

Application No:	17/01797/FUL (originally submitted as an outline application)	
Proposal:	Construction of 5 no. ecological low carbon bungalows, including new car garage for existing dwelling, following demolition of existing farm buildings.	
Location:	The Farmstead, Maplebeck Road, Caunton,	
Applicant:	D & B Maskill	
Registered:	30 November 2017	Target Date: 25 January 2018
		Extension of Time Agreed until 7 March 2018

This application is presented to the Planning Committee for determination as the officer recommendation differs from the views of Caunton Parish Council.

The Site

The application site lies to the north of Maplebeck Road within the parish of Caunton and comprises c0.74 hectares of land. The site is a former farmstead (called The Farmstead) and is occupied by a modern chalet bungalow (single storey but with rooms within its roof) its associated curtilage and former agricultural land. The dwelling itself is set back from the highway by c24m.

To the north of the host dwelling and outside of its immediate garden curtilage there are a four former agricultural buildings; these are single storey and small scale in nature. The northern part of the site, which is not in residential curtilage, comprises mainly tall ruderal herbs and plantation woodland whilst to the site frontage (south) the land (excluding the residential curtilage) comprises amenity grassland with scattered trees.

The topography of the site slopes gently down from Maplebeck Road to the north towards the 'The Beck' a local watercourse and the A616. The site frontage is formed by a managed native hedgerow c2m in height intersected by the existing vehicular access which comprises brick pillars with metaled gated. Currently there appears to be insufficient waiting room to allow a vehicle to pull safely off the highway to enter the site. Native hedgerows also form the other site boundaries.

To the north of the site is the A616 whilst a Severn Trent Water pumping station/sewerage works is situated to the east. Agricultural fields lie to the south and west.

Just outside the red line boundary - the northern tip of the site lies within Flood Zones 2 and 3 and the entire site lies within an area prone to surface water flooding.

Relevant Planning History

35/910853 – 'Change of use of redundant agricultural buildings for storage/workshop facilities' at The Farmstead was refused on 14 October 1991.

The Proposal

As originally submitted outline consent was sought. However upon advice from officers the applicant amended the scheme and now seek full planning permission for five, two bedroom single storey dwellings.

All plots are single storey and indicate the use of photovoltaic panels (amount not yet specified) on a sedum roof, and utilise features such as air source heat pumps and underground rainwater harvesting tank.

Each plot would have an attached garage with car charging point and cycle storage with accommodation as follows; entrance hallway, open plan kitchen/dining/living area (except plot 5 which has kitchen/diner separate from living area), storage areas, utility/larger/plant room, a bedroom with en-suite, a further bedroom and a bathroom and outside patio area.

The following revised plans were received on 30 November 2017:

1739-106 (Garage – Plan and Elevations) double with mono pitch roof
1739-201 (Plot 1 Elevations)
1739-101 (Plot 1 Floor Plan)
1739-202 (Plot 2 Elevations)
1739-102 (Plot 2 Floor Plan)
1739-203 (Plot 3 Elevations)
1739-103 (Plot 3 Floor Plan)
1739-204 (Plot 4 Elevations)
1739-103 (Plot 4 Flood Plan)
1739-205 (Plot 5 Elevations)
1739-105 (Plot 5 Floor Plan)
1739-001 (Site Location Plan)
1739-050 (Existing Block Plan)
1739-060 (Block Plan)
1739-100 (Site Plan)
1739-300 (Model Views)
1739-301 (Plot 1 – 3D views)
Passivhaus Proposal (24/10/2017, by Waterman Building Services Ltd)

The application is supported by the following documents as originally submitted and which remain of relevance;

- Sustainability Analysis dated 17th August 2017 by Waterman Building Services Limited.
- Planning and Design and Access Statement by Grace Machin dated September 2017
- Arboricultural Report & Impact Assessment by AWA Tree Consultants dated September 2017
- Flood Risk Statement and Drainage Strategy (Revision A) by TD Infrastructure Ltd, September 2017
- Preliminary Ecological Appraisal by Brindle & Green, September 2017
- Site Photographs
- Swept Path Analysis (Drawing 17-0421-002)
- Proposed Access Arrangements (drawing 17-0421-002)

Departure/Public Advertisement Procedure

A site notice has also been displayed near to the site and an advert has been placed in the local press with the formal consultation period ending on 12th January 2018 (as agreed with the Parish Council).

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 2 – Rural Affordable Housing
- 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 14 – Historic Environment
- Core Policy 13 – Landscape Character

Allocations & Development Management DPD

- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM4 - Renewable and Low Carbon Energy Generation
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Countryside
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance PPG (March 2014) in particular the section on Starter Homes
- The Newark and Sherwood Landscape Character Assessment SPD

Consultations

Caunton Parish Council – 12/01/2018: ‘Caunton Parish Council considered the above application at its meeting last night and, of the councillors who voted, unanimously resolved to support the proposal and welcomed the use of a potentially redundant farmstead on which buildings had previously stood.’

NCC Highways Authority – Previously commented in respect of the outline scheme on 30/10/2017 as follows:

No objections: This is an outline application for the construction of 5 x 2 bed dwellings following demolition of the existing farm buildings. The dwelling known as The Farmstead is to be retained.

The drawing demonstrating the proposed access arrangements (drawing no. 17-0421-002) provides an improved access width of 5m. For 6 dwellings this is required to be a minimum width of 5.8m for a distance of 5m behind the highway boundary (4.8m with 1m added as it is bounded on both sides).

Adequate visibility splays have also been demonstrated, along with 2m x 2m pedestrian splays. There are adequate parking facilities provided within the site.

The site would benefit from a wheelie bin collection point near to, but not within, the public highway.

Therefore, there are no highway objections subject to the following:

1. The shared private driveway shall be laid out to a width of not less than 5.8m for at least 5m back from the rear of the highway boundary and shall provide for vehicle parking and turning areas in accordance with details to be first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles. **Reason:** In the interests of highway safety.
2. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. **Reason:** In the interests of highway and pedestrian safety.
3. No part of the development hereby permitted shall be brought into use until the proposed driveway has been surfaced in hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced driveway shall then be maintained in the approved hard bound material for the life of the development. **Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
4. Prior to the occupation of any dwelling hereby approved, a wheelie bin collection point shall be provided near to but not within the public adopted highway to serve the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.

NCC Lead Local Flood Risk Authority – ‘Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.

2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting/pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.'

Trent Valley Internal Drainage Board – 14/12/2017 - No further comments to previous advice.

20/10/17 - 'The site is within the Trent Valley Internal Drainage Board district.

The Board's consent is required to erect any building or structure (including walls and fences) whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or edge of any Board maintained culvert.

The Board's consent is required for any works, whether temporary or permanent, in, over or under any Board maintained watercourse or culvert.

The erection or alternation of any mill dam, weir or other like obstruction to the flow or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The boards consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within the planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

Surface water run off rates to receiving watercourses must not be increased as a result of development.

The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.'

Environment Agency – Consulted in relation to the foul drainage proposals:

"The site is underlain in the northern part by superficial deposits of alluvium, associated with the adjacent watercourse called 'The Beck'. The alluvium is underlain by solid geology of the Mercia Mudstone. The borehole to the east of the site abstracts from the Nottingham Castle Sandstone which is the sandstone bedrock underlying the Mercia Mudstone. At this location there is a significant thickness (approximately 100m) of Mercia Mudstone acting as an impermeable geological barrier between the surface and the sandstone aquifer.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Condition: Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water and foul water disposal needs to be submitted to and approved by the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure there is no risk from the proposals to the nearby public water abstraction borehole.

INFORMATION:

The applicant should be aware that inside SPZ1 we will require all sewage effluent discharges (new or existing) to hold a permit. The requirement for a permit for this particular development should be discussed with the permitting support centre (PSC-WaterQuality@environment-agency.gov.uk)

Please provide a copy of the subsequent decision notice.”

NSDC (Environmental Health) – ‘This application includes the construction of a new residential dwelling at a former farm. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.’

Nottinghamshire Wildlife Trust – No response

Severn Trent Water – No response

NSDC Strategic Housing – Object:

“Core Strategy/Affordable Housing Supplementary Planning Document

The District Council’s Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. The qualifying amount of dwellings is 10 and above therefore there is no requirement for affordable housing provision on the proposed site (The Farmstead, Caunton).

EVIDENCE OF HOUSING NEED

The application site is located within the village of Caunton which is defined as an ‘other village’ (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant.

I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general, local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidized housing such as social /affordable rented or shared ownership. Caunton is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a two bedroom dwelling if the housing stock in Caunton has a good supply of this type of housing and they appear on the open market for sale. Currently there are 2 properties on the open market for sale (1 x 2 bedroom and 1 x 4 bedroom) that would contribute to meeting this demand.

A Parish Housing needs survey was undertaken in Caunton (2009) which indicated a demand for affordable housing. The survey supports 2 shared ownership properties. Evidence from the Council's housing register indicated a need for rented housing. To meet this demand 6 new build affordable homes have recently been completed, owned and managed by Nottingham Community Housing Association. These properties have been developed on an 'exception' site to accord with Council policy.

The survey at that time did not seek to or provide an evidence for a demand or preference for market housing. Therefore there is no indication of any need for market dwellings at a local level that would satisfy the criteria of SP1. I can refer to the District Wide Housing Needs Survey (Sub Area Report) 2014 which indicates the size of properties preferred in the market sector. The Sutton on Trent sub area indicated there is a preference for 49 x 2 bedroom dwellings, however this figure covers ten villages including Caunton and therefore does not provide evidence at a local level that would carry sufficient weight in determining the application.

CONCLUSION

The proposal provides 5 x 2 bedroom properties for market sale. The site appears to be in the open countryside and therefore indication of a need should carry significant weight. The applicant has not provided any sourced evidence of a housing need in this location that has not been met already. There may be some demand on the open market for these properties but this does not constitute a local need. I shall defer to the planning officer to determine how much weight should be applied to the application in terms of need."

One representation has been received objecting to the development on the grounds that this a creeping ribbon development along a country road.

Comments of the Business Manager

5 Year Housing Land Supply

It is noted that the applicants Planning Policy Statement states that the Council may not have a five housing land supply and that the Development Plan should not be considered up to date. This is strongly disputed, as reflected consistently by the approach of this Council since June of last year and as also evidenced by recent appeal decisions. I offer the following brief summary of the position.

This Council, as Local Planning Authority (LPA), has dealt with a number of housing planning applications in recent years. The issue as to whether an LPA has a 5 year housing land supply (HLS) is of significant importance when dealing with planning applications for housing development, particularly in terms of the NPPF, weighting of Development Plan policies, and the need for housing delivery when weighted against other material planning considerations, with the 'tilted balance' potentially coming into play.

As an LPA we have been challenged in the past on our ability to demonstrate a 5 YHLS, notably in January 2016 (a Public Inquiry appeal decision in Farnsfield) and November 2017 (the Public Inquiry which concluded its sitting days on the 17th November 2017 with a decision now awaited from the Secretary of State). Whilst coincidentally within the same settlement within Newark and Sherwood District, both appeals, and the evidence heard at them (given the passage of time), demonstrate that things have considerably moved on in terms of material planning considerations to which this Authority must have regard in its decision-making.

The adopted Core Strategy (March 2011) details the settlement hierarchy which will help deliver sustainable growth and development within the District. As detailed in Spatial Policy 1 of the Core Strategy 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. The policy goes on to confirm the lowest tier of the hierarchy as 'other villages' in the District. In such areas development is considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

It is a matter of fact that the housing requirements set out in the Council's adopted Core Strategy (which set a target for delivery of 740 dwellings per annum) was based on the now abolished Regional Plan. It is also a matter of fact that housing delivery should now be planned, in accordance with both the NPPF and Housing White Paper, using an evidence-base of Objectively Assessed Need (OAN). It has been accepted by the appellants in both of the quoted appeals above, and by applicants/appellants in multiple other applications and appeals that the Council's housing requirements is significantly below the 74-dpa figure. Thus the figure of 740 per annum is no longer relevant for decision-making and 5 year land supply determination. It remains the OAN.

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF 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 DPD.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "*boost significantly the supply of housing*". Paragraph 17 states further that the planning system should "*proactively drive and support sustainable economic development to deliver new homes...that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.*" The NPPF indicates that this will be achieved first and foremost, by local planning authorities, "*using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.*"

The need for housing remains an important material planning consideration in the planning decision making of the Council, as LPA, as underlined within the National Planning Policy Framework (NPPF) and most recently the Housing White Paper and November 2017 Budget. The White Paper itself promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper clearly (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighbourhood planning plays as part of this is also noted.

The Council has for many years been committed to ensuring that the plan-led system prevails. The Council was the first in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). The Council were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011). The Council also has a track record of working proactively with applicants to secure planning permission in the right place and in the right form. This is evident in the numerous planning consents granted on a range of both allocated and non-allocated sites and the fact that national, regional, and local housebuilders are actively building across the District.

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). There remains a commitment in spatial development terms to deliver significant housing numbers via the SUE's. By their very nature, these have taken longer to be brought to market. However, Land South of Newark (Core Strategy Site NAP2A) now has 2 no. national housebuilders involved, the first of which is building and the second of which will commence in March (a total of 599 units can be erected with the infrastructure now in). Consent has recently been issued to a national housebuilder for the Fernwood SUE (Core Strategy Site NAP2C) for 1050 houses (reserved matters application expected imminently) with an application for another 2 no. housebuilders pending. NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable, and that previous delays have been overcome. This is a matter which has also been rehearsed recently in an appeal in Rushcliffe (Ref. APP/P3040/W/16/3143126 – an outline application for 65 dwellings in Aslockton), with the appeal having been dismissed on 25 October 2016.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dwelling per annum (dpa) (using 2013 as a base date). The Examination in Public to test the SHMA has now taken place, with the appointed Inspector raising no questions or qualifications on the issue of either the FOAN or spatial distribution of growth across the District. The figure of 454 dpa is the only full FOAN available in NSDC that has regard to the housing market area, as required by both the NPPF and the Housing White Paper.

The aforementioned Appeal in Farnsfield in January 2016 (Farnsfield 1) was allowed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the *evidence available to them at the Inquiry* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of up to 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect.

Moreover, this Council has now had its Plan Review DPD Examined (EIP). Ashfield, one of our HMA colleagues has also already had its EIP, following which it has been confirmed that no main modifications have been requested by the Inspector in relation to the OAN.

It is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan. However, the OAN and issues around delivery have moved on considerably, with the EIP Inspector not raising any additional matters.

The OAN across the HMA has been reconsidered following Farnsfield 1, specifically addressing the points which persuaded the original inspector to conclude that an OAN of up to 550 would be appropriate. The OAN of 454 remains the only robustly and recently assessed figure before us as decision-makers to determine the appropriate figure against which 5 year delivery should be assessed. Indeed, Members will recall that Officers have consistently advised that a 5 year land supply against a 454 OAN could likely be demonstrated. However, uncertainly with respect to the weight which could be attached to the OAN, together with a lack of information on in-year completions (as you know at the end of each municipal year officers review and ultimately publish actual new housing completion information), a 'pragmatic' approach was recommended. This entailed an approach whereby having a 5 year land supply was accepted, but that could support schemes which fell immediately adjacent to main built up area boundaries and village envelopes within the settlement hierarchy (which Caunton is not), which are *acceptable in all other technical and environmental respects* (emphasis added) and which will demonstrably boost housing supply in the short term (including imposing shorter timeframes for implementation and demonstration of no other site impediments e.g. infrastructure costs or contamination). This position was to be re-assessed as the Plan Review progresses.

The Council's position on new housing delivery was captured in July 2017 when its annual monitoring information was published. This identified that both stalled and new sites were contributing to an increased build-out rate. Indeed, based on housing completions as of 31st March 2017 the authority confirmed that it has a 6.2-year supply based on a housing target of 454 dwellings per annum.

Moreover, all 3 of the HMA Council's remain fully committed to the OAN figures we have each adopted, with Ashfield and ourselves having concluded Examination, and Mansfield progressing. On this latter point Members may have noted that Mansfield have been identified in a Written Ministerial Statement dated 16 November 2017 have been identified as an Authority who has made unsatisfactory progress on Plan Review. In light of this it is likely that Mansfield will be keen to progress their Local Plan at speed, on the basis of the Preferred Approach which has recently concluded its consultation period, utilising the figures set out in the SHMA as their housing requirement.

This position has also been confirmed by a recent (August 2017) appeal hearing decision which has accepted that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector in that case concluded that any shortfall would most likely be made up by windfall schemes. An appeal in January 2018 also confirms that this Council has a 5 year land supply.

Given this position the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision from 2016. To the contrary the OAN of 454 remains robust and against this it is considered that there is a 5 year housing land supply. Consequently, the policies of the Development Plan are up-to-date (also having regard to the PAS review of the Core Strategy Policies and in attaching weight to the fact that the Allocation and Development Management DPD Policies were independently examined and found sound post NPPF adoption) for the purpose of decision making.

The Principle of Development including an assessment of Sustainability

The starting point in assessing this scheme is with the Development Plan. Core Policies 1, 2 & 3 set out the settlement hierarchy in the District. Spatial Policy 1 details the settlement hierarchy which will help deliver sustainable growth and development in the District. 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. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Caunton village falls into this 'other village' category. There is no defined settlement boundary for these villages and it is a matter of judgement as to whether sites are within or outside of the village. The overall approach to the Settlement hierarchy and the spatial approach to development does not change as a result of the Council's recently Examined Plan Review.

In this case the application site lies clearly outside of the village (the village itself is some distance to the east and is contained to the eastern side of the A616 road) and in my opinion lies within the open countryside.

The final paragraph of Spatial Policy 3 states that: *"Development away from the built up areas of villages in the open countryside will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry....The Allocations & Development Management DPD will set out policies to deal with such applications."* As such Policy SP3 acts as a signpost to Policy DM8 of the A&DM(DPD) which is up to date given it postdates the NPPF. DM8 (post NPPF and "fully consistent" with it according to a recent Eaking appeal) states that development in the countryside will be strictly controlled and limited to a number of exceptions. In relation to new build dwellings it only allows those for rural workers or where they (reflecting paragraph 55 of the NPPF) are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and that are sensitive to the defining characteristics of the local area. I do not consider that the proposal meets either of these exceptions and is clearly therefore contrary to the adopted and up-to-date Development Plan in the form of Policy DM8. Indeed, the agent does not appear to promote an argument to the contrary.

The applicant considers that the LPA should assess the proposal on basis of paragraph 49 of the NPPF such that housing is considered in the context of the presumption in favour of sustainable development. I am mindful that the NPPF also represents a material planning consideration,

notably the 3 dimensions to sustainable development with the economic, social and environmental roles that it plays. I set out the role this scheme will make to these limbs, albeit it remains important to consider this against the Development Plan starting position, as made clear by Section 38(6) of the 2004 Act.

In terms of the economic role I note that the NPPF states that the planning system should help to *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*

I acknowledge that the proposal for housing would play an economic role by temporarily supporting the construction sector. The additional residents could also help support local businesses. However, I believe this would be at the expense of the environmental role as I shall explore in more detail shortly. In my opinion, contrary to the above quoted paragraph from the NPPF, the land is not the right place and fails to respect the plan-led system which this District has followed, promoted, and worked hard with communities to produce to allow logical and transparent decision-making.

I also accept that the scheme would have a social role in the provision of housing which is needed generally within the district over the plan period and is required nationally in a general sense. That said, adequate provision has been made with a sustainable and co-ordinated growth strategy as enshrined in the Council’s LDF (such growth is indeed over-provided for in terms of site allocations). In addition, I do not consider the scheme can be said to be of exceptional high quality or have accessible local services, as is explored later.

Sustainability/Whether the site is isolated

In terms of the social role of sustainability, development is expected to support *‘strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’* Paragraph 55 provides that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...”*

The village itself has a limited range of services and facilities comprising a Primary School and two Public Houses. However there is no convenience/grocery shop and it has limited access to bus services and for occupiers of the dwellings proposed there would be a reliance on the use of the private car in my opinion.

Irrespective of the clear conflict with Policy DM8 I consider, in addition, that the site in question is isolated. The existing dwelling on the site has previously been associated with an agricultural use on the land and is physically divorced from the village with the site lying over 600m to the west of the edge of the settlement. There is no footway along either Maplebeck Road, the A616 (a busy road with a 60mph speed limit) nor indeed Manor Road which is the nearest road that would lead walkers to the core of the village. These sections of highway are also unlit. Whilst I acknowledge that there is a grass verge to the side of the carriageway, I consider that the distance combined with the absence of street lighting and a footway would be sufficient to dissuade those travelling

to/from the site (to the village) from walking in favour of using private motor vehicles as envisaged by Spatial Policy 7 of the Core Strategy. The presence of the busy A616 would in my opinion likely act as a visual and psychological barrier making residents feel isolated from the village and potentially make a walking journey to the village, hazardous and residents would also likely feel vulnerable given the absence of a footway. This in my view all counts against the scheme in terms of the environmental dimension of sustainable development.

Landscape/Visual Impacts

The application has not been accompanied by a Landscape and Visual Impact Assessment (albeit some imagery has been provided to demonstrate visual appearance) and I have therefore made my own assessment in respect of its impact upon the landscape and its visual impact.

The proposed site is within the Mid Nottinghamshire Farmlands Policy Zone (MNPZ 29) 'Caunton Meadowlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is gently undulating tending to slope towards The Beck. Visual features tend to be medium distance views to frequently wooded skylines although often enclosed by vegetation following The Beck and there is a mixture of intensive arable fields with strongly trimmed hedges and low intensity farming with permanent improved pasture. The landscape condition is described as very good with few detracting features and landscape sensitivity is defined as high. The policy action for the zone is to 'Conserve'. In relation specifically to 'built features', the policy action is as follows:

- *Conserve the rural character of the landscape by limiting any new development to within the settlements of Caunton and Norwell;*
- *Maintain use of vernacular materials, style and scale in any new developments;*
- *Promote measures for reinforcing the traditional character of existing farm buildings using vernacular building styles.*

The existing form and village of Caunton is not evident as you approach the site from the A616. The Beck (watercourse) lies to the north of the site and the topography within the site here slopes down towards it as is typical for this area. The application site currently comprises a dwelling that is one-and-a-half storey and is set within a large plot which is currently largely open (there are small-scale outbuildings of what appear to be a hangover from its previous agricultural use) with trees and hedgerows planted along its boundaries. The proposal would result in 6 dwellings (including the existing) developed in depth in a rural landscape that is gently undulating. It is noted that the low lying dwellings would be c4m in height and would have green roofs (sedum) in an attempt to assimilate these into the landscape. However surrounding each new dwelling is a high curved (natural stone) wall that encloses the plot which is somewhat alien to the landform and character in my opinion. The design nor use of materials accord with the policy actions of reinforcing traditional character, using vernacular styles or indeed limiting new development to within the villages.

The proposed development would be separated from the existing eastern edge of the village and I am concerned that this development in depth and the form of the dwellings would not be in keeping with the settlement character of the local landscape and does not reflect the policy actions by introducing a different form of development to that currently experienced in the rural landscape identified within the local character assessment. I am also concerned that the localised change in land use would have an adverse effect upon the local landscape character in relation to the experience of approaching the existing village from the west. The proposed modern

development and associated tree structure planting would alter the rural character. Visual impacts to residents, footpath (to the north) and road would be localised. There would be a level of containment by the existing hedgerow site boundaries with occasional trees and I note the low lying nature of the proposed dwellings. However the layout and form would be visible and apparent and would stand out over this vegetation. Overall I consider that the impact would have a degree of harm in terms of landscape impact and the proposal conflicts with Spatial Policy 3, Core Policy 9 and Core Policy 13 of the NSDC Core Strategy and DM5 of the Allocations and Development Management DPD.

Design/Layout and Sustainability Credentials of the Scheme

Policy DM8 provides that new dwellings in the open countryside will only be allowed 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. This is broadly in line with paragraph 55 of the NPPF. The Council recognises that an inspector's decision in respect of Land to the South of Bilsthorpe Road in Eakring (APP/B3030/W/17/3169590), dated 23rd January 2018, concluded that policy DM8 of the Allocations and Development Management Plan Document, and Policy SP3 of the Core Strategy, are inconsistent with paragraph 55 of the NPPF and out of date, so that the weight given to any conflict with them should be greatly reduced. The Council respectfully disagrees with the inspector's conclusion, which it considers to be unlawful. At the time of writing the Council intends to challenge the decision under section 288(1) of the Town and Country Planning Act 1990. Pending the determination of its claim, the Council will proceed on the basis that Policy DM8's approach to controlling development in the countryside for the purpose of promoting a sustainable pattern of development in accordance with Spatial Policy 3 is fully consistent with the Framework. Policy DM8 will therefore be accorded full weight.

On a more general note, CP9 requires developments to achieve a high standard of sustainable design and layout of an appropriate form and scale to its context complementing the existing built form and landscape environments. DM5 also requires that the districts rich local distinctiveness should be reflected in the scale, form, mass, layout, design, materials and detailing of the development. One of the 12 core principles in the NPPF also states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As is clear from the policy context, all developments are expected to be to a high standard of design, however for dwellings in the countryside the bar is set very much higher such that dwellings must be 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. Having considered the proposal I find that it does not meet the high threshold as follows.

Exceptional Quality/Innovative Nature of Design

Exceptional is defined as being unusual/not typical whereas quality means 'the standard of something as measured against other things of a similar kind/the degree of excellence of something' (Oxford Living Dictionaries). I acknowledge that the scheme proposed does have elements of being unusual and is certainly not typical of the area. There is a sculpted landform feel (given the roof slopes) and their low form attempts to respect the gently undulating landscape form. However the series of asymmetric shapes in the intensity proposed will have an effect on

the landscape and in my view the scheme does not fully respond to it. The buildings are a series of what are rather harsh modular buildings in appearance with high curtain walls which appear to be higher than the sedum roofs giving them a dominant presence and contrast that appear incongruous. The curtain wall is suggested as being stone, supposedly to make them feel part of the landscape. However stone is not the predominant building material for this area. It is acknowledged that the D&A Statement suggests these heavy walls could be built in another natural material, but this lack of clarity and design ethos does not convince me that the scheme as proposed has been properly considered for this particular environment.

Innovative or the introducing of new ideas is another part of the policy test. The proposed plans show the dwellings to have eco-friendly features including photovoltaic panels (amount not yet specified) on a sedum roof, and would utilise features such as air source heat pumps and underground rainwater harvesting tank. The sustainability analysis report submitted in support of the application also states there is a fundamental focus on sustainability with low energy design of the construction and systems used such as high insulation, good air tightness and passive solar heating. The report is rather generalised and talks about principles rather than specifics and does not appear to apply the technologies it refers to, to the proposals being considered to a developmental stage. It makes statements that the dwelling will be designed and constructed to reduce thermal bridging, which will decrease excess heat loss and condensation in the structure. It states that *'natural ventilation with heat recovery will be used in the property is to minimise energy usage. This will save on energy usage from fans and mechanical ventilation. The system design should reflect different requirements for the summer and winter occupancy.'* It provides that south facing glazing will allow maximum passive solar gain, which assist the heating in the winter months and *'to avoid the buildings from potentially overheating in the summer months, vertical shading devices are to be provided which minimise the solar gain at peak times....Using daylight will reduce the need for electric lighting in the property, minimising the demand in daytime hours.'* The proposed green (sedum) roofs are also intended to provide additional insulation. The report does not develop the proposals such that there are no specifics such as the amount of solar pv panels proposed. The document entitled Passivhaus Proposal states that the dwellings would be Passivhaus certified which is a worldwide certified energy performance standard and states that over 30,000 buildings have achieved Passivhaus standard since 2000. It does not state which of the 3 tiers (Passivhaus original, Passivhaus Plus and Passivhaus Premium) the proposals would meet.

Whilst it is accepted that the proposal has clear eco-friendly technologies, no clear evidence other than anecdotal (such as specific modelling information, window specifications, detailed heat recovery information, data for thermal bridges etc) has been submitted to assure me that the dwellings would be able to meet the Passivhaus standard (for the avoidance of doubt a pre-assessment could have been provided). In any event the technologies referred to are not new nor are they particularly innovative or exceptional. Indeed these have been done many times before (over 30,000 times). In terms of its low energy design, I therefore remain to be convinced that the proposal is of such quality as to meet the provisions of the policy tests.

Highest Standards of Architecture

The appellant has not provided information as to how this scheme would reflect the highest standards in architecture. It is subjective on what constitutes the highest standards of architecture, however, architecture is a discipline which goes beyond the functional realm and is a careful consideration of form, space and light and how this relates to the context in which it sits, including the social, ecological and historical attributes. The applicant indicates that the bespoke design has been carefully considered for the semi-rural setting. The D&A Statement states at 4.3:

'Each proposed new 'bungalow' consists of a wrap-around external wall, with a sedum roof on top. The external walls of each dwelling have been designed to extend into the private garden space where they 'fall away' into the landscape. This helps create some privacy and also a sense of enclosure for the living spaces (as they all face south which is in direct view of the entrance road). The heavy walls could be a rough stone or another natural material to make them feel grounded and part of the landscape. When viewed from Maplebeck Road, the passer-by will have glimpsed views of the natural walls, the green roofs of the bungalows and the photovoltaic cells, which are to be provided to further enhance the environmental credentials of this development.' and; *'The anticipated design, materials, siting and vernacular detailing of the proposed dwellings have been considered in the context of the character and appearance of Maplebeck Road and the wider locality of Caunton and other local villages. It is hoped that the careful consideration of this context, along with a desire to produce a high standard and quality of design will ensure that this development provides a strong contribution to the built and natural environment, whilst delivering a bespoke, innovative and highly sustainable addition to the local housing stock.'* (para 4.8).

It is not considered that the scheme put forward can accord with this element of the policy either.

Significantly enhance the immediate setting?

The existing site contains 4 small scale agricultural buildings including two Nissan huts and two breeze block type structures, all of which are single storey and modest in size and scale. These are relatively contained within the central section of the site, north of the host dwelling. The proposal seeks to erect 5 dwellings of single storey design (but at 4m these would be almost double the height of existing built form- where there is some) and locate the majority of these where there is no building currently, to create a cul-de-sac of 6 including the host dwelling. I do not consider that this can be said to be enhancing their immediate setting, let alone significantly so. On the contrary I would suggest that the scheme would actually have a negative effect on the setting of the area as I concluded earlier in this report. The existing buildings whilst of little merit are not so visually harmful as to require removal and the new buildings would be an alien form of development being a modern cul-de-sac in the countryside.

In conclusion, having considered the design and layout of the proposed scheme I do not consider that it meets with any of the above tests within DM8. When assessed against CP9 I still consider the proposal would fail against policy given the landscape impacts.

Highways Matters

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimize the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

I note that the Highways Authority have not raised objections to the scheme in terms of highway safety. However I remain concerned that in the interests of sustainability the development of this site, away from the village and services and the lack of a lit footway means that occupiers would all be reliant on the private car for their transport needs and to this end I find conflict with SP7 as identified previously.

Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application has been accompanied by a Preliminary Ecological Appraisal dated September 2017. This provides assessment and recommendations in relation to the ecological value of the site. As the report concludes, there are a number of habitats on site that have the potential to support a number of protected or notable species which the appraisal goes on to consider.

In relation to habitats, it has been recommended that a 6m buffer zone south of The Beck should be constructed (water voles and white claw crayfish). I am satisfied that the proposal adheres to this recommendation with the dwellings being well over this distance from The Beck. It is also recommended that in order to prevent harmful run off to The Beck associated with construction works and development, a water collection scheme should be incorporated. This could take the form of SuDS network or attenuation pond. No details have been provided but I note that it could be subject to a condition as there is the scope within the site to provide this.

Evidence of breeding birds was found in Building 4 and nearby hedgerows and shrubs. If minded to approve I am satisfied that clearance works could avoid bird breeding season and this could be controlled by condition.

With regard to roosting bats, badgers and reptiles, reasonable avoidance measures have been recommended such as a working method statement for all contractors, a hibernacula for reptiles as per 7.3, 7.5 & 7.6. Again these are all capable of being secured by condition.

The ecological appraisal states at 7.4 that *'It is undecided as to what proportion of the commuting and foraging habitat features on site are to be retained as part of the development. It is recommended that the native hedgerows on site are retained, where possible, and a buffer zone of 3m is established between retained hedgerows and any development. If a large proportion of the native hedgerows which line the western, southern or northern site boundaries are to be removed then these features should be subjected to a bat activity survey to establish the significance of these commuting routes on site. If significant hedgerow removal is planned **only**: Transect and/or fixed point surveys during May to September'*

Having reviewed the layout against what would need to be removed, I do not consider this would amount to large proportions of habitat. Plots 3 & 4 would involve the loss of tall ruderals and amenity grassland and Plot 5 would involve the loss of tall ruderals and some woodland plantation but this is not a significant amount. Further the site is capable of retaining the majority of its native hedgerows. As such it appears that further surveys in respect of foraging and commuting bats aren't required. Matters such as sympathetic lighting could be secured by condition.

The ecological appraisal recommends that to reduce the risk of soil erosion, compaction and harmful run off, the development should be supported by a soil management plan that seeks to protect, maintain and improve the efficiency of the soils on the site; a matter which could be controlled by condition. Likewise a recommended Construction Environment Management Plan could also be secured by condition.

A number of ecological enhancements such as the installation of sparrow terraces, bird boxes and bat tubes are recommended and could be conditioned if minded to approve the scheme.

I am satisfied that the ecological appraisal provides a sound basis upon which I am able to assess the scheme. Subject to the imposition of a number of conditions relating to the matters noted above, I conclude that the proposal accords with the identified policies in respect of ecological matters.

Impact upon Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

There are no other dwellings in the vicinity and I am satisfied there would be no harm cause to any existing dwelling including the host dwelling.

Flood Risk and Drainage

Core Policy 9 (Sustainable Design) provides that development should 'through it's design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies within Flood Zone 1 which is at lowest risk of flooding. I note from consultee responses that there is nothing to suggest that surface water disposal cannot be adequately disposed of in a sustainable way. A foul drainage assessment form was submitted upon request given that a package treatment plant is proposed to deal with foul sewage. The Environment Agency has made clear that infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality and do not object subject to a condition that requires a scheme for surface water and foul water disposal to be agreed.

Housing Mix and Need

CP3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. CP3 also states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. Mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information.

Paragraph 50 of the NPPF states that "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the above policies.

In relation to the density of the development, this is well below the average density one would normally expect for development sites. However given this is a rural location, this is not an average development site (or in my view a development site at all) and therefore in my submission to comply with the plan policy would in itself be harmful in this location.

Whilst there is no mix provided as such, in that all 5 units would be 2 bedroom bungalows, there is a general need district wide for smaller houses of 2 bedrooms or less and housing for the elderly and disabled. This scheme could contribute to the overall need for smaller houses and being all on one level may be suitable for the elderly and disabled, albeit there remains a debate as to whether this is the right location to erect such houses for the potentially less mobile given their reliance on the private car. However I do not find that the ‘mix’ of units in itself to be unacceptable.

In terms of the whether there is a local need for such housing, I note that the applicant in their Design and Access Statement has made several anecdotal references to specifically targeting the identified local needs of the area. At 6.6 it states *‘...It is anticipated that this scheme will deliver a range of 2 bedroomed bungalows, which are specifically targeted to meet the identified local needs of the area, specifically those looking for a communal, environmentally conscious lifestyle.’* At 7.8 it states *‘The proposed small scale residential scheme seeks to target evidenced housing requirements and will deliver in the short term, thereby assisting to meet an ongoing housing need in this location’* at 8.2.1 it states *‘The proposed residential use of the Site is based upon a need to deliver smaller new homes in this location, to meet an identified rural housing need’* and at 8.3.1 *‘Given the enhanced appearance and significant environmental benefits associated with this proposal, along with the delivery of much needed new low carbon homes, it is considered that the proposed amount of new built form offers substantial overall benefits to the locality.’* Etc.

I am not aware of any evidence to suggest there is ‘much needed’ low carbon homes in the district, albeit I accept that houses that promote sustainability credentials rather than not, would be beneficial. Neither am I aware of an up-to-date local housing needs survey specific to Caunton Parish. I note that the Strategic Housing Officer advises that the last survey was undertaken in 2009 which identified a demand for affordable housing and that consequently to meet the need, 6 new build affordable homes have been completed as an exception site to accord with Policy CP2. Core Policy 2 provides for ‘exception’ site housing. Such sites should be in, or adjacent to the main built-up area of villages and meet the requirements set out in Spatial Policy 3 Rural Areas relating to Scale, Need, Impact and Character of Development. Exception sites are expected to relate to 100% affordable housing sites, which this is not and given it is not adjacent to the village would fail in that respect too.

There appears to be no indication of any need for market dwellings at a local level. Within the District Wide Housing Needs Survey (Sub Area Report) 2014 which indicates the size of properties preferred in the market sector, the Sutton-on-Trent sub area (which includes Caunton parish) indicates there is a preference for 49 x 2 bedroom dwellings. However this figure covers ten villages (including the more sustainable Principal Village of Sutton-on-Trent) and therefore does

not provide evidence at a local level (i.e. Caunton) that would carry significant weight in determining the application. To conclude, I do not find that there is an overwhelming requirement (or indeed any substantive requirement for dwellings in Caunton parish) for housing that it warrants departing from the Development Plan.

Impact on Trees

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

There are a number of trees and groups of trees within the application site. An Arboricultural Report has been submitted in support of the application. This identifies that most trees are assessed as being category C with just 2 being assessed as being in category B (retention desirable); T2 a Sycamore tree located to the site frontage and T14 a Birch which is located centrally within the site, adjacent to (south of) proposed plot 5. Most of the trees would be retained as part of the proposals including the category B trees. During construction trees would need to be protected but this has been shown on a Tree Impact Plan and could be conditioned. Overall, I am satisfied that there would be no undue harm to trees that would warrant a reason for refusal.

Planning Balance and Conclusion

The applicant has advanced an argument that the Council doesn't have a 5 year supply of housing, a matter which this Council strongly disputes and which has been supported by appeal Inspectors. On the contrary, the Council's position is that we do have a 5 year supply of housing, that we can robustly demonstrate this and therefore the Development Plan is up to date for the purposes of decision making in terms of the supply of housing.

The application proposes a scheme for 5 new dwellings in the countryside. It is not an affordable housing 'exception site' as it is not on the edge of the village and doesn't provide for any genuinely affordable dwellings. Having assessed the scheme against the Development Plan I have concluded that the scheme does not meet any of the exceptions listed within Policy DM8 (which as rehearsed above is considered to be up-to-date, post NPPF, and carry full weight) as to why development away from the built settlement should be permitted. This is equally the case when assessed against the NPPF, a material consideration, albeit the Development Plan should in any event be the primary decision-making tool in an overall balance. Whilst proposing some clear climate change friendly construction methods, there is a lack of evidence to show that the dwellings proposed are capable of achieving a high standard (not just Passivhaus standard which is advocated, but not proven, by the applicant) and in any event the technologies proposed with Passivhaus are not particularly new or innovative and the dwellings are not considered to be of such quality that they would be exceptional, of the highest standards or architecture or indeed appropriate for their context, contrary to DM8.

There is no evidenced identified shortage of market housing to meet local needs for Caunton. In any event, I would suggest that even if there were such a need evidenced, it would not justify encroachment in the countryside in this instance which would be a departure from the Development Plan given the harm. In concluding this I give weight to the location of the site which is considered to be unsustainable being set away from the village in an isolated position with no footway available to the village, on the opposite side of a main road that permits traffic at national speed limit.

I have also concluded that the development of the site in this way would have an adverse impact on the landscape and visual appearance of this rural setting and the intensity of the design and layout/form is considered to be incongruous and would not significantly enhance the landscape setting.

Whilst the impacts on the highway, ecology and trees are acceptable, this does not override the harm identified. Taking all matters into account the proposal is considered to be unsustainable and the harm caused would, when taken in the round, outweigh the limited benefits of the scheme. The proposal is therefore recommended for refusal.

RECOMMENDATION

That full planning permission is refused for the following reason(s)

Reasons for Refusal

01

The proposed development would result in additional dwellings within the open countryside, in an isolated location outside of the main built up area of Caunton. Policy DM8 of the Allocations and Development Management DDP (2013) strictly controls and limits the types of development in the countryside. The proposal does not accord with any of the exceptions listed. This policy is consistent (as tested in adopting the DPD) with the National Planning Policy Framework (NPPF).

The NPPF additionally states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Locationally, the site is physically divorced from Caunton village, which has some limited facilities (a village in the bottom tier of the Districts settlement hierarchy) with the site lying over 600m to the west of the edge of the settlement with no footpath link connecting the two. Occupiers of the proposed dwellings would therefore be reliant on the private car for day to day facilities, such as the ability to access the local convenience store and employment etc. The distance to these facilities and the physical and psychological barrier of the A616 are considered likely to make occupiers of the development feel isolated.

The site is not considered to constitute an affordable housing exception site in accordance with CP2 (Rural Affordable Housing) as it does not lie in or adjacent to a settlement nor does it promote affordable housing. The proposed new dwellings would be an unacceptable form of development in the open countryside and the design and innovation of the proposal, whilst having clear merits, is not on this occasion of such an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the unacceptable nature of the proposal in the open countryside. The proposal is therefore considered to be contrary to Policies SP3, SP7 (Sustainable Transport), Core Policy 9 (Sustainable Design), Core Policy 13 (Landscape Character), DM5 (Design) and DM8 of the Development Plan as well as being contrary to the National Planning Policy Framework (NPPF) a material planning consideration.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1 December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision 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/

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 17/01797/FUL

