



**COMMITTEE DATE** 26/05/2021      **WARD** Sutton Junction and Harlow Wood

**APP REF** V/2020/0808

**APPLICANT** L Marshall

**PROPOSAL** 5 Detached Two Storey Dwellings

**LOCATION** Cauldwell Livery Stables, Cauldwell Road, Sutton in Ashfield,  
Nottinghamshire, NG17 5LB

**WEB-LINK** <https://www.google.co.uk/maps/@53.1210682,-1.2218578,17z>

**BACKGROUND PAPERS** A, C, D, F, K

App Registered: 24/11/2020

Expiry Date: 18/01/2021

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Councillor Deakin to discuss countryside implications.*

### **The Application**

This is a full application seeking planning consent for the construction of five detached dwellings, with associated access, parking and private amenity space on land at Cauldwell Livery Stables, off Cauldwell Road, Sutton in Ashfield.

The application site measures approximately 75m in width and has a depth of approximately 70m and is located to the east of a row of seven existing dwellings along Cauldwell Road. The application site comprises of an undeveloped paddock, understood to be used in association with Cauldwell Livery Stables, which lies to the south of the site.

### **Consultations**

A press notice and site notice have been posted together with individual notification to surrounding residents.

The following consultation responses have been received:

#### ***Resident Comments:***

##### ***First Consultation:***

3x Letters of objection/concern received from local residents in respect of the following:

- Loss of open countryside

- Set a precedent for further development
- Impact on local wildlife, including protected species
- Increase in traffic
- Increase in localised flooding
- Unsustainable location and increased reliance on private vehicles
- Impact on property values

*Second Consultation:*

5x Letters of objection/concern received. In addition to the above comments, the following was raised:

- Impact on visual amenity/out of keeping
- Speed limit along Cauldwell Road should be reduced to 30mph
- Previous application in 2020 on adjoining land was classed as 'the last developable plot' in this location by officers

Concerns have also been raised that residents have not been consulted on the application. A press notice was issued in the Mansfield CHAD, a site notice was erected outside the application site, and all occupiers abutting the application site were notified by letter. The Council is therefore satisfied that consultations have been carried out in accordance with the Council's statutory requirements.

***Nottinghamshire County Council Highways:***

This application is for the construction of 5 dwellings served by a new shared access from Cauldwell Road. The site layout plan submitted shows a wide highway verge at the site frontage. A plan has been submitted showing visibility splays for this proposal. The splays are required to be measured from a setback distance of 2.4m into the site from the edge of carriageway. The setback distance shown is less than this. Appropriate visibility is likely achievable subject to the removal of highway trees. A chevron sign at the site frontage may require removal to ensure suitable access into the site is provided

The removal of 'highway' trees will require consent from the County Council. Should any trees require removal as a result of the construction of the access or for visibility purposes, the applicant is required to provide suitable mitigation planting within the adopted highway or paying the monetary value of the trees using the CAVAT system. If no highway trees are to be removed, a method statement for the protection of trees will be required.

***Nottinghamshire Wildlife Trust:***

In order to be able to undertake a full evaluation of the potential ecological impacts of the scheme we would expect to see an ecological desktop assessment and Phase 1 survey (together with any detailed protected species surveys required) being carried out to inform a supporting environmental report.

*NB: No further comments received following re-consultation on receipt of the Preliminary Ecological Appraisal.*

***Environment Agency:***

The historic landfill site known as Sutton Tip, Cauldwell Road lies beneath the application site. An application for a Waste Disposal Licence was received by the Waste Regulation Authority in 1981 (reference 4/81/119/55NE) for the disposal of construction industry waste. However, the licence was never issued due to the site not having relevant planning permission. It is understood that a small amount of waste material was brought on-site. Controlled waters are also particularly sensitive in this location as the proposal is located on the Lenton Sandstone Principal aquifer and lies within source protection zone 3.

No objections to the proposed development on the proviso that a planning condition is included requiring that a watching brief for contamination is maintained during development of the site. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**National Planning Policy Framework (NPPF) 2019:**

Part 5 – Delivering a Sufficient Supply of Homes

Part 12 – Achieving Well Designed Places

Part 15 – Conserving and Enhancing the Natural Environment

**Ashfield Local Plan Review (ALPR) 2002:**

ST1 – Development

ST4 – Remainder of the District

EV2 – Countryside

HG5 – New Residential Development

**Residential Design Guide SPD 2014**

**Residential Car Parking Standards SPD 2014**

**Relevant Planning History**

**V/1986/0270**

Details: Change of Use to Livery Stables

Decision: Conditional Consent

**Comment:**

This is an application which seeks full planning consent for the construction of five detached, two-storey residential dwellings, with associated off-street parking provision and private amenity space. A new vehicular access and private driveway is to be created off Cauldwell Road to facilitate the proposed development.

The application site comprises of a parcel of undeveloped paddock land which is used in association with Cauldwell Livery Stables. The site is bounded by mature vegetation along the northern and eastern boundaries, and a timber post and rail fence along the southern and western boundaries. Open countryside lies to the north, east and south of the site, whilst a small row of seven dwellings lies to the west on the opposite side of an access track.

The application site is located outside of the districts main urban areas or named settlements, in an area designated as countryside, as set out within policy ST4 and EV2 of the ALPR 2002.

In the determination of the application, the main planning considerations include the principle of the development; impact on the character and appearance of the locality; impact on residential amenity; impact on ecology, highway safety and ground stability. These are considered in turn below.

***Principle of Development:***

The application site is located within an area designated as countryside as outlined within policy ST4 of the ALPR 2002. Under policy ST4, permission will only be granted for sites allocated for development, or development appropriate to the countryside, as outlined in policy EV2 of the ALPR 2002.

Policy EV2 of the ALPR 2002 restricts development in the countryside to defined appropriate forms of development. It also emphasises that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. Policy EV2 identifies various forms of development which comprise of appropriate development in the countryside which includes the following:

- a) Rural uses, including agriculture, forestry, mineral extraction and waste disposal;
- b) Outdoor sport, outdoor recreation and tourism uses;
- c) Cemeteries and utility installations that require a rural location;
- d) New buildings which are essential for uses appropriate to the countryside and the need for the proposed location has been established;
- e) Re-use of existing buildings;
- f) Replacement, alteration or extension to existing buildings;
- g) Infill development which does not have an adverse effect on the scale and character of the area; and
- h) Development within the villages of Fackley and Teversal where it does not have an adverse effect on the character of the village.

Clearly the proposed development of five dwellings cannot be seen to be compliant with sections a), b), c), d), e), f) or h).

In regards to section g) (infill development), the supporting text identifies that infilling may be acceptable within small settlements or hamlets, and that infill development will normally comprise of one or two dwellings within a small gap in the existing pattern of development. Although acknowledged that existing development lies to the west of the site in the form of seven residential dwellings, the nearest built development to the east of the site lies just under 1.5km away and comprises of a handful of residential dwellings which just fall outside the main urban area of Mansfield. The proposal is therefore considered to constitute an extension to the existing limited ribbon development along Cauldwell Road and an encroachment into the open countryside, rather than an infill development.

The proposal therefore does not fall within the remit to be classed as appropriate development within the countryside, as set out within policy EV2 of the ALPR 2002.

As the Council cannot identify a five year housing land supply, in accordance with the NPPF 2019, the presumption in favour of sustainable development should apply.

It is acknowledged that the proposal would provide a number of benefits, including support for a small house builders and other economic benefits that would be generated during the construction of the dwellings and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, albeit modest, meeting one of the tenets of the social objective of sustainable development.

Having said this, Paragraph 170(b) of the NPPF 2019 makes clear that the countryside, although not designated and with no specific policy protection, nevertheless has worth in the planning balance, given that the countryside is said to have intrinsic character and beauty. Given the location of the application site, the proposed development would result in the creation of new built form, which encroaches into the surrounding countryside setting. The proposal would subsequently give the impression of additional urbanisation within the countryside, as it would result in the loss of undeveloped/paddock land which forms part of the verdant and open appearance of the area.

Part 5 of the NPPF 2019, Delivering a Sufficient Supply of Homes, sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new homes should however be avoided in the countryside. A recent High Court judgement reasoned that judging "isolation" simply by reference to whether there was another nearby dwelling would be contrary to the government's policy of promoting sustainable development close to existing settlements in rural areas.

The site does not form part of a settlement. It is located approximately 0.8 km away from the main urban area of Sutton in Ashfield and approximately 1.4km from the

nearest convenience store. Although there is a footpath along Caudwell Road, local amenities and services are not within easy walking distance and there is no bus link serving properties along Caudwell Road. Part 9 of the NPPF 2019, Promoting Sustainable Transport, looks to maximise sustainable transport options but recognises that this will vary between urban and rural areas. However, given the location of the application site, any future occupiers of the proposed dwellings are likely to be highly dependent upon private transport to access the majority of services not available in the immediate vicinity of the site.

Taking into account all these aspects, it is considered that the proposal would result in the development of five isolated dwellings and fails to meet any of the exceptions for rural dwellings, as set out in paragraph 79 of the Framework. Furthermore, the proposal does not meet paragraph 103 of the NPPF, which states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling.

Whilst the proposal would make a small contribution to the supply of housing within the District, it is considered that the development in the proposed location would result in the construction of five isolated dwellings within the countryside, creating an urbanising impact on the appearance of the wider environment, and would result in the dependence on private transportation to access essential services. The proposal therefore does not amount to appropriate development in the countryside, and would be contrary to policy EV2 of the ALPR 2002 and policies contained within the NPPF 2019.

***Character and Appearance:***

Part 12 – Achieving Well Designed Places of the NPPF 2019 places a substantial emphasis on the importance of good design, with the creation of high-quality buildings and places. This includes the effect of the proposed development on the character and appearance of the surrounding locality. This stance is supported by policies ST1 and HG5 of the ALPR 2002, which amongst other matters, seeks to permit development where it will not adversely affect the character, quality, amenity or safety of the environment, and where the design is acceptable in terms of appearance, scale and siting.

The five dwellings have been designed to incorporate modern design features, including floor to ceiling glazing which will be encased in coloured uPVC frames. Red rustic style facing bricks and grey concrete roof tiles will be used in the construction of the dwellings. The proposed dwellings are considered suburban in design and monolithic in appearance when viewed together, and within the context of the nearby ribbon development.

The existing timber post and rail fencing which borders the application site and is reflective of the locality is to be removed. In its place will be the erection of a 1.8m high brick wall which is proposed to be constructed along the sites eastern, southern

and western boundaries to encompass the dwellings from the surrounding countryside.

The application site benefits from a frontage onto Cauldwell Road. As previously mentioned, the site frontage is presently characterised by the existence of established mature vegetation, comprising a mix of trees and hedgerows, which is considered to be a significantly positive visual attribute within the surrounding street scene. The submitted site layout plan indicates that with the exception of the access, this vegetation will be largely maintained as part of any development.

Whilst the layout of the site in terms of the plot sizes and set-back from the highway edge are considered to be in keeping with the prevailing pattern of the limited development to the west of the site, the proposed scheme would introduce significant amounts of built development into the open countryside. In addition, it is considered that approval of the application will result in an urbanising appearance of the site, resulting in a detrimental impact upon the verdant appearance of the wider environment, due to the loss of existing paddock land, which forms part of the countryside character and facilitates the openness of the area.

The proposal would subsequently result in an unwelcome intrusion into the open countryside without any demonstrated agricultural need or justification, contrary with the aforementioned local and national policies.

***Residential Amenity:***

Paragraph 127 of the Framework seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users and policy HG5 of the ALPR 2002 which states that residential development will be permitted where the amenity of neighbouring properties is protected. Given the overall siting of the proposed dwellings, the proposal would not give rise to any detrimental massing, overshadowing or overlooking impacts on nearby residential occupiers and any future occupiers will be provided with an acceptable standard of amenity, through the provision of adequate internal standards, and generous areas of private amenity space to the rear.

***Ecology:***

Following receipt of comments from Nottinghamshire Wildlife Trust, a Preliminary Ecological Appraisal has been submitted to support the application. The dominant habitat within the application site is 'neutral grassland'. The ecological appraisal details that this habitat is of low ecological value. Field boundary features, including hedgerows and trees, are however considered to be of notable ecological value and of potential value to several protected species.

Whilst the ecological appraisal does not identify the presence of any protected species on the site, it is however noted that Great Crested Newts may breed in the local area and could therefore use the site. The scheme also has potential to



negatively impact foraging and commuting bats through limited habitat loss and potential impacts arising from artificial lighting.

The appraisal therefore makes a number of recommendations in relation to mitigation and enhancement measures and these should be subject to planning conditions as part of any grant of permission. The recommendations include, amongst others, further surveys for Great Crested Newts prior to the commencement of the development, the provision of an ecologically friendly landscaping and lighting plans, and the provision of bird boxes.

***Highway Safety:***

Part 9 – Promoting Sustainable Transport of the NPPF 2019 seeks to ensure that safe and suitable access to the site can be achieved for all users, whilst minimising significant impacts on the transport network or highway safety.

It is considered that adequate visibility splays can be achieved at the site access, subject to the removal of a number of mature highway trees and vegetation, which will need to be compensated for either through a replanting scheme or by paying the monetary value of the trees.

In regards to parking provision, each of the proposed dwellings would be afforded a minimum of three off-street parking spaces which accords with the Council's Residential Car Parking Standards SPD 2014 for a 4+ bedroom property and adequate turning space to allow vehicles to appropriately manoeuvre within the site, so that all vehicles can enter and egress the site in a forward gear is proposed.

***Land Stability:***

The Environmental Agency indicate that a historic landfill site known as Sutton Tip, Cauldwell Road lies beneath the application site. The Environment Agency have confirmed that they have no objections to the proposed development, however this is on the proviso that a planning condition is attached to any grant of permission requiring a watching brief for contamination during development of the site.

**Conclusion:**

As the Council cannot identify a 5 year housing land supply, the policies which are most important for determining the application should be considered out of date, particularly in relation to housing, and the presumption in favour of sustainable development should be applied, resulting in the tilted balance.

The NPPF 2019 sets out three overarching objectives to sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

It is acknowledged that the proposal would provide a number of benefits, including support for small house builders and other economic benefits that would be generated during the construction of the dwellings and occupation thereafter. The

proposal would also assist in providing a modest contribution towards the Districts housing supply.

Having said this, the scheme would result in the development of five dwellings, which would be contrary to the social objective of sustainable development, due to the proposal fostering a scheme whereby essential services would not be easily accessible for any future occupants, with any future occupants requiring the use of a private vehicle, contrary to the environmental objective of sustainable development.

Furthermore, no overwhelming need or public benefit has been demonstrated for the proposal in this location. The proposal would also conflict with the environmental objective to protect and enhance the natural environment, through the construction of the dwellings within a countryside setting, resulting in a detrimental impact upon the character and appearance of the wider environment and the openness of the countryside, due to the urbanising impact created by the scheme.

As such, the limited benefits of the scheme are outweighed by the inappropriate location of the development, including harm to the character and appearance of the area. Accordingly, the adverse impact of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

On balance therefore, it is considered that the proposal does not constitute an appropriate form of development in the countryside, and it is subsequently recommended that this application is refused on the following grounds:

### **Recommendation: Full Application Refusal**

#### **REASONS**

- 1. The proposal represents an inappropriate form of development within the countryside and does not constitute sustainable rural development due to its location. The location of the proposed development would lead to any future occupiers being dependent on the use of a private motor vehicle to access essential services. No special circumstances have been submitted to justify the proposal being acceptable. As such, the application is contrary to saved policy EV2 of the Ashfield Local Plan Review 2002, and conflicts with Paragraph 79 and Part 9 – Promoting Sustainable Transport of the National Planning Policy Framework 2019.**
- 2. The proposal represents an unsatisfactory form of development within a countryside setting. The proposal would give rise to a detrimental impact upon the openness of the countryside in this location through the creation of new built form within an existing undeveloped paddock**

**area, creating additional urbanisation. The scheme is subsequently considered to have a detrimental impact upon the intrinsic character and appearance of the countryside in this location. The proposal is as such contrary to policy EV2 of the Ashfield Local Plan Review 2002 and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment, and should respond to local character.**