within the conservation area therefore Core Policy 14, DM9, Part 16 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. The policies seek to protect and enhance heritage assets within the district whilst Section 72 of the Act sets out a legal duty for local planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas when assessing planning applications which affect them.

7.18 At present there are no detailed designs to assess, therefore in relation to the impact on the conservation area, the only consideration is whether development on the land would result in harm (no matter the scale or design) which would provide a strong reason for refusal. The Conservation comments are included in the consultee comment section in full, and note the modern development adjacent to the site which does somewhat harm the character of the conservation area. The conservation area appraisal also acknowledges the modern development within the village, however states that *'this type of development could be repeated too often, and new development should aim to positively enhance the conservation area instead of merely avoiding offence'*.

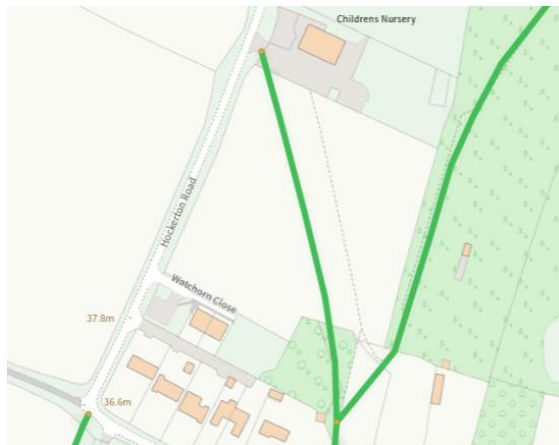
7.19 The conservation comments conclude that development on the site would result in less than substantial harm to the character of the conservation area, albeit the full impact at this stage cannot be assessed given the nature of the application. A full assessment would be made at technical details consent when the full details of the scheme would be submitted. Noting the wording in the conservation area appraisal, if permission in principle is approved, the scheme that comes forward should aim to positively enhance the conservation area.

7.20 Officers agree that development on the site would clearly alter the character of the site and the approach to the village from the north, and as such could result in less than substantial harm. The conservation comments state this would be a moderate to high level of harm (within less than substantial) however without the detail to assess, officers disagree with this level at this stage and consider the harm could be at the lower end of less than substantial harm dependent on design and final number and scale of dwellings.

- 7.21 In any case, Paragraph 215 of the NPPF directs that where there is less than substantial harm, this should be weighed against the public benefits of the proposal. Given the Council's current situation in relation to the lack of 5 year housing land supply, it is considered that small scale residential developments make a valuable contribution towards the Council's housing targets. This is considered a public benefit that would in officers' opinion outweigh the less than substantial harm identified at this stage.
- 7.22 Impact on the conservation area is therefore not considered a strong reason to refuse permission in principle. It should be noted that the Local Planning Authority can refuse a scheme at technical details consent if it is considered to result in harm to the character of the conservation that would not be outweighed by the public benefits – permission in principle only forms planning permission once technical details consent is also approved.

Public Right of Way

- 7.23 A public right of way runs through the site (see below). Depending on the proposed layout at technical details stage, the public right of way may require diverting, however it is considered there would be sufficient space on site to construct the proposal without impacting the route or resulting in unacceptable impacts for users. The existence of the public right of way through the site is therefore not a reason to refuse permission in principle.



- 7.24 *Extract from the Nottinghamshire PROW map*

Land Use

- 7.25 Although the site is within the open countryside, it is on the edge of the village and next to existing residential development (Watchorn Close). To the north is the cricket pavilion, used during the week as a nursery. It is therefore considered that residential use on the site would not conflict with surrounding uses in principle.

Amount of Development

- 7.26 The application proposes between 1 and 5 dwellings. The site covers approximately 0.77 hectares which at the maximum number of dwellings proposed would equate to a density of approximately 7 dwellings per hectare (rounded up). This is well below the typical density of 30-50 dwellings per hectare for new residential development, however considering the rural character of the location, the conservation area, and the transition from the village into the open countryside, this amount is considered appropriate, and any more dwellings would likely be considered harmful to the rural character and the conservation area.

Summary of the Principle of Development

- 7.27 Taking into consideration all of the above, a scheme of 1-5 dwellings would be acceptable in principle, despite the conflict with DM8, as the site would, on balance, be sustainable and would make effective use of land. Development of the site would likely result in less than substantial harm to the character and appearance of the conservation area however it is considered the additional dwellings would contribute to the Council's housing targets which would be a public benefit to outweigh the harm (subject to details at technical details stage). The impact on the conservation area is therefore not a strong reason for refusal at this stage. There are no other adverse impacts identified that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole, therefore, in accordance with paragraph 11, the proposal should be approved.

Technical Details Consent

- 7.28 The Technical Details Consent application is required to be submitted within three years of the decision date.
- 7.29 Policy DM5(b) of the emerging DPD sets out the criteria for which all new development should be assessed against. These include (but are not limited to): safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, biodiversity and green infrastructure, and flood risk.
- 7.30 The Technical Details Consent application would need to carefully consider these criteria. These matters are discussed below.

Impact on Visual Amenity and the Character of the Area

- 7.31 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(b) 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.

- 7.32 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.
- 7.33 Paragraph 135 of the NPPF directs that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.34 The site is within Landscape Policy Zone MN PZ 32 Upton Village Farmlands as identified in the Landscape Character Assessment SPD. Characteristics of the landscape include gently undulating topography; medium distance views to frequently wooded skylines, although often enclosed by vegetation – hedgerows, woodland etc.; a mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture, within historic field systems; and some agricultural and leisure development (poultry sheds and Equestrian Centre). The landscape condition is defined as ‘very good’. The landscape action is to conserve, including conserving hedgerows and preventing fragmentation and conserving historic field patterns by containing new development within historic enclosed boundaries. In terms of built features, the SPD seeks to conserve the rural character by keeping new development within the settlement of Upton, and maintain the use of vernacular materials, style and scale in new development.
- 7.35 It is acknowledged that the site location falls outside of the settlement of Upton, however it is within the confines of an existing field and also between Watchorn Close and the cricket pavilion, therefore between existing built form. The design should aim to minimise visual impact and be designed to reflect the local vernacular within Upton.
- 7.36 As noted earlier in the report, the impact on the character and appearance of the conservation area would be a key consideration at technical details stage, and the conservation area appraisal should be taken into account when designing the scheme, to preserve and enhance the character and appearance of the conservation area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the avoidance of doubt, it is not considered that developing the site would impact the setting of the Grade II* listed Upton Hall which is located over 150m south of site with limited (if any) intervisibility.

Impact on Residential Amenity

- 7.37 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.

- 7.38 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.39 The closest dwellings to the site are the bungalows on Watchorn Close. These are separated from the site by hedgerow. It is considered there would be sufficient space on site to accommodate up to 5 dwellings whilst ensuring no unacceptable levels of overlooking, loss of light, or overbearing impact between dwellings on site and neighbouring dwellings. Although the adjacent nursery may be noisy at times such as when children are playing outside, given the hours of operation would be during the daytime, and that noise levels would vary, it is not considered that there would be any unacceptable levels of noise for future occupants of the development that could not be mitigated for. Subject to final layout and scale it is anticipated that impacts on residential amenity would be acceptable.

Impact on Highways

- 7.40 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.
- 7.41 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.
- 7.42 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.
- 7.43 Although no detail is provided at this stage, access would be gained from Hockerton Road to the west of the site. The access would be required to comply with the Nottinghamshire County Council Highway Design Guide, with adequate width and visibility splays demonstrated. It is not considered that up to 5 dwellings would result in a significant number of additional vehicle movements. The acceptability in relation to highway safety would be subject to demonstration of adequate access as well as subject to comments from the local Highway Authority. Parking provision would be expected to comply with the Parking Standards and Design Guide SPD.

Trees and Landscaping

- 7.44 Policy DM5(b) requires natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.
- 7.45 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.

- 7.46 There are no trees within the site that would require removal and it would be expected that the boundary hedgerows would be retained (apart from partial removal for access). It is therefore considered that the impact on trees would be acceptable. A landscaping scheme which enhances the site would be expected at technical detail stage.

Ecology

- 7.47 Policy DM5(b) states that where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to-date ecological assessment. Given the size of the site and the open countryside location there is potential for protected species on site.
- 7.48 A preliminary ecology survey (and any further recommended surveys) would be required as part of the technical details consent application, to fully assess the impact on protected species and recommend any necessary mitigation measures. For the avoidance of doubt, this survey cannot be requested at the Permission in Principle stage (local validation lists do not apply to permission in principle applications).

Community Infrastructure Levy (CIL) –

- 7.49 The site is located within the Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £100m² 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

- 7.50 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. Permission in principle is not planning permission, and if approved requires the submission of a technical details consent application to form the full permission. Biodiversity Net Gain would be applicable at this stage.

Other Matters

- 7.51 The application has received a high number of objections. Many note the incorrect statement that the site is outside of the conservation area. This error has been corrected by the agent in a letter received 20th April 2026.

- 7.52 The majority of other points raised by the comments received have been addressed within the body of this report. Comments about private views being obscured are acknowledged however this is not a material planning consideration.
- 7.53 Flood risk and drainage would be a matter for the technical details stage, however for the avoidance of doubt, as the site is within Flood Zone 1, there are no concerns in principle with flood risk or drainage.
- 7.54 Housing Mix – At this stage it is unknown how many dwellings would be brought forward (up to 5). Core Policy 3 sets out that the District Council will seek to secure an appropriate mix of housing types to reflect local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information. The most up to date needs survey for the district is the Arc Housing Needs Assessment 2020. The Needs Assessment was carried out using a multi method approach including a survey of households across the district (13,266 households), an online survey of key stakeholders including representatives from the council and neighbouring council’s district and county councils, councillors, housing associations, house builders, voluntary groups and some independent representatives; and a review of relevant secondary data including the 2011 Census, house price trends, CORE lettings data and MHCLG Statistics. For the purposes of the assessment the district is divided into sub areas. Upton is within the Southwell sub area. The following table sets out the anticipated future market need within the area.

Table 5.13 Dwelling mix and future development priorities: Southwell

Dwelling type and number of bedrooms	Current stock profile (%)	Market need profile (%)	Affordable rented need profile (%)	Intermediate need profile (%)
1 to 2-bedroom house	11.6	6.6	0.0	6.0
3-bedroom house	29.0	33.3	42.3	35.8
4 or more-bedroom house	42.8	24.0	0.0	35.8
1-bedroom flat	1.3	0.0	0.0	0.0
2 or more-bedroom flat	1.1	5.6	0.0	0.4
1-bedroom bungalow	0.5	0.0	0.0	2.4
2-bedroom bungalow	6.3	14.8	23.6	7.9
3 or more-bedroom bungalow	6.1	15.2	7.7	11.7
Other	1.4	0.5	26.4	0.0
Total	100.0	100.0	100.0	100.0

- 7.55
- 7.56 The housing mix of new developments should broadly reflect the percentages in the market need profile column, however for small scale developments, it is not possible to provide for all needs in the table. An *example* for a development of 5 dwellings could be 2x 3bed dwellings (40%); 1x 4 bed dwelling (20%); 1x 2 bed bungalow (20%); and 1x 3 bed bungalow (20%). As the development is under 10 dwellings there is no affordable housing requirement. The example given may not be appropriate for the site in question, as large scale detached dwellings (such as a 4 bed) would likely be considered harmful in the rural setting. The

circumstances of the site in this case should therefore inform the final scheme over and above the dwelling mix, although the needs assessment should be taken into account.

8.0 Implications

8.1 In writing this report and in putting forward recommendation's 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 – LEG2627/3497

8.3 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 and Recommendation

9.1 Further to the above assessment, it is recommended that permission in principle for a minimum of 1 and a maximum of 5 dwellings on the site is approved.

10.0 Conditions

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. It is possible for the local planning authority to attach planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.

Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

Informatives

01

An application for the approval of Technical Details Consent must be submitted within 3 years from the date of this decision.

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 - 26/00382/PIP

