

PLANNING COMMITTEE – 5 MARCH 2019

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| Application No: | 19/00041/FUL | |
| Proposal: | Land to the rear of The Stables, Kirklington Road, Hockerton, Southwell | |
| Location: | Erection of two 3 bedroom dwellings | |
| Applicant: | Mr & Mrs Bishop | |
| Registered: | 10 January 2019 | Target Date: 7 March 2019 |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Hockerton Parish Meeting has supported the application which differs to the professional officer recommendation.

The Site

The application site lies on the southern side of Kirklington Road in Hockerton and forms a parcel of c0.08h land rear of 'Highgate' and south-west of the host dwelling known as 'The Stables'.

The site is formed by a fenced menage that is associated with the host dwelling; which was approved in 2007. This is set at a lower land level than land to the north where the land rises and the site boundary is open with a few immature saplings/trees planted.

Land to the east is used for the parking of several cars and motor homes, albeit I note now has permission for one dwelling.

Highgate to the north is a detached dwelling which is of a modern (twentieth century) construction. This is located north of a parcel of land that is currently in use as a garden to The Stables albeit it now has an extant permission for a new dwelling on it. A c3m high mature coniferous hedgerow provides existing screening to the southern boundary of Highgate.

To the western site boundary is mature vegetation. Land beyond this to the west is open land and appears to be part of the grounds for Hockerton Grange.

To the north-east of the application site is the remainder of the curtilage of the host dwelling including stables building. The Stables is a traditional dwelling with a range of traditional outbuildings located to the north-east.

The site is currently accessed via a private drive which is gated off with Kirklington Road.

Relevant Planning History

- 4376550 – Erect 2 no. stables and one tack room in retrospect. Approved 27/07/1976.
- 437971 – New lounge and two additional bedrooms to existing private house. Approved

12/03/1979

- 43781285 – Erection to private dwelling. Approved 22/12/1978.
- 4382615 – Extension to existing dwelling to form games room and study. Approved 28/07/1982.
- 4382431 – Replacement stables. Approved 16/07/1982.
- 43830183 – Siting of residential caravan. Approved 31/08/1983.
- 43880487 – New brick boundary wall to frontage. Approved 23/06/1988.
- 43880710 – Erect new garage block. Approved 08/08/1988
- 99/50765/FUL – Use part of site for the storage and hire of motor caravans. Approved 29/11/1999.
- 00/50365/FUL – Ground floor dining room extension. Approved 26/06/2000.
- 06/00624/FUL – Erection of first floor extension. Approved 21/04/2006.
- 07/00479/FUL – 40m x 20m ménage and suitable lighting, approved 24/07/2007.
- 18/01770/FUL – Erect new dwelling on land north of the current application site. Approved under delegated powers 15/10/2018. Not yet implemented.
- 18/02078/FUL – Proposed new dwelling on land immediately east of the current application site. Approved under delegated powers 02.01.2019. Not yet implemented.

The Proposal

Full planning permission is sought for the erection of two x 3 bedroom dwellings on land rear of Highgate and would involve the creation of a new access to serve the development from Kirklington Road (albeit one has already been approved in respect of another dwelling) whilst the existing access would continue to serve the host dwelling.

The footprints of the new dwellings are a broad L shape which together forms a horse shoe shape. Vehicular access would be via a new access between The Stables and Highgate from Kirklington Road which would lead to Unit 1 and lead alongside the eastern boundary by a 3m wide driveway to Unit 2 to the south.

Unit 1 (to the north) has its principle two storey element facing the NE (16m by 5m by 7.06m its maximum ridge height) with a single storey off-shoot (10.5m x 4m) to its rear. Accommodation comprises a kitchen/diner, store, w.c. sitting room, two bedrooms and a bathroom at ground floor with master bedroom (with balcony) and dressing room, bathroom, a further bedroom or office with balcony at first floor. A 'drive through' car port is also proposed for one car. Its garden, car parking and maneuvering space are provided east of the single storey off-shoot. A further front garden would also be proposed to the NE.

Unit 2 (to the south) has its principle two storey element (12m x 5m x 7.06m to maximum ridge height) orientated facing the SW with a single storey off-shoot (11m x 5m) to its rear. Accommodation comprises a kitchen/diner, utility, w.c. living room, two bedrooms and a bathroom at ground floor with master bedroom and bathroom within the roofspace with Juliet balcony to SE gable end. A 5m deep car port is provided within the single storey element. All of its associated garden, car parking and maneuvering space would be provided east of the dwelling with no front garden.

The Submission

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All plans are unreferenced but received 9th January 2019:

- Block Plan
- Elevations as Proposed
- First Floor Plans & Elevations As Proposed
- Ground Floor Plans As Proposed
- Site Location Plan
- Appeal Decision 3178790 – Lavendon, Olney – outline permission for 14 dwellings (main matters being appropriate location and whether the site constituted previously developed land)
- Combined Planning, Design & Access Statement
- Photographs of the site

Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter with an overall expiry date for consultations being 5th February 2019.

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 9 - Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 14 - Historic Environment

Allocations & Development Management DPD

- Policy DM5 - Design
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Publication Amended Core Strategy

Consultations

Hockerton Parish Meeting – Support the proposal

NCC Highways Authority – ‘This proposal is for the construction of two dwellings, served by a new vehicular access, already previously approved under ref. 18/02078/FUL. The total number of dwellings which will be served by this access would be four, should this application be approved.

As such, there are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway/verge crossing is available for use and constructed in accordance with the Highway Authority’s specification. **Reason:** In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the parking/turning areas for the proposed dwellings are provided in accordance with the plan of ‘Ground Floor plans’. **Reason:** In the interests of highway safety.

Note to applicant

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.’

Trent Valley Internal Drainage Board - ‘The site is outside of the Trent Valley Internal Drainage Board district but within the Boards catchment. There are no Board maintained watercourses in close proximity to the site. 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 EA will be required). Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of the site drainage systems must be agreed with the LLFA and the LPA.’

No archaeologist representations required.

No representations have been received from any local residents/interested parties.

Comments of the Business Manager

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

The Principle of Development (including a discussion on sustainability)

The starting point in assessing this application is with the Development Plan. Core Policies 1, 2 and 3 set out the settlement hierarchy in the District. Spatial Policy 1 details the settlement hierarchy to 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 are 'other villages' will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

It states that 'Beyond principle villages proposals for new development will be considered against the following criteria; then names location; scale, need, impact and character. It goes on to say that: *'Within the main built-up area of villages consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues. The scale of such enabling development should be appropriate to the location of the proposal. Development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as Agriculture and Forestry....The Allocations & Development Management DPD will set out policies to deal with such applications.'*

SP3 requires the decision maker to firstly determine as a matter of judgement whether the site is within a settlement or not by reference to the 'Location' criteria. This states *'new development should be within the built up areas of villages, which have local services and access to the Newark Urban Area, Service Centres or Principal Villages.'*

It should be noted that the Council's Review of its Core Strategy is well advanced. The Publication Core Strategy as amended by the main modifications has concluded its public consultation on 21st September 2018 and the Inspectors report is expected imminently. There are some unresolved objections to SP3 (Rural Areas), the main policy of relevance. This now makes even clearer that *'Local housing need will be addressed by housing 'in' sustainable, accessible villages....'* It goes on to say that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD.

Hockerton like other small settlements does not have a defined village envelope defined within the development plan and so it is necessary to make a judgement regarding whether the site is within the main built up area by reference to the layout of any existing development. Paragraph 4.28 of Spatial Policy 3 states the main built up area normally refers to *"buildings and land which form the core of the village where most housing and community facilities are focussed."*

The site of the ménage is outside of the curtilage of The Stables in my view and in the countryside – where one would expect to find a ménage given that these require a rural location. Indeed the aerial photograph from 2001 (before the ménage was granted) clearly shows the site to have been countryside.



Aerial Photograph from 2001

As such SP3 then refers the reader/decision maker to Policy DM8. This 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 79 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.

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 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 'build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating 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.

The social role of sustainable development seeks to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations...’ 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. In terms of paragraph 79 of the NPPF, the site cannot be isolated. Hockerton itself has a limited range of services and facilities other than the Village Hall, a public house and a gym/wellness centre. The church is no longer used as a church. Whilst there are bus services to Newark I would still expect residents of Hockerton to be reliant on the use of the private car. Despite this, the larger settlement of Southwell (located c2km away) is relatively easily accessed from the village through the existing highway network and contains the schools and other services most likely to be used by the residents of Hockerton such that as a LPA we have accepted that Hockerton meets the policy objective of SP3.

This Council has set policies within its Development Plan that plan for development in the right places with the majority of growth expected to take place in the sub regional centre, service centres and principal villages. A notional allowance of 200 dwellings was set for SP3 villages (notwithstanding that this site is not considered to fall within the village) but this relates to a period of 20 years (up until 2026) and covers 69 settlements. As of April 2017 there have been 122 completions and 225 commitments in the form of planning permissions, therefore together this notional allowance has already been exceeded and there is no reliance upon these villages (or indeed the countryside) to provide the growth that the Development Plan envisages. Indeed, Hockerton had 57 households according to the 2011 Census. Since then there have been 11 completions within the village (representing a 19.29% increase in households overall) and there are also 13 commitments (which would represent a 42.1% increase in households overall in Hockerton). This is beyond the level of growth anticipated for Hockerton. The housing developments granted for sites within the village have allowed the village to grow, rather than stagnate. Sufficient houses to meet the needs of the area have been provided through the permissions already granted.

In terms of the environmental role, sustainable development is expected to ‘to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land...’

I have judged the site to be open countryside where development should be restricted in order to protect the natural/rural environment. Just because a site has a ménage on it is not a reason to justify its replacement with dwellings.

To conclude I consider that the site is outside of the village, in the countryside and having regard to the sustainability criteria of the NPPF when taken as a whole, I consider that the scheme constitutes an unsustainable form of development contrary to the Development Plan which is not outweighed by any material considerations.

Design and Impact on the Character of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF, as revised, states that a high standard of design is a key aspect of sustainable development and that

new development should be visually attractive as a result of good architecture and appropriate landscaping.

The design of the units appears to have adopted threshing barn-like proportions and ethos, with a steeply pitched two storey element with single storey off-shoots with domestic features. The proposed materials are detailed as being clay pantiles, red brick with some black stained timber boarding.

I note the traditional design of the host dwelling and also the more modern design of Highgate to the north and the designs of the committed dwellings also to the north and north-east. I also note that given the position of the buildings behind the modern property and its set back from the roadside, it would be unlikely to be particularly prominent from public vantage points. I consider that the design is acceptable for its context.

However in terms of footprint and their positioning on the site, the distances between the dwellings is very minimal being only 1m apart, which appears somewhat cramped and dense for its rural location.

Impact upon Residential Amenity/Living Conditions

Policy DM5 states *“The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”*

The nearest existing neighbour would be Highgate located to the north of the site which I do not consider would be directly affected by the proposed buildings. There are however 2 committed dwellings (with extant planning permission) located to the north and east of the ménage which must be considered.

The dwelling approved under planning permission 18/01770/FUL is two storey with its rear elevation facing the application site, with 3 first floor windows (1 bedroom and 2 bathroom/en-suite) facing south towards the site and windows and a door at ground floor level. The distance between the approved dwelling and the proposed is 15.5m. Unit 1 facing the approved dwelling would have 3 roof lights and one full height window. I am satisfied that there would be no direct overlooking between the units albeit the distance between 2 x 2 storey dwellings is on the tight side such that there could be a perception of mutual overbearing.

Unit 1 would also be the closest dwelling to the committed dwelling to the east approved under planning permission 18/02078/FUL. This has a blank gable facing the two storey blank gable (with drive through car port) end of the proposed unit. I do not consider there to be any issues of overlooking, overbearing or loss of light that would be of concern.

I am satisfied that there would be no adverse impacts between the two proposed units in terms of living conditions. Equally there would be no unacceptable impacts upon the land to the west which appears to be the large grounds to a dwelling and is not the most used private amenity space.

I have considered the impact of the proposed access in terms of whether this would give rise to unacceptable impacts from noise and general disturbance to the occupiers of both the host dwelling and Highgate and find that despite the intensity of its use, it would not warrant a reason

for refusal given the position of dwellings and that appropriate planting/fencing could be erected to assist with mitigation.

Turning now to the proposed gardens; Unit 1 would have some garden to its north and south within the courtyard area. Unit 2 however is located hard up to the boundary and has all of its garden to its north-east side courtyard area. I can see that for a 3 bedroom dwelling in a rural location, this garden area would not be particularly attractive and I can foresee a situation where the eventual occupiers would wish to enlarge the curtilage to the south to provide for a more attractive, sunny private amenity space. Furthermore the southern boundary of Unit 2 has windows serving main habitable rooms such as the kitchen and dining room and is reliant of light from adjacent land. Not only does this potentially prejudice the use of the land to the south but it is also poor planning to immediately and directly overlook land not within the same planning unit.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to secure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal involves the creation of a new vehicular access from the main road to the application site between Highgate and the host dwelling which would also serve the two committed dwellings; thus a total of 4 dwellings in total. The visibility splays are not demarked on the plan but would be within the highway verge. I note that the entrance is sufficiently wide to allow two vehicles to pass for approx. 4.2m back into the application site (c6.8m from the back edge of the footpath) and I am satisfied that adequate parking and turning can be provided within the site such that vehicles will be able to park, manoeuvre and leave the site in a forward gear. I also note that NCC Highways Authority have reviewed the application and raised no objection subject to conditions, which I consider are reasonable, related to the development and in all other respects meet the conditions tests. Therefore from a highway safety and parking perspective the proposal accords with the Development Plan.

Flood Risk

Core Policy 9 (Sustainable Design) provides that development should 'through its design, proactively 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 in Flood Zone 1 which is at lowest risk of flooding but is within an area prone to surface water flooding. I therefore consider a condition to deal with surface water run off would be reasonable to attach if minded to approve.

Other Matters

Previously Developed Land

An Appeal Decision (3178790, Lavendon, Olney in Milton Keynes) has been submitted in support of the application. This relates to an outline planning application for 14 dwellings with the main matters being 1) whether the site was in an appropriate location and 2) whether the site

constituted previously developed land. The appeal was allowed in November 2017. The applicant has seemingly submitted this in attempt to highlight that an equestrian building including a ménage were considered by an Inspector to be 'previously developed land'. Despite the Inspector concluding that the site was countryside and would be contrary to its development plan policies, he gave significant weight to the site's PDL status stating that *'Turning to the environmental dimension of sustainable development, it is clear that the Framework seeks to promote the reuse of brownfield land. It seems to me that as a core planning principle, it is far better to bring forward development on acceptable brownfield land than build on undeveloped green fields.'* He went on to conclude that he attached significant weight to the NPPF (he didn't fully explain why he gave this preference over the up to date Development Plan) and stated *"The reuse of the brownfield site for the development constitutes a significant environmental benefit and I consider that the Framework is a material consideration of sufficient weight to justify a decision other than in accordance with the development plan."*

However the fundamental difference between this appeal decision and this application is that I do not consider that the ménage is previously developed land (PDL). PDL is defined in Annex 2 Glossary of the NPPF as:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

In my view the ménage itself should not be considered to be a structure, as it is not a building or anything particularly complex in its components. Rather it comprises sand, a membrane and loose chippings on a level basis (not raised) with the adjacent land. The fence is a means of enclosure and could be erected under permitted development such that this is not a structure.



If this ménage were left it would likely regenerate to assimilate back into its natural environment (grass is already starting to grow through the surface as can be viewed in the photo above. In support of my reasoning, I note an appeal decision (APP/R0660/A/13/2202618 – The Poplars, Nantwich-Cheshire East Council) relating to the redevelopment of a ménage whereby the Inspector concludes that 'The manège with its loose crumb and sand surface and the area of

grassland, which together cover the majority of the site, are not considered to be PDL.’

The Appeal Decision raised by the applicant is therefore not directly comparable to this site in that the site is not previously developed and thus doesn’t constitute an environmental benefit at all sufficient to outweigh the development plan.

Housing Need

As I have already alluded to above, the Council has supported a number of new dwellings in Hockerton to support the community and local services where there is no identified harm. This is the approach set out in the emerging SP3 and the NPPF. There is no specific Parish Housing Needs Survey for Hockerton identifying a need that can be weighed in the planning balance.

Ecology

The site being a ménage has no obvious ecological implications.

Planning Balance and Conclusion

The main consideration for Members is where they consider the site to be **within** the village (and thus the proposal should be assessed against Policy SP3) or not in which case it should be assessed as countryside against policy DM8. I have concluded that the site is outside of the village and should be assessed as countryside where development should be restricted in order to protect the natural/rural environment. Whilst acknowledging that the development of 2 units could bring about some positive economic benefits in terms of supporting the local economy I find this to be at the expense of environmental sustainability in locating development in the wrong place.

In any event there is no demonstrable need for housing in Hockerton, particularly in the context that the village has already grown (or is set to grow) over the development plan by over 42%.

Whilst the proposed design of the dwellings are considered to be acceptable, the positioning between the units at just 1m apart makes in my view for an over-intensive, cramped form of development in a rural area, where if there is to be development at all, one would expect this to be at a lower density. I have also identified that the distance between Unit 1 and the committed development to the north is insufficient to avoid having an undesirable perception of mutual overbearing from the two storey elements being only 15.5m apart. Furthermore Unit 2 has all of its private amenity space to the north-east side courtyard area. For a family home in a rural area, this garden area would not be particularly attractive and I can foresee a situation where the eventual occupiers would wish to enlarge the curtilage to the south to provide for a more attractive, sunny private amenity space which once approved may be difficult to resist. Additionally, the positioning of Unit 2 hard up against the southern plot boundary, is poor planning (relying on light from land not within curtilage) and could potentially prejudice the future use of the adjacent land. These issues, in my mind, are symptoms of the over-development of the site. I find there to be conflict with the development plan in this regard too.

No harm has been identified in respect of highways or ecology. However as a matter of principle the site is not considered appropriate for further residential development and this is in any event considered to be too intense. When balancing the issues, I consider that this firmly falls towards a refusal and this is recommended.

RECOMMENDATION

That planning permission is refused for the reason shown below:

Reasons for Refusal

01

In the opinion of the Local Planning Authority the site lies outside of the village of Hockerton in the countryside. As such the proposal must be assessed against Spatial Policy 3 (Rural Areas) of both the adopted and emerging Newark and Sherwood Core Strategy and Policy DM8 (Development in the Open Countryside) of the adopted Newark and Sherwood Allocations and Development Management DPD (2013). Policies SP3 and DM8 seek to ensure that housing development is located in settlements and where they are away from settlements, in the countryside, are strictly controlled and limited to a number of exceptions. The proposal does not accord with any of the exceptions listed. This is equally the case when assessed against the NPPF, a material consideration. Adequate provision for housing has been made within a sustainable and co-ordinated growth strategy as enshrined in the Council's LDF. Indeed completions and committed housing within Hockerton itself will significantly increase the village housing stock over the plan period and there is no specific identified housing need for the locality that would outweigh the harm of developing into the countryside. Whilst the site cannot be said to be isolated (noting that Paragraph 79 of the NPPF seeks to avoid isolated new dwellings in the countryside) allowing two new build dwellings here would constitute an unsustainable form of development, and set a dangerous precedent for similar forms of edge of settlement developments which the Local Planning Authority would then find difficult to resist. The proposal is therefore considered to be contrary to SP3, DM8 and the NPPF, a material consideration.

02

In the opinion of the Local Planning Authority the scheme for two dwellings represents an overly intensive and cramped development for its rural area. The distance between Unit 1 and the committed dwelling to the north is considered insufficient to avoid having an undesirable perception of mutual overbearing from the two storey elements to the detriment of living standards. Furthermore Unit 2 has all of its private amenity space to the north-east side courtyard area which for a family home in a rural area, is not considered to provide for a particularly attractive environment and would likely lead to pressure from eventual occupiers to enlarge the curtilage to the south to provide for a more attractive, sunny private amenity space which may be difficult to resist. Additionally the positioning of Unit 2 hard up against the southern plot boundary, is poor planning (relying on light from land not within curtilage) and could potentially prejudice the future use of the adjacent land. The proposals are therefore contrary to Core Policy 9 (Sustainable Design) of the Core Strategy and Policy DM5 (Design) of the Allocations and Development Management DPD which together form the relevant Development Plan, as well as the NPPF.

Notes to Applicant

01

The application is 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 1st 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 - 19/00041/FUL


