

PLANNING COMMITTEE – 08 SEPTEMBER 2020

Application No:	20/01159/FULM
Proposal:	Proposed New Farm Shop and Tearoom including ancillary accommodation and additional car parking facility.
Location:	Brickfield Farm, Hockerton Road, Kirklington NG22 8PB
Applicant	Maxey's Farm Shop, Mr & Mrs Keith Maxey
Agent	Venture Architectural – Mr Richard Smallwood
Registered:	02.07.2020 Target Date: 30.09.2020
Weblink:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as this application constitutes a major development (given the site area) and Kirklington Parish Council (host parish) raise no objections which differs from the professional officer recommendation of refusal.

The Site

The application site is situated within the open countryside, located on the south side of the A617, between the settlements of Hockerton and Kirklington.

The site comprises an existing farm shop (Maxey's Farm shop) and its access, its associated parking area and part of the agricultural field to the south totalling c1.27ha in area.

The existing farm shop is a timber clad building with a clay pantile roof, set back into the site with its car parking set out to its frontage. The site is slightly lower than the adjacent classified road (Hockerton Road, the A617) from where vehicular access is taken. This access serves both the farm shop and the residential dwelling beyond, which is within the control of the applicants, known as Brickfield Farm. A separate 'in' and 'out' access and egress arrangement operates into the farm shop element of the site.

The car parking area comprises a mixture of bound hard surfacing laid out in formal spaces (c20 spaces) plus what appears to be an overspill car parking area closer to the road which is formed of loose chippings.

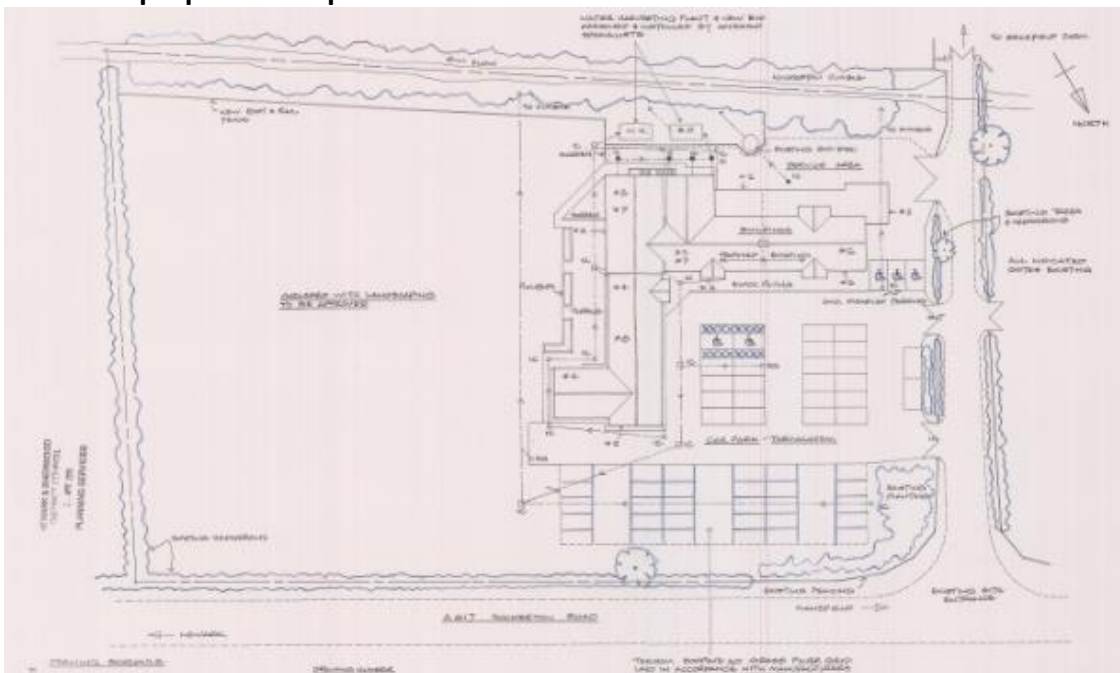
Access into the adjacent field to the south (which is in agricultural use) is via an existing timber pedestrian footbridge which crosses the Dumble (a watercourse which runs on an east-west alignment). There is a line of mature trees and vegetation alongside the Dumble and footbridge. The land in this area is gently undulating and slopes up to the south.

The site is surrounded by open countryside. A public right of way (Kirklington FP6) lies to the west of the site frontage and crosses the field to the south.

Relevant Planning History

15/00745/FUL – An extension to the farm shop and a new tea room at the existing Maxey’s Farm shop was sought to be erected in oak cladding, straw bales, lime render walls with pantiles and shingle to the roof. The proposed extension to the shop comprised of an additional 358m² in floor space and the new tea room comprises 265m² in addition to the existing 198m² floor space with 30 additional car parking spaces proposed to the north east of the existing car park. Whilst officers recommended refusal (due to concerns of unsustainability, that it wouldn’t complement and was significantly disproportionate to the existing business, plus a harmful impact on the visual amenity and landscape character of the open countryside setting) the Planning Committee resolved to approved this, which was issued on 19th September 2015. The permission expired without having been implemented.

Extract of proposed site plan



12/00563/FUL – Butchery preparation room, storage room, changing facilities, office – Approved and implemented.

08/01982/FUL – Erection of a farm shop and associated parking. The application was refused by planning committee on the 10th December 2008 for the following reason:- *“The proposal conflicts with Policies 1/1, 2/10 and 7/3 of the Nottinghamshire and Nottingham Joint Structure Plan and Policies FS1, NE6 and S14 of the Newark and Sherwood Local Plan and therefore would constitute an unsustainable form of development and an unwarranted visual intrusion within the countryside.”* However the application was allowed on appeal (**APP/B3030/A/09/2097450**) in June 2009. There were no restrictions imposed limiting either the scope of its use (it thus has an open A1 retail use) or hours of opening.

The Proposal

Full planning permission is sought for a new purpose built farm shop with restaurant/tea room and function room to the south of the existing farm shop which is proposed to be retained ‘as ancillary to the new building’.

The new building would measure 40m x 17m giving a footprint of 680m². It would have a shallow pitch roof that would measure 3.5m to eaves and 5.85m to ridge. This building would be constructed of traditional red brick facing brickwork with vertical clad timber with the roof covering comprising composite profiled metal sheeting in a colour to be agreed.

Internally there would be kitchen, store and preparation areas, toilet facilities a deli and butchery counter plus a shop area of c253m² in floor space. A tea room/restaurant of c140m² in floor space is proposed along with a function room of 80m². Glazed openings on the western side elevation would open onto a patio/children's play area according to the plans. The remaining area of land would then become impractical to be properly managed by modern farm machinery would become a wildlife meadow with the potential for beehives to be sited away from the public.

Access to the newly constructed building would be via the existing pedestrian footbridge over the Dumble. An additional 34 car parking spaces would be provided in the field at the frontage adjacent to the existing car park.

The number of employees this proposal would create is said to be 10 full time and 8 part time jobs; 15 full time equivalent (FTE) in addition to those already employed in connection with the existing business.

The Submission

Drawing number 715 02A - Plans and Elevations

Drawing number 715 03 Rev B - Site Location Plan and Layout

Design and Access Statement

Various email from agent in response to requests for further information

Letter from agent, 18.08.2020 (rebuttal in response to proposed recommendation)

Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press which expire on 6th August 2020. The application has been advertised as a departure from the Development Plan.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail & Town Centres

Core Policy 9 -Sustainable Design

Core Policy 11 – Rural Accessibility

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework

National Planning Policy Guidance

Consultations

Kirklington Parish Council – (30.07.20) No objection - they have clarified that updated consultations have been reviewed.

Hockerton Parish Meeting – No response received

NCC Highways Authority –

(21.07.2020) 'On the basis of the revised plans submitted, the Highway Authority offer no objections to the proposal subject to a condition requiring the implementation of the revised parking prior to first occupation of the farm shop and tearoom.'

Condition: -

- 1) No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan, Venture Architectural drawing number 715-03 revision B dated 16.07.20. The parking areas shall not be used for any purpose other than parking of vehicles.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.'

(09.07.2020) 'The Highway Authority understand that this is a full planning application for a new farm shop and tearoom including ancillary accommodation and additional car parking at Maxeys Farm Shop at Brickfield Farm on Hockerton Road in Kirklington. No amendments are proposed to the existing access arrangements from the A617 Hockerton Road.'

By way of background in September 2015, an extension to the existing farm shop was approved subject to conditions¹. This included a tearoom and additional car parking. This permission now expired was never implemented. The Highway Authority offered no objections subject to conditions relating to car parking.

¹ 15/00745/FUL | Extension to existing farm shop and a tearoom | Maxeys Farm Shop Hockerton Road Kirklington Nottinghamshire NG22 8PB

Whilst the previous permission was a single storey extension to the existing farm shop building, the new proposal is for a separate building located much further into the site beyond the watercourse. In terms of the overall GFA being applied, there is an increase of 22m² on what was previously given permission, albeit the previous application broke the floor areas down by land uses whereas the current application form has the entire GFA listed as A1 retail which will not be the case in practice as the tea room would fall under the A3 Cafes/Restaurants land use category. On that basis, there are no objections from the Highway Authority.

As for the proposed car parking, given that the new proposal is for an increased GFA, when compared to previous permission less car parking is proposed which seems odd. Unfortunately, there does not appear to have been an existing site layout plan submitted which may shed light on the current provision, however how many car parking spaces are there at present? This should be broken down into the different types e.g. car, disabled etc. The application form suggests there are 20 car and 1 disabled spaces. However, the application form on the previous permission had 14 car and 3 disabled spaces and yet the previous permission was not implemented.

Similarly, with regards to future provision, the previous permission permitted 52 car and 5 disabled spaces. The current application only has 48 car and 2 disabled spaces. Yet the number of employees currently employed according to the new application, and the proposed number of additional employees is significantly higher than the previous application as well as a small increase in GFA. The supporting statement recognises that this site will really only be accessible by private car given its rural location, and therefore it is imperative that there is sufficient on-site car parking for all future employees and customers, as it will not be possible to displace onto the public highway for example.

Therefore, it would appear the most sensible way forward would be to pro rata the approved car parking provision to reflect the increased GFA. This results in a need for 54 standard car parking spaces along with 5 disabled spaces which should be located as close to the new building as possible. Cycle parking would also be advisable. This should be situated in a prominent location to benefit from natural surveillance plus sheltered and secure by design. Further guidance on the design of car, disabled and cycle parking can be found in Part 3 of the Nottinghamshire Highway Design Guide².

² <https://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

NCC Rights of Way – (24.07.2020)

'I have checked the Definitive Map of recorded Public Rights of Way and can confirm that Kirklington Public Footpath No.6 is within the area marked in red on the site layout and location plan (DWG No. 715-03) and will be affected by the proposal. I have attached an extract of the working copy of the Definitive Map for your records and would request that you make the applicant aware of the **legal line** of the route which **may be affected by the proposed building**. The Rights of Way Team do not object to the proposal however we would request that the applicant acknowledge the Public Rights of Way and demonstrate how they will be protecting the legal line of the route and safeguarding path users both during construction and afterwards. If the legal line is affected by the proposal (the location of the building may clip the line of the Right of Way) the applicant may need to apply to the LPA for a diversion under the Town and Country Planning Act 1990. This may be an opportunity to sort out the alignment issues of this particular route.

² <https://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

We would request that you advise the applicant of the following:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the Public Footpath or materials unloaded or stored on the Public Footpath so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route on should be provided if possible.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
- If the design of any proposed development requires the legally recorded route of the Public Footpath to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application under this act should be made to the Planning authority and is a separate application to the planning permission
- Should scaffold be required on or over the P then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoardingand-advertising-boards>

If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks notice is required), email countryside.access@nottsc.gov.uk

- If a skip is required and is sited on a highway, which includes a Public Right of Way then the company supplying the skip must apply for a permit.
<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit>
and also ensure that the Public Right of Way can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic.'

Ramblers – (21.07.2020) 'Access to Brickfield Farm from the A617 is provided by a track which also doubles as Hockerton Footpath 3.

We have no objection to this development as long as this public right of way remains safe and unobstructed during and after the construction work.

We would also like clear waymarking signage to stop pedestrians wandering around the site looking for the footpath.

The development seems to be a useful addition to tourist facilities in the area and could prove to be an attraction for walkers. As a way of increasing footfall the developer might like to consider putting in a footpath running parallel to the A617 and linking with the bridleway heading SW from Hockerton Moor Wood. We would be very happy to discuss this further.'

No representations have been received from either nearby residents nor interested parties.

Comments of the Business Manager

Principle

Development in the open countryside is strictly controlled in order to protect it from inappropriate and unsustainable development. Spatial Policy 3 states that the district council will support and promote local services and facilities in the rural communities of the district and states that the rural economy will be supported by rural diversification and by supporting appropriate agricultural and forestry development. It goes on to say that the countryside will be protected and that beyond principle village's development will be considered against 5 criteria; location, scale, need, impact and character. It states that 'Development in the open countryside will be strictly controlled and restricted to uses that require a rural setting' and directs the reader to policies within the Allocations and Development Management DPD.

Policy DM8 (Development in the Open Countryside) strictly controls development in the open countryside limiting it to certain exceptions of which there are 12. Rural diversification (no. 6) and employment use (no. 8) are exceptions considered applicable to this proposal. I therefore assess the scheme against both in turn as well as a sequential approach to site selection.

Rural Diversification

Under 'Rural diversification' DM8 states that '*Proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they contribute to the local economy. Proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.*'

The application is presented as an expansion of an existing business. To be clear, the proposed new building would be located in the rear field behind mature vegetation whilst the existing building which the applicant seeks to retain would, according to the application, be ancillary. Clarification on what is meant by this has been sought and the agent has stated that the applicants '*will likely be using the space for sale of other farm shop goods and locally made products such as craft items and gifts as well as retaining some space for a small office for administration of the farm shop business. It also enables the presence of the applicants to be on hand in an area which is at the start of the site so as to be able to monitor comings and goings during the course of the working day.*'

Whilst this may be the applicant's intention, it should be noted that there were no restrictions imposed when the existing shop was allowed at appeal to prevent it from being utilized independently by a third party for retail (or a use allowed through a permitted change) with no restrictions in place to control the type of goods for sale.

Notwithstanding this, I am satisfied that the proposal could represent a diversification that provides a valuable contribution to the local economy as required by exception no. 6. I also consider that the proposal as advanced would be complementary to the rural business that exists. However the key issue is whether the proposal is proportionate to the existing business in its nature and scale, why a brand new building is now proposed and whether the proposed location is acceptable. These issues are now explored further.

With this in mind it is important to consider the existing floor space of the original farm shop, its subsequent extension approved under 12/00563/FUL and implemented, the lapsed permission approved by a previous committee and the proposed new floor space that would be created by this scheme.

	Floor Space	% increase over original
Original Farm Shop	108m²* (96m ² shop floor, 12m ² other)	N/A
Farm Shop as currently exists (including 2012 extension)	198m² (122m ² shop floor, 76m ² other)	83.3%
Lapsed permission for extension	198m ² +623m ² = 821m² (comprising existing floorspace plus 358m ² retail extension and 265m ² tea shop)	660%
This Proposal	198m ² + 646m ² = 844m² (comprising existing retained floorspace plus 253m ² additional retail, 140m ² café and 80m ² function room)	681%

*measurement taken from planning application form

The table above demonstrates that the proposed development would massively increase the floor space of the already extended built form. I do not consider that such a significant increase (which is even larger than the scheme that the planning committee approved contrary to officer advice in 2015) can be considered as a proportionate expansion. This is contrary to Policy DM8 in relation to rural diversification with regard to scale.

No specific information has been provided in respect of suppliers on this application. I note that on the approved application the Information submitted by the applicant stated that approx. 100 separate suppliers provided goods for the farm shop and the proposed extension was to facilitate further off site suppliers in providing goods. Officers at that time considered that the nature of the business was therefore likely to be disproportionately expanded beyond the originally approved farm shop due to an increase in retail floorspace which would result in the farm shop being more than double its current size. The proposed tea room (which includes a meeting room for public meetings or private hire), was previously and would remain an additional use on site. The supporting documentation states that produce from the farm shop will be used to produce items for sale in the tea room. Officers previously considered this to be a rather tenuous link between the two uses which I agree with.

For retail development in rural areas, Policy DM11 seeks to support retail development of a scale proportionate to its location that increases rural sustainability, supports local agriculture or farm diversification in accordance with the aims of Core Policy 11. Again I refer to the above paragraphs where it is considered that this proposal is not proportionate to its location and thus the proposal is contrary to DM11 also.

Employment

Exception no. 8 (Employment Uses) states that *'Small scale employment development will only be supported where it can be demonstrated that the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test.'*

Clarification has been sought from the agent regarding the precise nature of the business as the supporting statements mention two businesses operating at the site. It has been clarified that the applicants, who have a lifelong association with farming, operate a growing wholesale business of 50 acres (supplying restaurants, caterers, schools and hotels) and a retail business.

Existing employees at the farm shop are said to be 22 full time and 7 part time - 29 staff but 25 full time equivalent (FTE) with 15 servicing the shop and the other 14 the wholesale business. The applicant has indicated this proposal would create an additional 10 FT and 8 PT jobs thus overall the business would employ 32 FT and 15 PT employees; 47 in total but equaling 40 FTE. The creation of 18 jobs (15 FTE) is significant for a rural economy and one that is welcomed, particularly at a time when unemployment is expected to rise due to the Covid-19 epidemic. However the proposal cannot be considered as proportionate to the existing business in accordance with exception 8 of Policy DM8.

According to the applicant the roles that would be undertaken for the existing businesses and its expansion are as follows:

ROLE	EXISTING STAFF	EXPANSION STAFF	TOTAL STAFF
Kitchen	4	5 (3 FT, 2 PT)	9
butchery	3	1	4
Shop	4	4 (2FT, 2PT)	8
Deli	3	N/A	3
Office	4	N/A	4
General	6	N/A	6
Drivers	4	N/A	4
Stock control	1	N/A	1
Tea Room	N/A	8 (4FT, 4PT)	8
Total	29	18	47 (40 FTE)

The applicant has clarified that the existing building would likely be used as space for sale of other farm shop goods and locally made products such as craft items and gifts as well as retaining some space for a small office for administration of the farm shop business. It is unclear whether two buildings in such close proximity could support two farm shops selling farm goods, including 2 kitchens and 2 butcheries, particularly as the retail and wholesale businesses would not be physically split in terms of the resulting two buildings and I have concerns that the staffing figures may be unrealistically high moving forward as the two buildings operate side by side.

It should be noted that no retail impact assessment is required for this scheme as the proposed floor space for retail falls below the locally set threshold contained within Core Policy 8.

Sequential Approach to Site Selection

The reason as to why a new building is proposed to be sited in the field to the south as opposed to extending the existing building where it would attract more passing trade has been clarified by the agent. It has been stated that the applicants are responding to suggestions (it isn't clear by whom) that the building ought to be sited behind the Dumble so it was less intrusive. They further state:

The applicants did indicate at that time [previous application] that the building needed to be seen to be successful. However, during the years since, the Farm shop has built up a good reputation and is readily known to so many customers and so it's [sic] position in front of the hedge is not so important to this point of view. Also to retain the existing building will be beneficial for customer sighting. It is also considered that the position of the new building would be a far more pleasant location for customers to sit out or look at from inside. There would be less road noise and it would be a more rural setting which would also be much safer for children as the site will be totally enclosed away from the car park and passing road traffic.

Whilst the rationale for the re-siting of the expanded business is noted, I am not convinced that this is sufficient to warrant further encroachment into the countryside where it is previously undeveloped. The applicant is clear that an alternative frontage expansion 'simply cannot happen' and have attempted to stress the importance of the pumpkin field as the backbone of their business stating that it has to stay in its current position as expansion onto this would reduce circulation and overflow parking. They say hundreds of customers from across the region attend the pumpkin festival and if the building was located to the front field they wouldn't be able to hold the festival, wouldn't need to increase their trade and therefore the building wouldn't be needed which would stunt growth. However the site frontage is in my view just as capable of providing an attractive environment for users to enjoy and I am not convinced that the apparent loss of part of the pumpkin field used for a festival once a year should dictate the siting of a permanent building. It appears to me that pumpkins could be grown in the field at the rear (the site of the proposal) and there would still be a frontage presence of pumpkins on part of the field to draw in customers to the site.

Whilst the proposal is contrary to policy in that this cannot be seen as a proportionate expansion of the existing business, there is officer recognition that a similar sized scheme was approved by the planning committee in 2015 albeit this was a true, physical extension to the existing building. This proposal has lapsed without having been implemented. My understanding is that the CIL charge was an obstacle to development albeit the agent indicates that the reason it didn't progress is because the extension would have taken up too much of the pumpkin field adjacent which is a key part of the businesses success. In my view this 2015 scheme carries very little weight given it wasn't implemented but Members could decide to attach more weight to this if they wish.

As the proposal is for a brand new building in the field beyond the existing business, it represents an expansion of the curtilage of the business into the open countryside. This is encroachment into good quality agricultural land. This is of relevance in that the final paragraph of Policy DM8 requires that where the loss of the most versatile areas of agricultural land is proposed, that a sequential approach to site selection is taken and implies that environmental or community benefits must outweigh this harm. The NPPF sets out at paragraph 170 that planning decisions should contribute to the natural and local environment by ' (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and (b) recognising the

intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*’ emphasis added.

Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.

Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 5 land and very limited amounts of Grade 4 land which is located north of Girton and Besthorpe and near North Clifton. Of the Grade 3 land, there is no database to distinguish between whether a site is formed by Grades 3a or 3b land.

The applicant has been invited to undertake analysis of the soil such that the results on its versatility could be considered in the planning balance. No soil analysis has been undertaken. The agent has instead provided anecdotal commentary indicating that careful consideration has been given to the positioning of the building and that it is fair to medium quality with an underlying red clay subsoil base. The applicant suggests that *‘both areas have very similar subsoil qualities and the advantages of retaining the existing pumpkin field in its present position, far outweighs any potential loss of the agricultural area for the new building.’*

Without the soil analysis to confirm either way, I have taken a precautionary approach and assumed the field in which the new building is proposed should be considered as 3a quality land. The existing site comprises an area of c0.48ha which the 2015 extension sought to broadly retain. This scheme would however comprise an additional 0.72ha of land, representing an increase in site area of 164.5% increase in curtilage. The loss of an additional 0.72ha of Grade 3a agricultural land is a negative factor in the overall planning balance. However without knowing what proportion of other land within the district is 3a and 3b it is difficult to quantify its true impact.

Summary

To summarise the ‘in principle’ section of this report, whilst the benefits of additional employment are noted I have concluded that the expansion of the business in proposing a 681% increase in floorspace over the original building and a 164.5% increase in curtilage size does not represent a proportionate scale increase for the business contrary to DM8. Furthermore I am not convinced that the encroachment into the countryside, occupying what appears to be good quality agricultural land, has been demonstrated as necessary nor would it safeguard the best and most versatile land as required by policy.

Visual Impacts

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The site falls within Policy Zone MN PZ 34 (Hockerton Village Farmlands) which defines the landscape condition as being good and landscape sensitivity as moderate. The landscape is characterised by a gently very undulating rounded topography with medium distance views to frequently wooded skylines, although often

enclosed by vegetation and some low intensity farming with permanent improved pasture and riparian vegetation following the lines of streams and drains. The policy action for this area is 'Conserve and Reinforce' with specific actions in terms of built features being focused on conserving the rural character of the landscape by limiting any new development around the settlements of Edingley, Kirklington, Hockerton and Normanton, maintaining the use of vernacular materials, style and scale and promoting measures for conserving and reinforcing the traditional character of existing farm buildings.

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the LCA.

The surrounding area has a very open character with the isolated pockets of development that do occur in the form of farm buildings which are set back some distance from the road. The current farm shop is set back some 50m from the highway and is clearly visible. The proposed new building would be set behind mature vegetation and the Dumble such that this would not be visible from the road. The field where it would be sited is reasonably well enclosed to the east and west sides albeit it is open to the south as the land rises and views from the public right of way would be possible at close range as the footpath is very close (and in part conflicts) with the building.

The building design itself is somewhat industrial in scale and form with its slack pitched roof albeit the material pallet proposed reflects local vernacular. I appreciate that this reflects many modern agricultural farm buildings in terms of its scale, design and form. However the proposal goes against the landscape actions and objectives (conserve and reinforce) set out in CP13 in that it does not limit development to around the settlements but I do acknowledge that the siting is relatively discrete such that its impact on its surroundings visually would be low for many receptors albeit for users of the footpath this impact would have a greater negative affect.

Transport, Parking and Public Right of Way

Together Spatial Policy 7 and Policy DM5 seek to ensure that new development minimises the need for travel, provide safe and convenient accesses for all, provide links to the existing network of footways and bridleways, be appropriate for the network in terms of volume and nature of traffic generated, ensure the safety of highway users, provide appropriate and effective parking and service provision and ensure schemes do not create or exacerbate existing problems. SP7 also seeks to encourage and support proposals with an emphasis on non-car modes of transport as a means of accessing services and facilities.

The proposal would utilise the existing access arrangements on site which is deemed acceptable. Servicing would take place via a newly created rear access point into the field via Brickfield Farm.

During the course of this application, the parking proposals have been amended to address the concerns raised by NCC highways authority. Parking would be provided to the site frontage alongside the existing provision. The scheme now provides for 20 existing spaces which appear reconfigured to what physically exist on site along with 39 new parking spaces to the east (broadly on the site of the former approved extension) including 5 spaces for the less mobile which are

located near to the pedestrian bridge. Cycle parking is also proposed in an attempt to make the site attractive to more sustainable modes of transport. The quantum of parking is considered acceptable and in line with the advice provided by NCC highways authority.

Whilst there are no highway safety concerns, it remains that this scheme would attract visitors mainly by private car and given its countryside location is relatively unsustainable in this regard.

According to the definitive rights of way maps, it appears that the building would conflict and obstruct the route necessitating in a separate application to divert the public right of way. This need not be fatal to the planning application albeit there is a separate legal process to follow and the outcome is not guaranteed. If consent were to be granted due process would need to be followed and the applicant could be advised of this via an informative attached to the decision notice.

Other Matters

Ecology

The site is in active farming use for the growing of crops and therefore the site itself would not have ecological interest warranting the need for an ecological appraisal. There is potential for the surrounding vegetation to provide habitat for wildlife but this remains unaltered such that I am satisfied no mitigation is required. The proposal accords with CP12 and DM7 in this regard.

Residential Amenity

Given the sites isolated position, I do not consider there would be any adverse impacts on the living conditions of existing residents and the proposal accords with CP9 and DM5 in this regard.

Planning Balance and Conclusion

Taking all of the above into account, I conclude that the scheme would result in a disproportionate expansion of an existing business in floorspace terms (681%) as well as encroachment into the open countryside by increasing the curtilage of the farm shop by 164.5% where this is not been demonstrated as necessary. Taking a precautionary approach and in the absence of soil quality analysis this would result in the loss of good quality agricultural land which is a negative factor which also weighs against the scheme. The countryside location of the site would likely encourage trips to the countryside by car and thus is unsustainable in this regard. The building design itself is somewhat industrial in scale and form with its slack pitched roof albeit the material pallet proposed reflects local vernacular. The proposal goes against the landscape actions and objectives (conserve and reinforce) set out in CP13 in that it does not limit development to around the settlements but I do acknowledge that the siting is relatively discrete such that its impact on its surroundings visually would be low for many receptors albeit for users of the footpath this impact would experience a greater negative affect.

On the other hand I also acknowledge there are positives to the scheme in that there would be jobs created by the development, which are not insignificant for a rural economy, if the applicants' figures are to be relied upon. It would also support the rural diversification of an existing local farming business and improve the facilities on offer to residents and visitors. No adverse impacts have been identified in respect of highway safety, ecology nor residential amenity. The need to divert the PROW is also neutral in my view as this can be dealt with via a separate process.

However notwithstanding the neutral and positive impacts, I have concluded that the proposal is contrary to the Development Plan and when balancing the impacts and considering other material considerations I find that the harm outweighs the benefits and therefore I must recommend refusal.

RECOMMENDATION

That planning permission is refused for the following reasons

Reason for Refusal

01

In the opinion of the Local Planning Authority the proposal to erect a new building in a field to the rear (south) of an existing farm shop does not represent a proportionate expansion in terms of scale and nature given the increase in both floor space and curtilage that is proposed. The proposal represents an unjustified encroachment into the open countryside and it has not been demonstrated that this would not sacrifice the *best and most versatile agricultural land in the district*. Furthermore the development by virtue of its industrial scale and form with its slack pitched roof would have a negative impact on the visual appearance of the area failing to conserve and reinforce the policy actions for the landscape character area which is contrary to Core Policy 13. Overall the proposal represents an unsustainable form of development which is contrary to Spatial Policy 3 (Rural Areas) and Core Policy 13 (Landscape Character) of the adopted Amended Core Strategy (adopted March 2019) and Policies DM5 (Design), DM8 (Development in the Open Countryside) and DM11 (Retail and Town Centre Uses) of the adopted Allocations and Development Management DPD, which together form the up to date Development Plan for the district alongside the NPPF a material planning consideration.

02

The application has been made on the basis of the following:

Drawing number 715 02A - Plans and Elevations

Drawing number 715 03 Rev B - Site Location Plan and Layout

Design and Access Statement plus additional information ascertained from the agent via email during the course of the application.

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 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.

Lisa Hughes
Business Manager – Planning Development