

**Item No: A2**

<b>Application Ref.</b>	23/00854/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Apple Barn, Great North Road, Gamston .
<b>Proposal</b>	Removal of Existing Stable Block and Replace with a Temporary Building to Store Private Helicopter (Permission Sought for 24 Months, Existing Stable Base to be Re-Used for Storage Building)
<b>Case Officer</b>	John Krawczyk
<b>Recommendation</b>	GTD - Grant
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

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## **THE APPLICATION**

### **SITE CONTEXT**

Apple Barn and the application site therein are located on the eastern side of Great North Road within the settlement of Gamston.

Apple Barn is a mid-late 19th century barn range which was part of a wider farmstead, located along the eastern aspect of the Great North Road which runs through the village of Gamston. The site is located within the Gamston conservation area and is itself regarded as a building which positively contributes to the character and appearance of the conservation area. The site is within the setting of a range of other buildings which make a positive contribution to the Gamston conservation area.

### **PROPOSAL**

This application proposes the erection of a temporary store building which is to be sited on the location of a modern timber stable block that has been recently demolished.

The proposed building would have a pitched roof and would measure 14m in length, 7m in width and 6m in height to the ridge of the roof. The building would be finished externally with profiled metal sheeting of a dark green colour. The applicant has stated that the building would be used to store a helicopter that is in use as a private vehicle.

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the

development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following sections of the framework are applicable to this development:

Section 4 – Decision Making

Section 12 – Achieving well-designed and beautiful places

Section 15 – Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

### **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

**Core Strategy & Development Management Policies Development Plan Document  
(Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS8 - Rural Service Centres
- DM4 - Design & Character
- DM8 – The Historic Environment
- DM9 c) – Landscape Character
- DM12 - Flood risk, sewage and drainage

### **RELEVANT PLANNING HISTORY**

23/01313/CTP - Lawful Development Certificate for the Creation of Hard Standing Area for the Landing and Take Off of a Personally Owned Helicopter.

## **SUMMARY OF CONSULTATION RESPONSES**

### **Bassetlaw District Council Conservation**

Conservation considers the proposed scheme to be one which at least preserves the character and appearance of the Gamston Conservation Area.

### **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice and 23 letters of objection have been received raising the following points:

- Noise and vibration generated by the helicopter would be detrimental to residential amenity
- There has not been any noise assessment provided with the application
- In appropriate development within an area that is largely residential and within a Conservation Area
- The report of Bassetlaw Conservation is unreliable as the building will be visible from the surrounding area
- The building is higher, larger and more intrusive than the stable block
- The building would be the size of a bungalow
- Potential light pollution that would be to the detriment of nearby residents
- There is more appropriate storage available at the nearby Gamston Airport
- It would be safer to store the helicopter at an airfield
- Danger to surrounding residents and school from helicopter movements
- It is not acceptable for one person to have a private facility that would have a detrimental impact upon education and safety
- Concerns regarding devaluation of properties
- There are no benefits to existing residents or the surrounding community
- It isn't clear whether the application proposes a temporary building or temporary storage
- No explanation as to why the permission applied for is temporary
- Did the stable block require planning permission, is it on agricultural land?
- Planning permission is required to fly a helicopter from land for more than 28 days per year
- Properties in Gamston have been compensated by the Coal Board for previous damage, no Coal Mining Risk Assessment has been submitted within the application
- The stable block has now been demolished without permission
- There was no testing of the roof of the stable block for asbestos

## **CONSIDERATION OF PLANNING ISSUES**

### **PRINCIPLE OF THE DEVELOPMENT**

Extensions and alterations to existing properties are generally considered to be acceptable in principle subject to compliance with relevant policies in the development plan and other material considerations. Policy DM4 of the Bassetlaw Core Strategy requires that policies for householder development are well designed, are in keeping with the character of the area and of an appropriate scale.

Policy DM8 states that proposed development affecting heritage assets, including alterations and extensions that are of an inappropriate scale, design or material, or which lead to the loss of important spaces, including infilling, will not be supported.

The main issues for consideration in the determination of this application are the impact of the proposal upon the character and appearance of the surrounding area, the impact upon heritage assets and the impact upon the residential amenity enjoyed by the occupiers of neighbouring dwellings.

## **USE**

Several objectors have raised concerns that the granting of planning permission for the storage building would have the effect of granting permission to fly a helicopter to and from the site in excess of 28 days per year as detailed with the guidance of the Civil Aviation Authority (CAA). The CAA's CAP 793 'Safe Operating Practices at Unlicensed Aerodromes states 'If the aerodrome is to be used for more than 28 days in a calendar year (and this might be expected for flying training operations) it is likely that specific planning permission will be required.'

This guidance relates to Class B of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which permits the temporary use of land for 28 days within a calendar year without having to apply for planning permission. However, this application does not propose a change of use and seeks planning permission for a temporary building for a use incidental to the enjoyment of the existing dwelling house.

It has been established within Case Law that the stationing and use of a private helicopter within the curtilage of a dwellinghouse with a large curtilage may be an ancillary use to that of a dwelling house, and in these circumstances any building to house a helicopter could be permitted development provided the relevant criteria relating to size and positioning are met. This issue was raised in Brentwood 18/02/1993 where planning enforcement action was taken to remove a helicopter hanger. It was accepted that the site of the hanger was not within the curtilage of the appellant's dwelling, rather on adjacent paddock land. However, it was argued that if the offending building were moved to a position conclusively within the dwelling curtilage, where there was adequate room, it would be permitted development. The Planning Inspector was reminded of the DoE consultation paper on Temporary Uses of Land issued in August 1992 where it was stated that a helicopter taking off and landing from the garden of a house might be incidental to the enjoyment of that house. If that applied a hanger building with a maximum ridge height of 4m would be Part E permitted development.

Concerns have been raised regarding whether the stable block ever had planning permission and whether the proposed building is proposed to be positioned on agricultural land. The stable block had clearly be in situ for a period exceeding 4 years and would therefore have become lawful by virtue of Section 171B of the Town and Country Planning Act 1990. The land in question is not within agricultural use and is considered to be part of the residential curtilage of Apple Barn. Whilst there is no statutory definition of the term 'curtilage', it is normally defined as an area of land in relation to a building rather than a specific use of the land. It is considered that the land on which the building would be positioned is associated with the dwelling of Apple Barn.

The proposal to erect a temporary to store a helicopter for private use is therefore not considered to be a material change of use of the land and the building should be considered having regard to the material planning considerations described above.

## **DESIGN, LAYOUT & VISUAL AMENITY**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 131 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 135 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

Concern has been raised that the proposed building is much larger than the previous stable block and has an excessively industrial appearance and is the scale of a bungalow.

Policy DM9 c) states new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment.

The site lies within Sherwood Policy Zone 55: Gamston where the landscape condition is considered to be good. In terms of built features the policy recommends;

- Conserve the sparsely settled and rural character of the landscape by concentrating new small scale development around Gamston and Eaton.
- Conserve the character and setting of Gamston, Eaton, White Houses and Markham Moor – new development should respect the scale, design and materials used traditionally in the settlements.
- Contain new development within existing field boundaries.
- Conserve the traditional architectural style of red brick construction.

The site lies to the east of Great North Road and the area is characterised by its semi-rural nature with the existing dwellings and buildings being loosely-knit and generally positioned in generous plots. Open countryside lies to the east of the site with an established farm further north. It is not considered that the building proposed would be harmful within this context and would be generally in keeping with the character of the surrounding area. The proposed building is functional in design and appearance and is considered to be comparable to a purpose-built agricultural building but of a much smaller scale. The building would be

positioned adjacent to an existing hedgerow that marks the boundary of the field to the south which would soften the impact of the building within the wider landscape setting.

It is considered that the development proposed would comply with the recommendations set out within the Bassetlaw Landscape Character Assessment and would therefore conserve the surrounding landscape character in compliance with Policies DM4 and DM9 and the guidance contained within the NPPF.

## **THE IMPACT UPON HERITAGE ASSETS**

As previously described, Apple Barn is a mid-late 19th century barn range which was part of a wider farmstead, located along the eastern aspect of the Great North Road which runs through the village of Gamston. The site is located within the Gamston conservation area (Designated: 31st January 1984) and is itself regarded as a building which positively contributes to the character and appearance of the conservation area. The site is within the setting of a range of other buildings which make a positive contribution to the Gamston conservation area.

The Council has a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance. The House of Lords in the South Lakeland DC vs the SOS case in 1992 decided that a Conservation Area would be preserved, even if it was altered by development, if the character or appearance (its significance in other words) was not harmed. Conservation' is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance. Therefore case law has ascertained that both 'conservation' and 'preservation' are concerned with the management of change in a way that sustains the interest or values in a place – its special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Para 201 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Paragraph 205 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Several objections have been received raising concerns that the building proposed is not appropriate having regard to the setting of the Conservation Area and would result in harm to the setting of heritage assets. The Council's Conservation Team consider that the proposal at least preserves the character and appearance of the Gamston Conservation Area and have not raised any objections to the proposal.

There is little in the way intervisibility between the location of the proposed outbuilding and the adjacent public thoroughfare, due primarily to the substantial boundary treatments which border the site and the differential land levels between the site and Great North Road. The proposed building would also be set well back from the adjacent thoroughfare, which would

further reduce the outbuildings visual prominence within the context of the Gamston Conservation Area.

It is acknowledged that the proposed storage building has a somewhat industrial appearance, at least in comparison to the existing stable range. However, the form, design and materiality of the outbuilding are reminiscent of modern ancillary agricultural buildings, the type of which one would expect to find in rural agrarian settlements such as Gamston.

It is therefore considered that the proposed storage building would preserve the character of the surrounding Conservation Area and is therefore in accordance with Policy DM8 and the guidance contained within the NPPF.

### **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 135 of the NPPF.

Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

Concern has been raised regarding the impact of the proposal upon the residential amenity by occupiers of neighbouring dwellings, particularly in terms of noise and vibration that would be generated by any movements from the helicopter. Concern has also been raised that a noise assessment has not been submitted with the application. As previously described, the use of the building proposed would be incidental to the existing residential use of the site. Whilst it is relatively uncommon for an individual to use a helicopter as private vehicle the applicant is able to land and park the helicopter at the site without requiring planning permission and it would therefore be unreasonable to refuse planning permission on the grounds of noise and disturbance.

In terms of the physical impact of the building proposed, it is not considered that it would result in overshadowing or loss of light to the occupiers of nearby dwellings. The nearest dwelling 'The Copse' is positioned approximately 48m to the west of the proposed building and this distance of separation would ensure that the building proposed would not result in any overshadowing or loss of outlook to the occupiers of this dwelling.

Some concern has been raised regarding the impact of any additional lighting that may be installed to the building. Whilst no details of proposed lighting have been submitted it is considered that a condition requiring full details of any proposed lighting should be submitted and approved prior to its installation. This would ensure that neighbouring occupiers would not experience any detriment from inappropriate lighting on the building.

It is therefore considered that the proposal would have an acceptable impact upon the residential amenity enjoyed by nearby occupiers and is therefore in accordance with Policy DM4 and the guidance contained within the NPPF.

## **OTHER MATTERS**

Concern has been raised that the stable block has been demolished prior to planning permission being granted. Whilst the demolition of this building would have required planning permission by virtue of its size and being within a Conservation Area it is considered that it is not expedient to take enforcement action as the stable block did not have any historic interest and planning permission for its removal would likely receive a positive recommendation. Furthermore, the applicant provided information that the building was in a poor state of repair and was removed for safety reasons.

Concerns relating to the safety of the movement of the helicopter is noted but as this application does not propose a material change of use this is not considered to be a consideration material to the determination of this application. The pilot of the helicopter is required to have the appropriate licence to ensure the aircraft is used in a safe responsible manner.

Any concerns regarding the devaluation of property is not a material planning consideration. It is acknowledged that this proposal does not provide any benefits to the wider community but the application must be determined having regard to the material considerations relevant to the application.

Concern has been raised that Gamston has been affected by previous coal mining activities at Bevercotes Colliery with many properties being previously compensated and a Coal Mining Risk Report should have been submitted with the application. The site does not lie within a Development High Risk Area and therefore a risk assessment or the input of the Coal Authority is not required.

Queries have been raised regarding the fact the applicant has applied for a temporary planning permission for the building proposed. This is obviously a decision that has been taken by the applicant and this application has to be considered on its own merits.

## **CONCLUSION/PLANNING BALANCE**

It is proposed to erect a storage building for a private helicopter at Apple Barn, Great North Road, Gamston. The building would be positioned to the rear of the dwelling and would have a functional form, being finished with profiled metal sheeting of a dark green colour.

The proposal by virtue of the scale, design and appearance is not considered to be harmful to the landscape setting, would preserve the character of Gamston Conservation Area and is considered to not have an unacceptable impact upon the living conditions of the occupiers of neighbouring dwellings.

The scheme is considered to be in compliance with the requirements of Policies DM4, DM8 and DM9 c) of the Bassetlaw Core Strategy and the guidance contained within Parts 12, 15 and 16 of the NPPF and it is therefore recommended that planning permission is granted.



## **RECOMMENDATION:**

Grant planning permission subject to conditions

## **CONDITIONS/REASONS:**

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 7<sup>th</sup> March 2026 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: The applicant has requested a temporary permission in this instance

2. The development hereby permitted shall be in accordance with the following approved plans:

- Site Location Plan, Drawing No. 23-01A, received 2<sup>nd</sup> October 2023
- Proposed Block Plan, Drawing No. 23-03A, received 2<sup>nd</sup> October 2023
- Building as Proposed, Drawing No. 23-04A, received 2<sup>nd</sup> October 2023

Reason: For the avoidance of doubt

3. The facing materials to be used in the development hereby permitted shall only be as stated in the application, unless otherwise agreed in writing with the Local Planning Authority before development commences. In that event, the development shall be carried out only in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the completed development.

4. Prior to any lighting being erected within the site, full details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of the occupiers of nearby dwellings.

5. The building to which this planning permission relates shall not be used for any purpose other than for purposes ancillary to the residential use of the existing dwelling Apple Barn, Great North Road, Gamston.

Reason: To ensure that the Local Planning Authority can properly consider the potential use of the building for any purpose in relation to the relevant planning considerations.

## **NOTES**

1. Bassetlaw District Council has an adopted Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at

[www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy](http://www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres. If this is permission for a residential dwelling this minor exemption does not apply and development will be CIL Liable.