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# Planning Statement

Incorporating a Design & Access Statement

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Holly Tree Farm, Main Street, Oxton, Southwell,  
NG25 0SQ



# Planning Statement

Holly Tree Farm

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## Contents

|    |                                      |    |
|----|--------------------------------------|----|
| 1. | <b>Introduction</b>                  | 1  |
| 2. | <b>Site Context</b>                  | 2  |
| 3. | <b>The Proposed Development</b>      | 5  |
| 4. | <b>Design &amp; Access</b>           | 9  |
| 5. | <b>The Development Plan</b>          | 11 |
| 6. | <b>Other Material Considerations</b> | 13 |
| 7. | <b>The Planning Balance</b>          | 17 |
| 8. | <b>Summary and Conclusions</b>       | 25 |

## 1. Introduction

- 1.1. This Planning Statement has been prepared by Savills on behalf of our client, Oxton Farms Trust, hereafter referred to as 'the Applicant'.
- 1.2. It supports a full planning application submitted to Newark & Sherwood District Council for the conversion and extension of an existing building to create 1 No. dwelling and associated infrastructure at Holly Tree Farm, Main Street, Oxton, Southwell, NG25 0SQ ('the Site').

### **The Planning Application Submission**

- 1.3. This Statement draws upon the findings of various technical information and should be read in conjunction with the accompanying application documents to provide a comprehensive understanding of the proposal and its associated benefits.
- 1.4. In addition to this Planning Statement, the following documentation is submitted with the planning application:
  - Plans and Drawings, Alex McIntyre Architects, January 2023
  - Protected Species Appraisal, Arc Ecology, August 2018/Update March 2020
  - Access Design Principles Technical Note, SLR Consultants, January 2023
  - Heritage Statement, Savills (UK) Ltd, March 2023
  - Structural Inspection and Report, Keith Simpson Associates Ltd, April 2020
  - Phase 1 Land Contamination Risk Assessment, Castledine Environmental, June 2020

### **Planning Statement Structure**

- 1.5. The remainder of this Statement is set out as follows:
  - Section 2 describes the Site and its surroundings;
  - Section 3 summarises the scheme proposals;
  - Section 4 sets out the Design and Access;
  - Section 5 considers the prevailing Development Plan context within which the planning application should be considered;
  - Section 6 identifies all other material considerations, including the Council's emerging Development Brief for the Site;
  - Section 7 sets out the planning balance and assesses the scheme proposal against the Development Plan, having regard to other relevant material considerations; and
  - Section 8 concludes the case for granting planning permission.

## 2. Site Context

### **The Site and its Surroundings**

- 2.1. Holly Tree Farm is located in Oxtun, located to the north-east of Nottingham. The farm is located off of Main Road and Water Lane to the south of the village but within the built up area. To the north of the site is a small area of pasture. The site is opposite 'Ye Olde Bridge Inn'.
- 2.2. The site comprises a former farmhouse and barn complex which is no longer suitable for modern agriculture. These buildings include a traditional barn of redbrick construction, and a dilapidated portal frame building adjoining the southern elevation. To the east of the site where the current garden is located, is the site of a former steel portal frame building which has since been removed and located elsewhere. The portal framed element abutting the southern elevation of the traditional barns does not share the same historic character as the other buildings on the site. The buildings are currently used for ad hoc storage.
- 2.3. The barn complex is red brick, dating from the 19th century and has red pantile roof tiles. The farmhouse is red-brick and render and is located immediately adjacent the barns. They represent a cohesive group of buildings with a clear sense of character, reflecting the materials of the local area, as well as its agricultural heritage.
- 2.4. Neither Holly Tree Farmhouse nor the barn complex are listed. The site does fall within the Oxtun Conservation Area. There is a Grade II listed farmhouse located approximately 40 metres south-east of the site.
- 2.5. Much of the site is well screened to the east by mature trees and hedgerows. Similarly mature hedgerow can be seen along the vast majority of the site's frontage with Main Road and Water Lane, however the site is very visible to passers-by. At present only the dilapidated portal frame building is visible from Water Lane.
- 2.6. Access to the site is Main Street.

### **Statutory and Non-Statutory Designations**

- 2.7. The Site is located within the village of Oxtun and is washed over by the Nottingham-Derby Green Belt, as depicted by the Proposals Map. The site is also located within the Oxtun Conservation Area.
- 2.8. The Site is not subject to any specific environmental designations such as Special Protection Area (SPA), Area of Outstanding Natural Beauty (AONB) or Site of Special Scientific Interest (SSSI).
- 2.9. In flood risk terms, the Site is located within Flood Zone 1, having the lowest probability of flooding.

### Pre-Application Engagement

2.10. A pre-application submission was made to the Council in July 2019 with advice being provided in August 2019 (Ref: PREAPP/00158/19). The proposal put forward for pre-application advice was different to that which comprises this submission. The proposal could be seen in two parts. The first part consisted of the conversion of the existing traditional farm buildings to include the erection of a modest single storey extension to the eastern elevation, to form 1 No. new dwelling and garage. The proposal included the demolition of the lean-to abutting the eastern elevation. The second part of proposal consisted of the demolition of the large dilapidated portal frame building abutting the southern elevation and the erection of a new build two storey dwelling and garage to the east of the traditional barns.

2.11. The Council made the following conclusions in the pre-application advice:

*“On the basis of the proposal put forward, I consider that the proposal would not receive an favourable officer response due to the site’s location within the Green Belt and Oxtan however the conversion should be contained within the existing built form without significant alteration or extension. The proposed new build however is not considered to be appropriate development within the Green Belt.”*

2.12. Following on from this, a meeting was held with the Council in August 2019 to discuss next steps.

### Planning History

2.13. A planning application was made in November 2020 for “Conversion of a former agricultural building to form 1 No. dwelling, erection of a single storey extension, landscaping, parking and access. Demolition of a lean-to abutting the eastern elevation and demolition of the large dilapidated portal frame building abutting the southern elevation.”

2.14. The application (Reference 20/02455/FUL) was refused on 11<sup>th</sup> February 2021 for the following reasons:

*01 In the opinion of the Local Planning Authority, the proposed change of use of the land to residential use and proposed extension to the barn represent inappropriate development as defined within the National Planning Policy Framework. Inappropriate development, by definition, would cause harm to the Green Belt. Furthermore additional harm to the Conservation Area and highway safety has been identified. No very special circumstances have been advanced by the application submission, and whilst the proposed increase in openness has been weighed in the balance, it is not considered, together with any other considerations, to outweigh the harm identified. The proposed development would not comply with any of the exceptions set out with Spatial Policy 4B (Green Belt Development) of the Amended Core Strategy.*

*The proposal would therefore be contrary to Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy (2019) and paragraphs 144 to 146 of the National Planning Policy Framework (2019).*

*02 In the opinion of the Local Planning Authority, the proposed extension to the existing barn would result in a harmful planform that would fragment the historic context of the farmstead. In addition the proposed new access onto Water Lane would result in an intrusive and incongruous feature along this intimate lane*

*and an undesirable opening up of the frontage that would result in less than substantial harm to the character and appearance of Oxton Conservation Area.*

*The proposal thereby fails to preserve as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is thereby also contrary to Core Policy 14 (Historic Environment) of the Newark and Sherwood Amended Core Strategy and Policy DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD as well as the guidance set out in Section 16 of the NPPF, and Newark and Sherwood Conversion of Traditional Rural Buildings SPD which are material planning considerations. There is no public benefit that can outweigh the harm identified.*

*03 In the opinion of the Local Planning Authority, the proposed access to the site would be sub-standard. In order to make the access acceptable, the carriageway of Water Lane would need to be widened and to prevent increased vehicular/pedestrian conflict, a footway would need to be provided from the access to its junction with Main Street. It is not physically possible to carry out the works required to Water Lane to make the proposed access safe. As such the proposal fails to provide safe, convenient and attractive accesses for all and would be detrimental to highway safety and contrary to the principles of Spatial Policy 7 (Sustainable Transport) of the Amended Core Strategy and Policy DM5 (Design) of the Allocations and Development Management DPD.*

- 2.15. Further to this, a subsequent application was submitted in January 2022 (reference 21/02676) and subsequently withdrawn in March 2022 following feedback from Officers in relation to heritage and highways.
- 2.16. This current application seeks to address the reasons for refusal which are set out above.

### 3. The Proposed Development

3.1. It is proposed to convert an existing traditional barn to form 1 No. three bedroom residential unit.

3.2. The description of development proposed is as follows:

*'The conversion of a former agricultural building to form 1 No. dwelling, to include the erection of a single storey extension, landscaping, parking and access. The demolition of a lean-to abutting the eastern elevation of a former agricultural building and the demolition of the large dilapidated portal frame building abutting the southern elevation.'*

3.3. It is considered that the change of use of the traditional farm complex to a residential use would secure its long term future whilst being sympathetic to the existing farmhouse and other homes nearby.

#### **Access and Connectivity**

3.4. Holly Tree Farm is accessed from Main Street via an existing private driveway which is used by the tenant of the farmhouse. Following the refusal of permission in 2021 which included concerns about the proposed access via Water Lane, an alternative approach is proposed which makes use of the current access.

3.5. Further highways advice has been sought from SLR Consulting who have liaised with Nottinghamshire County Council's Highways team in preparing the current scheme.

3.6. The proposals incorporate a shared private driveway access from Main Street for use by both the existing and proposed residential dwellings. This would utilise the existing driveway to the site. This submission is accompanied by an Access Design Principles Note prepared by SLR Consulting which provides further detail and confirms the following:

- The improved access as a shared private driveway for two dwellings could be delivered in line with the geometric requirements set out in the NHDG. A driveway width of 5.3 metres for the first 8 metres has been agreed with NCC, noting the presence of a hedge on the northern boundary and the need to provide a 0.5 metre margin to this;
- A visibility splay of 2.4 x 43 metres in line with a 30mph speed limit is shown to the north, whilst to the south a visibility splay to the middle of the Main Street / B6326 junction has been shown as agreed with NCC;
- Pedestrian visibility splays of 2 x 2m have been shown at the driveway access as requested by NCC; and
- As a result of the widened access, the existing bus stop pole is to be relocated marginally to the north of the proposed access arrangement. An area of hardstanding will be provided adjacent to the relocated pole for any waiting bus passengers, such that this is equivalent to the existing area of hardstanding provision that is adjacent to the existing pole location.

- 3.7. In relation to car parking, the Access Design Principles Note demonstrates that 2 spaces per dwelling would be sufficient to serve demand relating to the site based on local car availability data from the Census, however capacity for 3 cars to park (if this was required) has been shown on the site drawings in line with NSDC car parking standards.
- 3.8. Overall, the proposal seeks to ensure that a safe and suitable access to the site is provided, and would not cause any operational and highway safety impacts to the local highway network and a bus stop is also located immediately adjacent to the site should future residents wish to make a journey by sustainable means.
- 3.9. It is therefore considered that the approach to access in this revised scheme would overcome the previous reason for refusal (03) relating to access and that a safe, convenient and attractive access for all can be achieved, in accordance with Spatial Policy 7 (Sustainable Transport) of the Amended Core Strategy and Policy DM5 (Design) of the Allocations and Development Management DPD.

### **Heritage**

- 3.10. Reasons 01 and 02 on the decision notice for 20/02455/FUL relate to heritage an impact on the Conservation Area. In addition, comments received in response to withdrawn application reference 21/02676/FUL) from Juliette Wilson, Conservation Officer for Newark and Sherwood District Council, raised concerns over the impact the proposals would have on the Conservation Area, most notably the new proposed access along Water Lane. Furthermore, the comments stated that the proposal did not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.
- 3.11. The revised scheme has been prepared taking on board these comments. The proposals now seek to refurbish the brick-built barn; demolish the dilapidated barn to the south of the site and replace this with a new building; and connect the two buildings utilising a modest single storey link building.
- 3.12. The proposals to convert the barns to residential use will ensure much needed repairs are carried out to these derelict and redundant buildings. The use of good quality materials; traditional lime mortars; cast aluminium rainwater goods; reclaimed bricks; and hardwood glazed doors and windows will enhance the asset and ensure the proposals respect the character of the area.
- 3.13. Internally the layout will remain largely unaltered, with the creation of a staircase and doorways to link the spaces kept to a minimum. The proposals are therefore considered to have a negligible impact on the structure.
- 3.14. The external appearance and form of the original buildings will remain in keeping with the surroundings, albeit the arrangement of doors and windows will vary slightly from existing. The designs for the large door to the west elevation (Bedroom 1) have been amended to retain the barn doors externally, which will avoid the mass expanse of brickwork previously planned and illustrate the previous agricultural use. The resulting new doors to the north elevation have now been replaced with a smaller modest window and the window above also reduced in size.



- 3.15. In addition, the openings along the north and south elevation are to be retained and re-used, with some infilling to the north elevation. Given the extent of brick repairs and rebuilding that has taken place over the years, combined with the poor condition of doors and windows, the impact of these alterations is considered to be marginal and the new doors and windows will, largely, improve the external appearance.
- 3.16. The introduction of rooflights will have an impact on the appearance of the roof, however, these have been kept to the rear facing roof slopes only. The new rooflights will not be visible from Main Street and only one or two rooflights may be visible from Water Lane along the eastern most vantage.
- 3.17. This application is seeking to secure a long-term future for these redundant farm buildings. The applicant has evaluated a range of potential uses and, given the size of the buildings; proximity to an existing residential property; and location within Oxton Village, consider that a change of use to form to a single residential dwelling is the most appropriate and economically viable option to secure their long term future. It is therefore highlighted that the proposed development represents the optimal viable use of a heritage asset (section 79.b) and would re-use redundant and disused buildings whilst enhancing their immediate setting (section 79.c).
- 3.18. The designs have been well thought out, utilising the existing brick building and retaining the internal bay formation, creating a new barn on the footprint of the old; whilst adding a modest link building that does not detract from the primary structure. The proposals are considered compatible with the surrounding area and its setting within the Oxton Conservation Area.

### **Green Infrastructure**

- 3.19. The proposed conversion will be contained within an attractive landscape setting which already benefits from substantial landscaped edges, helping to provide natural screening. The proposal seeks to conserve these landscaped hedges and important trees along the Site boundaries where possible.
- 3.20. Areas of tree planting and hedge/ shrub planting are proposed. This would be subject to a detailed design/ planting scheme.

### **Biodiversity**

- 3.21. In accordance with the recommendations of the accompanying ecological surveys prepared by Arc Ecology, mitigation and compensatory measures will be sought including:
- Bats - Contractors should be made aware of the possibility, albeit slight, that individual bats may be present if works are carried out during the active season for bats. In the unlikely event that bats are found to be present at this time, then further survey to determine numbers and exact use of the building will be required and it is possible that a European Protected Species licence will be required before works can continue.

# Planning Statement

Holly Tree Farm

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- Birds - If possible, works on the buildings should ideally avoid the nesting season for birds. If this is not possible, then a suitably qualified ecologist should check the building prior to work commencing to see if it is in use by nesting birds. If nesting birds are found to be present at this time, all works likely to cause disturbance should cease until the young have fledged and the nest is no longer in use birds.

## 4. Design & Access

### Use

- 4.1. The application site comprises two former agricultural buildings which are no longer suitable for modern agriculture. The traditional red brick building is currently used for adhoc storage, whilst the modern portal frame building is currently vacant.
- 4.2. The proposed use is residential (use class C3).

### Amount

- 4.3. The development proposes 1 No. three bedroom dwelling. Overall there would be a slight decrease in the amount of floorspace on the site:

#### *Existing Areas*

|               |                         |
|---------------|-------------------------|
| Stable Block: | 87m <sup>2</sup>        |
| Lean to:      | 19m <sup>2</sup>        |
| Barn:         | 59m <sup>2</sup>        |
| <b>TOTAL</b>  | <b>165m<sup>2</sup></b> |

#### *Proposed Areas*

|               |                         |
|---------------|-------------------------|
| Ground Floor: | 142m <sup>2</sup>       |
| First Floor:  | 17m <sup>2</sup>        |
| <b>TOTAL</b>  | <b>159m<sup>2</sup></b> |

### Layout

- 4.4. The layout of the proposal can be viewed on the drawings submitted with the Planning Application.
- 4.5. The dwelling would have access to private residential amenity to the north, east and south. Vehicular access would be via the private driveway which serves the existing dwelling at Holly Tree Farm. On site car parking is possible for 2/3 spaces per dwelling.

### Scale and Massing

- 4.6. The buildings vary between two-storey sections and single storey sections. The proposals now seek to refurbish the brick-built barn; demolish the dilapidated barn to the south of the site and replace this with a new, smaller building; and connect the two utilising a modest single storey link building.
- 4.7. The form of the development reflect the existing buildings on the site with the new link building the only change to this. There would therefore be no material change to the overall massing of the buildings.

4.8. The extension would be strictly subordinate in scale to the main barn.

### **Appearance**

4.9. The appearance of the proposal can be viewed on the drawings submitted with the Planning Application.

4.10. The barn complex to which this proposal relates is of architectural and historic character and importance within the area, displaying materials and architecture distinctive of Nottinghamshire's agricultural heritage. The utmost thought has been given to the proposed design, keeping external alterations to a minimum whilst ensuring aesthetic alterations respect the historic character of the barn complex. Similarly, the new elements would be designed to be sympathetic to the original building's architectural heritage in terms of height, bulk, form and general design, and would not compromise its architectural integrity and building form. Those external alterations that are proposed are required to enable satisfactory living conditions and where possible have re-used the buildings original openings.

### **Landscaping**

4.11. The proposed landscaping can be viewed on the Proposed Site Plan accompanying the Planning Application.

### **Access**

4.12. The proposals incorporate a shared private driveway access from Main Street for use by both the existing and proposed residential dwellings.

## 5. The Development Plan

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs Local Planning Authorities to determine planning applications in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Section 38(3) of the Act provides that the Development Plan includes the “*development plan documents (taken as a whole) which have been adopted or approved in relation to that area*”. The adopted statutory Development Plan for Newark & Sherwood District Council comprises:

- Amended Core Strategy DPD (2019);
- Allocation & Development Management DPD (2013).

5.2. Material considerations also include national policy, which is primarily expressed through the National Planning Policy Framework and national Planning Practice Guidance, the Council's emerging Development Plan, as well as additional guidance produced by the Council in the form of Supplementary Planning Documents (SPDs). These are considered further at Section 5.

### **The Adopted Development Plan**

#### Amended Core Strategy DPD (2019)

5.3. The Amended Core Strategy DPD was adopted in 2019. It sets a vision and objectives and a number of policies to help deliver the development and change identified.

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 4B – Development within the Green Belt
- Spatial Policy 7 - Sustainable Transport
- Core Policy 9 – Sustainable Design
- Core Policy 10 - Climate Change
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment

#### Allocation & Development Management DPD (2013)

5.4. The Allocations & Development Management DPD forms part of the District's Local Development Framework (LDF) and was adopted by full council in 2013. It should be read in conjunction with the Council's Amended Core Strategy.

5.5. Policies within the Adopted Development Plan relevant to this proposal include:

- Policy DM5 – Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside

# Planning Statement

Holly Tree Farm

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

## 6. Other Material Considerations

6.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that all material considerations are taken into account in decision-making. The following material considerations are relevant to this planning application and are considered in turn below:

- National policy contained within the National Planning Policy Framework ('the NPPF') (February 2019) and the supporting national Planning Practice Guidance ('the PPG') (March 2014, as amended).
- Conversion of Traditional Rural Buildings SPD (2014).

### The National Planning Policy Framework

6.2. The revised National Planning Policy Framework ('the NPPF') was published in July 2018 and amended in July 2021. The revised Framework set out the Government's policies for the planning system and maintains that a presumption in favour of sustainable development remains at the heart of the Framework (paragraph 10).

6.3. The Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development which has the following mutually supportive and interdependent objectives:

- *"an economic objective – to help 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;*
- *a social objective – 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; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
- *an environmental objective – to protect and enhance our natural, built and historic environment; including **making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.**"* (para. 8, the NPPF) [our emphasis].

6.4. Paragraph 9 clarifies that these objectives *"...should be delivered through the preparation and implementation of plans and the application of the policies in this Framework"* and explains that both Local Plans and decisions should take account of local circumstances, so that they respond to the different opportunities for achieving sustainable development in different areas.

6.5. The presumption in favour of sustainable development is set out at paragraph 11. For decision taking, the injunction remains to approve proposals which accord with an up to date Development Plan without delay (para. 11c). Where there are no development plan policies, or those policies most important for

determination the application are out of date, the proposal should be approved unless one of two exceptions applies (para. 11d), these being:

*“(i) when the policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (with reference to Footnote 6); or*

*(ii) when the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies when taken as a whole.”*

### “Decision-taking”

- 6.6. In addition the NPPF, at paragraph 38, requires LPAs to *“...approach decisions on proposed development in a positive and creative way”* and *“...seek to approve applications for sustainable development where possible”*.

### “Rural Housing”

- 6.7. The NPPF supports growth in rural areas where it would enhance or maintain the vitality of rural communities'. Paragraph 79 sets out that *“planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”*.

- 6.8. Paragraph 80 states that *“planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- *the development would re-use redundant or disused buildings and enhance its immediate setting.”*

### “Protecting Green Belt land/Proposals affecting the Green Belt”

- 6.9. The NPPF notes in paragraph 147, that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

- 6.10. Furthermore, paragraph 148 states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

- 6.11. The NPPF also discusses the issue of new buildings in the Green Belt, noting:

*“149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*



***c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;***

***e) limited infilling in villages;***

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

6.12. In addition, paragraph 150 states that:

*“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.”* These include

*“d) the re-use of buildings provided that the buildings are of permanent and substantial construction;”*

*“Promoting Sustainable Transport”*

6.13. Paragraph 111 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

6.14. Paragraph 113 of the NPPF requires those developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

*“Achieving well-designed places”*

6.15. The NPPF recognises that good design is a key aspect of sustainable development, and *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* (paragraph 126).

*“Conserving and enhancing the Historic Environment”*

6.16. Paragraph 194 of the NPPF requires applicants to assess the significance of any heritage assets affected by a development proposal.

6.17. Paragraph 197 states:

*“In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

6.18. Paragraph 202 states that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

## **Planning Practice Guidance**

6.19. The Government published the Planning Practice Guidance (PPG) in 2014 and have since updated relevant parts as appropriate. The PPG provides further detailed guidance accompanying the NPPF.

6.20. The PPG provides additional guidance on such topics as climate change, design, the natural environment, transport, contamination, noise and various other factors affecting or influencing the planning system.

## **Conversion of Traditional Rural Buildings SPD (2014)**

6.21. This guidance applies to traditional rural buildings, which possess some architectural or historic value, make a positive contribution to townscape, or provide scenic value in the landscape. This Supplementary Planning Document (SPD) sets out what is required from applicants when applying for permission to change their use, and the issues that will be taken into account when considering such applications.

## 7. The Planning Balance

- 7.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that all decisions must be determined in accordance with the Development Plan, when taken as a whole, unless other material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. The Development Plan is described at Section 5 of this Statement. Further material considerations exist in the form of the NPPF and PPG, as described at Section 6.
- 7.2. This Section of the Statement identifies those key issues that are material to the planning balance required in respect of this scheme, and presents the case in its favour under the following headings:
- Compliance with the Development Plan;
  - Assessing Impacts.

### Compliance with the Development Plan

#### Green Belt

- 7.3. The Site is located within the village of Oxtun and within the Oxtun Conservation Area, it is washed over by the Nottingham-Derby Green Belt.
- 7.4. The application proposal is for a residential development for 1 No. dwelling consisting of the conversion of a former agricultural building. It is, in principle, in accordance with the adopted Development Plan.
- 7.5. Spatial Policy 4B of the Amended Core Strategy DPD (2019) restricts new build development in those villages washed over by the Green Belt to 'Rural Affordable Housing Exceptions Sites' to meet local housing need. It adds that *"other development in the Green Belt not identified in this policy will be judged according to national Green Belt policy"*. Paragraph 148 of the National Planning Policy Framework 2021 (NPPF) notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' where other considerations would outweigh any perceived harm. Exceptions to this are set out in paragraph 149 and include *"limited infilling in villages"* and *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development"*.
- 7.6. Paragraph 150 notes that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, such as ***'the re-use of buildings that are of permanent and substantial construction'*** [our emphasis].
- 7.7. Paragraph 79 of the NPPF states that support should be given to development that would represent the optimal viable use of a heritage asset and/or where the development would re-use redundant or disused buildings and enhance its immediate setting.

- 7.8. Policy DM8 of the Development Management DPD (2019) is also a consideration, this sets out support for the re-use and conversion of redundant existing buildings for residential purposes. This is subject to a range of conditions, which include demonstration that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension.
- 7.9. The proposal consists of the conversion of a former red brick agricultural building to form 1 No. new dwelling. The proposal includes the demolition of the lean-to abutting the eastern elevation and the demolition of the large dilapidated portal frame building abutting the southern elevation. The large portal frame building would be replaced on the same footprint with a smaller structure which reflects the original in character and materials. A small link would be created between the existing barn and the replacement building.
- 7.10. The building to which this proposal relates, although not listed, is of architectural interest being part of a former farmstead distinctive of Nottinghamshire's agricultural and architectural heritage. The long-term preservation of the buildings should be considered of particular local importance, and the residential conversion a viable way of securing this as recognised by paragraph 79 and 80 of the NPPF. The current scheme, which retains as much of the original fabric as possible and introduces new elements in a sympathetic way, also maintains the traditional building footprint.
- 7.11. This statement in conjunction with the supporting Heritage Statement demonstrates that the re-use of these buildings for a residential purpose would result in an enhancement to their setting and the optimum viable use of a heritage asset in line with the Development Plan and NPPF.

### Assessing Impacts

- 7.12. The accompanying technical reports and assessments demonstrate that there are no technical or environmental constraints that would preclude the development of this site, subject to planning conditions and/or obligations. The key considerations of the proposal are examined below, within the context of the prevailing Development Plan, where consistent with the NPPF, and national planning policy and guidance.

### Optimal Viable Use

- 7.13. The proposal is considered to represent a sympathetic scheme, reusing traditional buildings. It is considered that a residential use would be the most sympathetic use in the context of the adjacent farmhouse and the properties around the site.
- 7.14. Further guidance about securing an optimal viable use for a heritage asset is provided in the PPG. Paragraph: 015 Reference ID: 18a-015-20190723 notes: ***"If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents."***

- 7.15. In the case of Holly Tree Farm, the nature of the buildings and their location in Oxton's built up area mean that there are limited realistic options for their development. The nature of the buildings means that they are most suited to a residential or leisure use, such as holiday let accommodation. The buildings are currently vacant and are exposed to the elements whilst they are not being used. The current application would enable the fabric of the buildings to be restored and brought into a use which would see them retained for the long term. Whilst there would be considerable building works to facilitate the conversions, once completed, the most important buildings on the site would be retained, converted and put to a use which would secure their future.
- 7.16. Whilst other schemes may be possible, it is considered that the economic viability would be similar between the most sympathetic options for the site, with the majority of costs relating to conversion of buildings. In these cases, the PPG recognises that it is a choice for the owner about which use to pursue.

### Design

- 7.17. The proposed conversion would be designed to be sensitive to the building's architectural heritage, retaining their historic character. In the context of the previous applications on the site, the design approach of the scheme has been revisited. External alterations to the buildings would be kept to a minimum whilst assuring any aesthetic alterations respect the historic character of the building. Similarly, the southern part of the scheme has been designed to reflect the architectural heritage of the original building. Care has been taken to ensure that any perceived impact upon the local area is minimised and acceptable, through careful design, siting, and overall layout.
- 7.18. It is acknowledged that the Conversion of Traditional Rural Buildings SPD (2014) states that "*proposals to convert traditional rural buildings should normally be contained within the confines of the existing building shell. Proposals which rely on substantial alteration or extension in order to make them work will not be permitted*". However it is considered that the context of this site is different in that the proposal includes the demolition of the lean-to abutting the eastern elevation (19m<sup>2</sup> Approx.) and the demolition of the large dilapidated portal frame building abutting the southern elevation (59m<sup>2</sup> Approx.).
- 7.19. As noted in 4.3, the original floorspace of the existing site is 165m<sup>2</sup>. The proposed development would result in 159m<sup>2</sup> of residential floorspace through conversion, rebuilding and new link element. The overall floorspace to be created through the proposed development would be 159m<sup>2</sup>. Therefore there would be a slight overall decrease in floorspace on the site.
- 7.20. It is considered that the demolition and replacement of the portal frame building in particular would result in a net benefit and improvement to the overall appearance of the site and Conservation Area, and **would have a positive impact on the openness of the Green Belt**. This would be particularly noticeable when travelling along Water Lane where existing views largely feature the dilapidated portal frame building.
- 7.21. The Design & Access Statement (DAS) which is contained in Section 4, and the accompanying plans demonstrate the potential for the Site to accommodate 1 No. dwelling. The DAS demonstrates a high quality, contextual approach to the new development which accords with the aims and objectives of Core

Policy 9 of the Amended Core Strategy DPD (2019), Policy DM5 of the Allocation & Development Management DPD (2013), the Conversion of Traditional Rural Buildings SPD (2014) and NPPF.

7.22. Following the refusal of planning permission in February 2021, the design of the scheme has been amended in the following ways:

- Retention of existing barn doors.
- Gravel driveway to be provided.
- Windows to be included instead of doors on northern/southern elevations to retain historic character.

### Suitability for Conversion

7.23. Considerations include the structural stability of the buildings, the suitability of conversion both based on the existing building form, the extent of building works required to convert the buildings to accommodate the end use and design.

7.24. Policy DM8 of the Development Management DPD (2019) sets out that “*Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension*”.

7.25. In this context, the buildings are soundly built, in good structural condition and without the need for significant extension, alteration or reconstruction. The buildings are capable of conversion, the form, bulk and design is in keeping with the surroundings, and the proposed design retains the historic character of the building.

### Biodiversity

7.26. Core Policy 12 of the Amended Core Strategy DPD (2019) and Policy DM7 of the Development Management DPD (2019) alongside the NPPF, seek to conserve and enhance the biodiversity and geological diversity.

7.27. A Protected Species Appraisal accompanies this planning application which confirms that the Site is not subject to any statutory or non-statutory designation of nature conservation interest. The ecological assessment explains that the proposal could come forward without significant adverse impact on biodiversity and/or geodiversity. Mitigation and compensatory measures to be sought are set out at Section 3 of the Statement or in full within the accompanying Protected Species Appraisal.

7.28. Accounting for the above, the proposed development is found to comply with the objectives for protecting, conserving and enhancing biodiversity and features of ecological importance set out within both the Development Plan and NPPF.

### Access and Highways

- 7.29. Policy DM5 of the of the Development Management DPD (2019) is relevant to highways. It places a focus on ensuring safe and inclusive access. Spatial Policy 7 of the Amended Core Strategy DPD (2019) is also relevant.
- 7.30. The 2021 NPPF at Paragraph 110 states that decisions should ensure that “*safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree*”.
- 7.31. Paragraph 111 adds that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 7.32. Holly Tree Farm is accessed from Main Street via an existing private driveway which is used by the tenant of the farmhouse. It is proposed to serve the existing and proposed dwellings from this existing route.
- 7.33. As noted in section 3, this application is supported by a Technical Note prepared by SLR Consulting which sets out the sites access and servicing arrangements in more detail. Accounting for the conclusions of the SLR, it is considered that the proposal would be acceptable in line with national and local planning policy.

### Flood Risk and Drainage

- 7.34. The Environment Agency Flood Map for Planning indicates that the site lies within Flood Zone 1, which is land assessed as having a less than 1 in 1,000 annual probability of flooding from rivers and the sea. Risk of flooding from rivers and the sea is considered to be low. The proposed development would not increase the risk of flooding to the Site or surrounding areas.

### Heritage and Archaeology

- 7.35. Core Policy 14 of the Amended Core Strategy DPD (2019) and Policy DM9 of the Development Management DPD (2019) are relevant to heritage impact.
- 7.36. Core Policy 14 sets out that:  
  
*“Designated assets and environments comprising Listed Buildings (inclusive of the protected views of and across Southwell’s principal heritage assets), Conservation Areas, Registered Historic Parks and Gardens, and Scheduled Monuments. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Where adverse impact is identified there should be a clear and convincing justification, including where appropriate a demonstration of clear public benefits.”*
- 7.37. Policy DM9 states that:

*“Development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with the aims of Core Policy 14.”*

7.38. The 2021 NPPF sets out in Chapter 16, the importance of conserving and enhancing the historic environment. The NPPF places particular emphasis on the local authority to protect historic assets, including conservation areas, from development which would lead to any harm, or loss of, the significance of the asset.

7.39. The accompanying Heritage Statement makes the following conclusions with respect to heritage impact:

*“We believe that the proposals for the conversion of the Barns at Holly Tree Farm to provide a single dwelling should be considered favourably. The development will ensure that the historic buildings are repaired and change of use to residential will secure a sustainable future for these now redundant farm buildings. The designs have been well thought out, utilising the existing buildings and retaining the internal bay formation, whilst adding a modern extension to the rear that does not detract from the primary structure. The removal of the dilapidated modern barn and rear lean-to will enhance the appearance of the Site and, overall, the proposals are considered compatible with the surrounding area and its setting within the Oxtan Conservation Area.”*

7.40. Accounting for the conclusions of the Heritage Statement, it is considered that the proposal would be in accordance with the Development Plan and the provisions of the NPPF.

### Contaminated Land

7.41. It is not considered that there has been any previous operations on the site which would make the proposal impractical or undesirable.

7.42. This application is supported by a Phase 1 Land Contamination Risk Assessment prepared by Castledine Environmental. The assessment makes the following conclusions:

*“Based on the information contained in this report, it is the opinion of Castledine Environmental that the site represents a LOW risk with respect to the proposed development.*

*It is not envisaged any further testing will be required.*

*It is recommended that remediation in-line with section 11.0 is undertaken*

*It is recommended that the asbestos roofed barn on site should be subject to an asbestos survey and then removal by appropriately qualified personal prior to any demolition or redevelopment occurring in order to ensure site works do not cause future contamination of the site.*

*It is not envisaged any further testing will be required.*



*A watching brief (as outlined in Appendix E) should be had during the course of demolition, site clearance and construction works for any obvious contamination (e.g. oil spillage in ground, buried waste, possible asbestos containing material) development should stop and Castledine Environmental should be contact to determine if further assessment or changes to the remediation scheme are required.”*

- 7.43. If required it is considered that an ‘unexpected contamination’ condition could be imposed upon the granting of a permission.

Overcoming previous issues

- 7.44. An assessment of the proposals against the previous reasons for refusal cited in relation to 20/02455/FUL is set out below:

| Reason   | Response  |
|--|---|
| <p><i>01 In the opinion of the Local Planning Authority, the proposed change of use of the land to residential use and proposed extension to the barn represent inappropriate development as defined within the National Planning Policy Framework. Inappropriate development, by definition, would cause harm to the Green Belt. Furthermore additional harm to the Conservation Area and highway safety has been identified. No very special circumstances have been advanced by the application submission, and whilst the proposed increase in openness has been weighed in the balance, it is not considered, together with any other considerations, to outweigh the harm identified. The proposed development would not comply with any of the exceptions set out with Spatial Policy 4B (Green Belt Development) of the Amended Core Strategy. The proposal would therefore be contrary to Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy (2019) and paragraphs 144 to 146 of the National Planning Policy Framework (2019).</i></p> | <p>It is considered that the revised scheme would be in accordance with paragraphs 148-150 of the NPPF and it is not necessary to demonstrate very special circumstances.</p> <p>The proposals would not represent inappropriate development. Limited infill in villages washed over by the Green Belt and the reuse of buildings are both identified within the NPPF as forms of development that are not inappropriate.</p> <p>The overall reduction of building footprint would ensure that the impact on the openness of the Green Belt would be marginally reduced.</p> <p>The design of the dwelling has been amended to reflect the existing pattern of development on the site and would therefore be more appropriate in the conservation area.</p> <p>Access has also been revisited and would now make use of the existing driveway from Main Street (as agreed with NCC).</p> |

| Reason  | Response   |
|---|--|
| <p><i>02 In the opinion of the Local Planning Authority, the proposed extension to the existing barn would result in a harmful planform that would fragment the historic context of the farmstead. In addition the proposed new access onto Water Lane would result in an intrusive and incongruous feature along this intimate lane and an undesirable opening up of the frontage that would result in less than substantial harm to the character and appearance of Oxtou Conservation Area.</i></p> <p><i>The proposal thereby fails to preserve as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is thereby also contrary to Core Policy 14 (Historic Environment) of the Newark and Sherwood Amended Core Strategy and Policy DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD as well as the guidance set out in Section 16 of the NPPF, and Newark and Sherwood Conversion of Traditional Rural Buildings SPD which are material planning considerations. There is no public benefit that can outweigh the harm identified.</i></p> | <p>The design of the dwelling has been amended to reflect the existing pattern of development on the site and would therefore be more appropriate in the conservation area.</p> <p>Access has also been revisited and would now make use of the existing driveway from Main Street (as agreed with NCC) with no impact on Water Lane.</p> <p>An updated Heritage Statement accompanies this application.</p> |
| <p><i>03 In the opinion of the Local Planning Authority, the proposed access to the site would be sub-standard. In order to make the access acceptable, the carriageway of Water Lane would need to be widened and to prevent increased vehicular/pedestrian conflict, a footway would need to be provided from the access to its junction with Main Street. It is not physically possible to carry out the works required to Water Lane to make the proposed access safe. As such the proposal fails to provide safe, convenient and attractive accesses for all and would be detrimental to highway safety and contrary to the principles of Spatial Policy 7 (Sustainable Transport) of the Amended Core Strategy and Policy DM5 (Design) of the Allocations and Development Management DPD.</i></p>   | <p>Access has also been revisited and would now make use of the existing driveway from Main Street (as agreed with NCC) with no impact on Water Lane. Further information is included within the Access Design Principles Technical Note.</p>  |

7.45. It is therefore considered that the proposed development has addressed previous reasons for refusal.

## 8. Summary and Conclusions

- 8.1. This Planning Statement supports an outline planning application, submitted to Newark and Sherwood District Council for a residential development (use class C3) at Holly Tree Farm, Oxtun ('the Site') for the conversion of a former agricultural building to form 1 No. dwelling, to include the replacement of existing barn, link building, landscaping, parking and access.
- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. On this basis development of the site should first and foremost be considered against the Amended Core Strategy DPD (2019) and Allocation & Development Management DPD (2013). Paragraph 212 of the 2019 NPPF states that the NPPF is a material planning consideration which local authorities should take into account when determining applications.
- 8.3. The current scheme has been comprehensively assessed against local and national planning policy. The key conclusions arising from this statement are summarised below:
- The site is located in an area designated as Green Belt where residential development consisting of the re-use of redundant or disused buildings is supported in principle.
  - The proposed development would reduce the amount of built footprint on the site, and therefore have a positive impact on the openness of the Green Belt.
  - The principles outlined within the DAS and other supporting documentation would secure a high quality scheme reflective of the existing building and its architectural character and heritage. It would result in improvements to the appearance of the Conservation Area.
  - There are no technical or environmental impacts that would prevent the site coming forward for development. The proposal would not impact upon biodiversity.
- 8.4. For the above reasons, it is respectfully requested that a planning permission be granted.