Planning Inspectorate

Appeal Decision

Hearing held on 26 January 2026

Site visit made on 17 January 2026

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28/01/2026

Appeal Ref: APP/A3010/W/25/3371669
Land to the west of Grovewood Road, Misterton, Nottinghamshire, DN10 4EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Brooke Planning and Consultancy Ltd against Bassetlaw District Council.
- The application Ref is 24/01372/OUT.
- The development proposed is an outline planning application with all matters reserved except for access for up to 45 residential dwellings with public open space, attenuation pond, landscaping, biodiversity areas and associated development.

Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved except for access for up to 45 residential dwellings with public open space, attenuation pond, landscaping, biodiversity areas and associated development at Land to the west of Grovewood Road, Misterton, Nottinghamshire, DN10 4EH in accordance with the terms of the application reference 24/01372/OUT, subject to the conditions in the attached schedule.

Preliminary and Procedural Matters

2. The appeal is submitted on the basis that the local planning authority (LPA) failed to determine the outline planning application within the prescribed thirteen-week period.

3. The description of development in the banner heading above has been agreed by the main parties. It differs slightly, but not materially, from the description of proposed development on the planning application form in so far that it refers specifically to up to 45 residential dwellinghouses as distinct from simply residential development. The application is submitted in outline with access details also submitted for consideration. All other detailed matters are reserved for subsequent reserved matters applications.

4. The outline planning application includes an indicative layout plan. For the avoidance of doubt, I have considered the indicative layout plan solely from the point of view of considering whether it would be possible, in land use principle terms, for the appeal site to suitably accommodate up to 45 residential dwellinghouses while also ensuring compliance with relevant local and national planning policies.

5. To address comments made by the Highway Authority that the 3-metre-wide footway to the bus stop detailed on drawing reference RHC-23-405-01 Rev F

terminates before reaching the bus stop, the appellant has submitted drawing reference RHC 23-405—01 Rev G as part of this appeal. This drawing does directly address the concern raised by the Highway Authority in terms of this matter in so far that it proposes an additional three-metre-wide section of footpath leading to the bus stop.

6. The drawing did not form part of the access details which were consulted upon by the LPA prior to the appellant's decision to lodge an appeal against non-determination of the outline planning application. While I have decided not to formally accept the amended plan at this stage, the evidence indicates that there is a reasonable prospect that it would be possible to have a continuous three-metre-wide footpath up to the bus stop and within highway land. In this regard, it is a matter that I could control from the point of view of the inclusion of a condition linked to the consideration of access details. I find that this is a fairer way to deal with this matter from a public consultation point of view, and notwithstanding the request from the main parties for me to formally accept the plan at this stage in terms of access details.

7. At the hearing, two residents indicated that they had not received the letter from the Council dated 17 December 2025 notifying them of the date, time and venue of the hearing. However, they did indicate that they had received a letter dated 21 January 2026 which rectified a minor error in the 17 December 2025 letter. As the two residents attended the hearing, they were clearly aware of it and hence no prejudice had been caused to them. The two residents indicated that they thought that some residents in the village had not been notified about the date, time and venue of the hearing. They could not share any specific details about this matter and, when questioned, the Council confirmed that its records showed that all those that had made representations had been notified in respect of the date, time and venue of the hearing.

8. A copy of the letter dated 17 December 2025 was submitted to the Planning Inspectorate along with a list of addresses to which the letter was sent. There is no evidence before me from any interested party to indicate that the Council's records are not an accurate reflection of what has occurred in terms of the notification process both in terms of the letter dated 17 December 2025, and the subsequent corrected letter dated 21 January 2026. It was in this regard that I decided that the hearing could proceed and that the evidence indicated that all was in order from the point of view of the notification process. Both the Council and the appellant confirmed that they shared my view about the acceptability of the notification process.

9. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework) and with a deadline for comments by 10 March 2026. I afforded the main parties an opportunity to submit written submissions in respect of the implications and relevance of the Consultation Draft Framework prior to the hearing. I have taken the representations received into account in determining this appeal. Importantly, I afford the Consultation Draft Framework limited weight as a material planning consideration. This is relative to the published National Planning Policy Framework 2024 (as amended) (the Framework) to which I afford full weight as a material planning consideration.

10. With only a few days before the start of the hearing, the Council indicated that it wanted to submit late evidence relating to housing land supply. This is despite my email of 10 December 2025 where I commented as follows:

    "The deadline for the submission of statements of case and associated evidence has now gone. Moreover, the Council has commented previously that no updated evidence regarding housing land supply would be submitted before the hearing. The Inspector is not minded to accept any late evidence regarding housing land supply and in particular the sort of evidence that is not complete, has not been seen by the appellant or members of the public and has not been approved for public use by the Council. No exceptional reasons as to why any such late evidence could not have been submitted in accordance with the appeal timetable has been provided. Reference to 'staffing issues' is not an exceptional reason in this case".

11. In the interests of procedural fairness, I made the decision, prior to the opening of the hearing, to decline to accept the late housing land supply evidence from the Council. The status of this evidence was not made clear to me and, furthermore, it could have been submitted in accordance with the appeal timetable. Such evidence has not been seen or considered by the appellant or members of the public. Moreover, at the hearing the Council confirmed that while it was working on reviewing its housing land supply position, it had nonetheless not shared any of its findings with the public and no changes had been formally considered or approved by the Council as a public document.

Main Issues and statement of common ground

12. At my request, the LPA confirmed on 8 September 2025 what decision it would have made had it been able to do so. At this time, the main issues between the main parties were:

    (i) the effect of the development on the character and appearance of the area, including landscape character, and key view 'KV9' and a 'Significant Green Gap' as identified in the adopted April 2024 Misterton Review Neighbourhood Plan 2022-2038 (MRNP);

    (ii) whether the proposal would accommodate a suitable and safe pedestrian access/links to, from and within Grovewood Road;

    (iii) whether the proposal would accord with the spatial/detailed housing development requirements of the development plan for the area, and,

    (iv) whether the LPA can demonstrate a deliverable five-year supply of housing sites for the area.

13. Notwithstanding the above, and, in the absence of a detailed statement of case from the LPA, I requested the parties to engage with one another from the point of view of completing/signing a statement of common ground (SofCG) for which a deadline was given. A completed SofCG was received by the Planning Inspectorate on 19 November 2025.

14. Based on the SofCG, the Council's position has effectively changed. In terms of main issue (i) above, it states *'it is therefore agreed that the effect of the development on the character and appearance of the area, including landscape character, and key view 'KV9' and 'Significant Green Gap' as identified in the*

adopted April 2024 Misterton Review Neighbourhood Plan 2022-2038…is now not an issue at dispute between the two parties'. In respect of main issue (ii) the SofCG states that *'whilst the Local Highway Authority may prefer a new footpath to run along the frontage of the site, taking account of other material planning considerations both parties are in agreement that the solution put forward is acceptable to ensuring that the development is connected with sustainable options for travel'*, and *'the Local Highway Authority have suggested that the existing footpath opposite the site should be upgraded, whilst this would enhance existing provision both parties are in agreement that this would not be necessary or reasonable in relation to the acceptability of the proposal'.*

15. Notwithstanding the common ground positions of the main parties in respect of main issues (i) and (ii), several third parties have raised concerns about these matters. Consequently, I provide some detailed reasoning below in terms of considering these matters. Main issue (iii) continues to be a matter in dispute between the main parties, particularly in terms of the interpretation of part of the wording of policy RT2 of the adopted 2024 Bassetlaw Local Plan 2020-2034 (LP). I deal with such a matter in my reasoning below.

16. At the hearing, and following an adjournment, the Council changed its position from the point of view of demonstrating a deliverable five-year supply of housing sites. It indicated, on reflection, that it could not in fact demonstrate a deliverable five-year supply of housing sites based on the current five-year period. The main parties therefore agreed that paragraph 11(d) of the Framework was engaged in respect of this appeal.

Reasons

Character and appearance including key view 'KV9' and 'Significant Green Gap'

17. The site is situated on the southern edge of Misterton village which lies on the A161 approximately 5km to the northwest of Gainsborough town. It consists of one field parcel and part of two further field parcels. It is located adjacent to Misterton Primary School. The site is located on the corner of Gravelholes Lane to the north and Grovewood Road to the east. To the north, beyond Gravelholes Lane, lies Grove Park, a residential estate, and to the east, beyond Grovewood Road, lies further existing residential properties.

18. The appellant has submitted a Landscape and Visual Appraisal (LVA) prepared by FPCR Environment and Design and completed in November 2024. In considering the effect of the development on the character and appearance of the area, including landscape character, I have had regard to the indicative layout for the erection of up to 45 residential units on the site (from the point of view of considering the principle of residential development on the land), as well as proposed access details including the formation of a principal vehicular access from Grovewood Road. The latter is a detailed access matter for consideration as part of the determination of this outline planning application.

19. Landscape characterisation has been undertaken at a district level through the Bassetlaw Character Assessment 2009 (BCA). This document uses the Nottinghamshire County Council Regional Character Areas and identifies specific Landscape Description Units which are further subdivided into Landscape Character Parcels (LCP). The LCP are then allocated Draft Policy Zones which were created using the completed survey information.

20. The site falls within the Mid Nottinghamshire Farmlands character area in the BCA. The area is described as '*an area of undulating landscape with a distinctively rural, agricultural character'*. The area is further described as '*a number of main highways cross the area, but typically roads are narrow country lanes linking the scattered nucleated settlements. The villages are well integrated into the surrounding countryside with small-scale field patterns, unimproved pastures, species-rich hedgerows and remnant orchards forming common features along their edges'*. Hedgerow trees within field boundaries are noted as being usually ash and oak with *'a localised importance in the landscape*.'

21. The site at Misterton is located within Policy Zone MNPZ02: Walkeringham which has the following characteristic features: fragmented landscape dominated by settlement, the railway and roads; A161, A631; intensive arable farmland with pastoral in the smaller fields; mix of vernacular and non-vernacular dwellings at Misterton and Walkeringham, though both include some listed buildings; and low tree cover.

22. The condition of MNPZ02 is considered to be 'very poor' and the sensitivity for the policy zone is considered to be 'very low'. The landscape actions for MNPZ02 are described as '*landscape features - create new hedgerows and restore existing, seek opportunities to recreate historic field pattern where they have been lost. Seek opportunities to restore arable land to pastoral; enhance tree cover and landscape planting generally, in particular along the A161, A631 and the railway, to create increased visual unity and habitat across the Policy Zone; conserve the ecological diversity and biodiversity of the designated SINCs, along with the character and setting of the Chesterfield Canal, and built features - create small scale woodland to contain and soften new built development, particularly at Misterton and Walkeringham'.*

23. Neither the site nor the immediate landscape is covered by any statutory or non-statutory landscape designations at either a national or local level. The site is identified as a 'Significant Green Gap' in the MRNP. Policy 3R(1)(b) states that *'the significant Green Gaps have been designated for their contribution towards the character of the landscape'*. Key View 9 is also identified on Map 6 of the MRNP. Policy 3R(1)(a) states that *'the key views have been designated due to their significance and importance to the openness of the landscape character'.*

24. As part of my consideration of the appeal proposal, I was able to undertake a site visit which included visiting the viewpoints outlined in the appellant's LVA. While it could not be said that the proposed indicative development would be fully screened from all viewpoints, I find that owing to the flat topography and intervening mature landscaping (including field boundary hedgerow), the degree of change would be noticeable from only limited localised viewpoints. This would include from parts of surrounding main roads, from some existing dwellinghouses surrounding the site (e.g., properties on Grovewood Road), and from glimpsed views for those that use the nearby public footpaths and by-ways (including Tupcroft Road which is a byway to the south).

25. The proposed dwellinghouses would be set back from boundaries and the retention and enhancement of existing hedges/vegetation would seek to visually contain the proposed development. I agree with the appellant's assessment that the proposal would result in a medium/low magnitude of landscape change on the site because of the change from fields to built development. However, the northern part of the

site would remain open, and the existing landscape structure of the hedgerows would essentially be retained, and tree/vegetation cover would be capable of being increased/enhanced across the site.

26. My site visit revealed that such enhancement may be needed for the limited gaps in existing boundary hedges such as that opposite Orchard Grove, Ascott Avenue and on the northern boundary of the proposed residential development area where it meets the paddock and proposed public open space. Landscaping would need to be sensitively considered at reserved matters stage and with the Council giving thought to the use of semi-mature and native planting, particularly in respect of the limited gaps along existing boundaries.

27. In addition to the above, and, at completion, I find that the direct impact of the development on the landscape would not be significantly adverse on account of the retention of existing hedgerows and the field pattern, the location of the dwellinghouses adjacent to the existing edge of Misterton and the primary school, and the planting of trees in accordance with policy ST48 of LP. While there would be some limited adverse effect at construction stage, I judge that these effects would reduce over time as the proposed development's green infrastructure framework becomes established. By year fifteen, the site would benefit from a maturing landscape of new habitats to include tree planting and grassland, and it is considered that the landscape character effects for the site at year fifteen would be acceptable.

28. As regards the effect of the indicative development on 'Key View 9' in the MRNP, I note that the indicative plan does not propose any built or above ground development in the paddock which is most open to the view of passers-by at the junction of Grovewood Road and Gravelshome Lane. The field/paddock where dwellinghouses are shown as being proposed would be contained and largely screened/filtered from 'Key View 9' by existing hedges/vegetation. Moreover, there would be scope to include further planting alongside existing hedges/vegetation (including the potential for some evergreen planting) as part of a reserved matters application submission.

29. In my judgement, the indicative layout/proposal would suitably conserve the open landscape character of 'Key View 9' which essentially relates to the paddocks/fields where the indicative layout does not show any built development. I acknowledge that the submitted layout is indicative. In this regard, it would be possible to impose a condition, as suggested by the appellant, which precluded any dwellinghouses or other above ground development being constructed within this part of the appeal site thereby conserving the openness of Key View 9. In this regard, I find that the proposal could be approved and without any conflict with Policy 3R(1)(a) of the MNPR.

30. While it is accepted that the proposal would change the otherwise undeveloped character and appearance of the land, referred to as a Significant Green Gap 'SGG6' on Map 7 of the MNPR, the indicative layout shows that the dwellinghouses would be tightly confined to only part of the appeal site and that which is closely aligned to Misterton Primary School. This land is visually contained because of established hedges/vegetation along the field boundary and Grovewood Road.

31. While the Highway Authority initially requested the loss of hedgerow and a ditch on Grovewood Road to facilitate a continuous off-site footpath, as detailed below, I am

satisfied that the provision of safe and suitable footpath links could be provided without the loss of any material hedgerow or vegetation on Grovewood Road. In other words, the request from the Highway Authority has not been reasonably substantiated relative to what is proposed by the appellant. It is not therefore necessary for the proposal to result in a material loss of existing hedgerow on Grovewood Road.

32. In my judgement, it is the paddocks/part of the fields which are not shown as being developed for housing on the indicative layout plan which contribute positively and distinctively to the sense of open character in the village, and which separate the otherwise existing built development. Subject to the imposition of a condition which confines built development to that area shown on the indicative layout plan (i.e., the 'Proposed Residential Area' shown on the indicative plan), I am satisfied that the proposal would be capable of safeguarding the positive contribution made by the Significant Green Gap 'SGG6' in terms of providing an open break between existing development on Grovewood Road and Gravelholes Lane. Moreover, the indicative layout shows that the proposed dwellinghouses would be capable of being positioned so that they are broadly in line with built form at the adjacent Misterton Primary School and with the public open space (including also possible allotments) being provided along the western boundary. In my judgement, this would also have the effect of suitably retaining an open character to the Significant Green Gap 'SGG6'.

33. While this is an outline proposal, with detailed matters such as design and layout reserved for a future reserved matters application(s), it is proposed that a mix of house types would be proposed in accordance with development plan policies. Furthermore, at a density of about 21 dwellings per hectare, the proposal would suitably reflect the density of dwellings associated with the 'Grovewood Road expansion character area'. Subject to the new and enhanced landscaping on the land, and the dwellinghouses being of a scale, character and appearance which is reflective of the dwellinghouses which are located within the local area, there is nothing to suggest that the development would not be capable of being well designed.

34. Overall, and, in design terms, I therefore find that the proposed development would be capable of assimilating well in the context of the area and surrounding development. Subject to a careful consideration of reserved matters details, I do not find that the proposal would conflict with the design requirements of policy ST33 of the LP.

35. While a degree of harm would be caused to the landscape character of the area in the early years, this would not be the case once the proposed landscaping and green infrastructure matures. In the context of policy ST35 of the LP, I therefore conclude that the proposal would be capable of protecting the identified landscape character qualities of the area. Moreover, and, given that large parts of the appeal site would not be developed for housing, there are opportunities to both conserve and create new landscape forms and features on the site. If this is done well, it has the potential to add interest to the street-scene and to enhance the character and appearance of the locality.

36. I find that the proposal, which includes indicative open space and footpath links to the existing settlement and confines housing to land which is immediately adjacent to Misterton Primary School and set back from development boundaries, would be

capable of creating a positive interface between the urban and rural environments. The existing hedgerow and vegetation immediately around the 'Proposed Residential Development Area' would ensure that there continued to be a contained and tight-knit focus to the built and urbanised form within the settlement of Misterton, as distinct from a sprawling form development into the countryside.

37. Overall, I therefore conclude that the proposal would be capable of according with the landscape character requirements of Policy ST35 of the LP, and paragraphs 135(c) and 187 of the Framework. In respect of the effect of the development on the character and appearance of the area, and the ability to deliver a well-designed housing led scheme, I conclude that the proposal would be acceptable in principle.

38. In reaching the above conclusions, I am mindful that apart from access connections most of the existing hedgerows and vegetation would be retained (including that existing on Grovewood Road – see highway safety and pedestrian access main issue below). In addition, there is scope for landscaping enhancement as part of any landscaping reserved matters application and as shown on the indicative layout plan. In this regard, I am satisfied that the proposal would be capable of constituting good design. In addition, and, for the reasons outlined, I am satisfied that the site could be developed without conflicting with Policy R3 of the MRNP in terms of conserving the identified 'Key View', and suitably safeguard the positive contribution made by the 'Significant Green Gap' to the landscape character of the settlement and its wider setting. Furthermore, there is scope to extend and enhance existing footpath links in the area in so far as they relate to the appeal site.

Highway safety and pedestrian access/links from Grovewood Road

39. Vehicular access would be gained via a single means of access off Grovewood Road with new uncontrolled pedestrian crossings which incorporate tactile paving. The Highway Authority were consulted as part of the planning application and raised no objection to the proposal from a highway network capacity point of view, or in terms of the safety of the proposed access. The Highway Authority specifically commented that it was *'content that a development of this scale will not give rise to any material traffic issues in the surrounding area'.* It is understood that the Highway Authority had previously considered and accepted the principle of residential development on the site under application reference 18/01279/OUT.

40. While the Highway Authority did want to see a continuous two-metre-wide footway across the entire site frontage from the junction of Gravelholes Lane in the north, extending south to the link to the school site and the adjacent bus stop, this requirement has not been reasonably substantiated. In fact, the LPA has confirmed as part of this appeal that given the proposed footpath links within the site, in conjunction with the widening of the section of footway in front of the school, they would be sufficient from the point of view of safe pedestrian links to, from and within Grovewood Road.

41. It is noteworthy that the completed/signed statement of common ground states *'whilst the LHA may prefer a new footpath to run along the frontage of the site, taking account of other material considerations both parties are in agreement that the solution put forward is acceptable ensuring that the development is connected with sustainable options for travel'* and '*the Local Highway Authority have suggested that the existing footpath opposite the site should be upgraded, whilst this would enhance the existing provision both parties are in agreement that this*

would not be necessary or reasonable in relation to the acceptability of the proposal'. I do not disagree with these common ground positions and am satisfied that subject to the imposition of conditions the proposal would accord with the access and safety requirements of policy ST2(2)(f) of the LP.

42. I acknowledge the representations made by other interested parties about traffic generation and highway safety matters. Concerns have been raised about traffic generation and activity when children go to and leave Misterton Primary School. While I do not doubt that the roads are busier at this time, the appellant's evidence suitably demonstrates that subject to the imposition of conditions the proposal would not give rise to unacceptable highway safety impacts, or that the residual cumulative impacts on the road network would be severe. I acknowledge the concerns of other interested parties, but such concerns are not supported with the kind of objective evidence which might contradict the findings of both the Highway Authority and the appellant.

43. Moreover, I find that the development would be capable of including appropriate footpath links within the site and connecting to links that already exist outside the site and without harm being caused to the free or safe movement of pedestrians. Therefore, I conclude that the proposed access details are acceptable and would not conflict with the accessibility, traffic management and highway safety requirements of paragraphs 115 and 116 of the Framework, and policy 2(f) of the LP.

Spatial/detailed housing strategy

44. The appeal site falls within an area of countryside and is immediately adjacent to the Development Boundary (DB) of Misterton. The DB for Misterton is identified within both the adopted MRNP and the adopted LP. Moreover, and, given the location of the site, I find that it falls outside the built-up area of Misterton.

45. The development plan for the area comprises the adopted May 2024 LP and the adopted April 2024 MRNP. The MRNP was adopted prior to the LP. In this regard, the appellant has drawn attention to paragraph 31 of the Framework which states that *'once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict: unless they are superseded by strategic or non-strategic policies that are adopted subsequently'.* I deal with this matter later as part of the consideration of this main issue.

46. The most recent spatial strategy for Bassetlaw is contained within the LP. The settlement of Misterton is identified in policy ST1 of the LP as a '*Large Rural Settlement*'. The appeal site comprises undeveloped fields which do not fall within the settlement of Misterton. The strategy in ST1(2) of the LP is to enable provision of housing land for a minimum of 9720 dwellings (540 dwellings per annum) through completed sites, sites with planning permission, new site allocations in the LP, and from the site allocations in made neighbourhood plans. This is in accordance with a settlement hierarchy relating to a) main towns, b) large rural settlements, and c) small rural settlements. The strategy includes *'enabling windfall sites, which are expected to be a reliable source of housing supply during the plan period contributing approximately 912 homes'.*

47. Policy ST1A(4) states that in respect of land outside development boundaries and/or outside the built-up area(s) of settlements identified in the settlement

hierarchy as part of the wider countryside, *'development will only be supported where consistent with other policies in the development plan or national policy'.*

48. Paragraph 5.2.4 of the LP states that the proposed level of housing growth in rural Bassetlaw identified in policy ST2 of the LP *'will ensure that no rural settlement is over-burdened with a level of growth that is out of character and that it is considered unsustainable in terms of the level of local shops and services, and infrastructure capacity available'*.

49. The strategy in policy ST2 of the LP is that the settlement of Misterton would accommodate a minimum 20% growth, i.e., 195 dwellings, over the plan period. It states that such housing growth will be *'in the form of completed sites, sites with planning permission, site allocations in this Local Plan, site allocations in made neighbourhood plans or unallocated sites which meet the criteria in Part 2 below'*. The completed/signed statement of common ground states *'it is agreed that ST2 sets out the most appropriate means of assessing the appeal proposals over and above MRNP policy 1R'.*

50. Part 2 of policy ST2 of the LP is not specifically relevant to the appeal proposal as the housing development would not fall within the settlement boundary of Misterton or the built form of the settlement off Misterton.

51. Part 3 of policy ST2 of the LP relates to residential development in the countryside. Residential development in these locations will be supported where they accord with the criteria in policy 2a)-f) of policy ST2 and at least one of the criteria listed in 3a)-d) of Part 3. Moreover, Part 4 of policy ST2 states that *'proposals consistent with part 3 above should minimise the loss of best and most versatile agricultural land (classed as Grades 1, 2 and 3a) unless it can be shown that the sustainability benefits of the development justify the loss'.*

52. Given my conclusions on the other main issues above, I find that the proposal accords with all the criteria in 2a)-f) of policy ST2 of the LP. For the avoidance of doubt, and, dealing with each criteria in turn, a) given the location, size and scale of the proposed development, it would not cause significant harm to the existing built character of the settlement; b) it would not cause significant harm to the openness and distinctiveness of the surrounding countryside; c) it would maintain the physical separation between settlements; d) given that it is essentially a greenfield site when considered as a whole, it is not possible to prioritise the re-use of previously developed land; e) it would be possible for the development to positively respond to the design principles in policy ST33 of the LP based on the indicative layout/landscaping/open space plan, and f) it would provide a well-designed, safe and convenient access for all including opportunities to promote walking, cycling and the use of public transport. The Council do not now disagree this this assessment.

53. However, I do not consider that the proposal accords with 3(d) of policy ST2 which states that proposals for residential development should also *be 'consistent with other policies in this Plan'*. I do not read this part of the policy as meaning that a proposal should be consistent with other technical policies in the LP (e.g., say design, flood risk or highway safety matters). Given the wording in part 3a)-c) of Policy ST2 of the LP, such an interpretation would not make logical sense. There is no policy in the LP which specifically supports the principle of residential development on the appeal site. To that extent, there is conflict with policy ST2

3(d) of the LP. The appellant did not provide me with any persuasive evidence at the hearing to lead me to depart from this conclusion. Hence, I concur with the Council's interpretation of policy ST2 3(d) of the LP.

54. Part 3 of the LP is not therefore fully satisfied. In that regard Part 4 of policy ST2 of the LP is not strictly relevant. Part 4 of Policy ST2 of the LP states that *'proposals consistent with Part 3 above, should minimise the loss of best and most versatile agricultural land (classed as grades 1, 2 and 3a) unless it can be shown that the sustainability benefits of the development justify the loss*'. While the proposal would result in a relatively low amount of best and most versatile agricultural land being lost as a total for the district as a whole, it could not reasonably be said that the proposal has sought to minimise the loss of best and most versatile agricultural land in terms of the development of the appeal site.

55. Nonetheless, there is common ground between the main parties that the sustainability benefits of the proposal including the social and economic benefits arising from the provision of additional dwellinghouses in the area, the provision of 25% affordable housing, the benefits associated with biodiversity net gain, and the economic benefits associated with occupation of the site and supporting existing facilities, amenities and services, as well as temporary construction employment, justify the loss of best and most versatile agricultural land. I do not disagree with the common ground position.

56. Overall, I conclude that while the proposal would accord with most of policy ST2 of the LP, it would not accord with any of the criteria 3a)-d). To the extent that there would therefore be some technical conflict with part of the policy, this is a matter which therefore weighs against allowing the appeal. That said, it must be acknowledged, given the reasoning in this decision, that in this case there would not actually be any identified planning harm associated with the proposal.

57. Policy 1R(2) includes criteria relating to development proposals outside a Development Boundary (e.g., Misterton). This policy states that *'outside the Development Boundary, proposals will be limited to development necessary to support the rural economy or the provision of utilities infrastructure in accordance with the National, District and other policies in this Neighbourhood Plan reflecting the Parish's intrinsic open, rural character'.* In my judgement, the evidence does not support a claim that the proposal is necessary to support the rural economy, and it does not relate to utilities infrastructure. The overall conflict with policy 1R of the MRNP therefore weighs against allowing the appeal.

58. It is necessary that I consider the proposal's conflict with policy 1R of the MRNP in the context of paragraph 31 of the Framework as outlined above. The policies in the LP, including policies ST1 and ST2, take precedence from the point of view of the most up to date housing strategy and delivery for the area. In this regard, the weight that I afford to the conflict with policy 1R of the MRNP is diminished in relative terms.

59. Moreover, and given my conclusion in respect of the five-year housing land supply main issue below, it is necessary that I also consider paragraph 14 of the Framework which states that where paragraph 11d of the Framework is engaged in respect of the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan '*is likely to significantly and demonstrably outweigh the benefits, provided a) the neighbourhood plan became*

part of the development plan five years or less before the date on which the decision is made, and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

60. In this case the neighbourhood plan became part of the development plan less than five years ago and it contains policies and allocations to meet its identified housing requirement. I deal with this matter further as part of my final planning balance and conclusion at the end of this decision.

Five-year housing land supply

61. The housing requirement in the LP is 540 dwellings per annum (9,720 dwellings by 2038). The requirement for 9,720 dwellings is for the period 2020-2038 (i.e., the plan period). To meet Bassetlaw's housing requirement, the adopted LP housing strategy has factored in a degree of frontloading which reflects the extent to which the Council has granted planning permission for new housing development in recent years, and the level of completions experienced in the district since the start of the plan period. The base date for the calculation of housing need was 1 April 2020. The adopted LP housing strategy includes a five-year windfall allowance of 544 residential units for sites of nine residential units or less and a five-year average demolition forecast from major and small sites of -69 residential units.

62. There is agreement between the main parties that in terms of the allocations in the MRNP, and factoring in planning permissions and estimates, it is likely that 9 less dwellings will be delivered than expected, out of a total of 152 dwellings outlined in the MRNP.

63. According to the Council's 'Five Year Housing Land Supply Position Statement' for 1 April 2024 to 31 March 2029, the Council conclude that based on the LP housing requirement on 1 April 2024 the local planning authority could demonstrate a deliverable housing land supply of 6.6 years for the 2024-2029 period. This represents a reduction from the initial 7.2 years housing land supply as concluded by the examining Inspector when the plan was adopted. Such a position statement also states, '*the next five-year housing land supply update will commence in April 2025'.*

64. The appellant comments that in respect of the 1 April 2024 to 31 March 2029 housing land supply position statement, the Council's anticipated supply does not accurately reflect the situation on the ground. The appellant has prepared a five-year housing land supply statement (prepared by Marrons) dated November 2025 which rebases the Council's claimed five-year supply position as of April 2025.

65. It is claimed that there are inaccuracies in some of the Council's 'category A' sites (e.g., land off Beverley Road and Land East of Doncaster Road) in so far that greater progress has been made in terms of build out rates than suggested by the Council. Moreover, it is claimed that in respect of identified 'category B' sites, there is an absence of 'clear evidence' from a delivery point of view having regard to the definition of deliverable in annex 2 of the Framework. In other words, the appellant asserts that there are errors in the Council's 1 April 2024 to 31 March 2029 housing land supply position statement. The appellant estimates that the deliverable supply for 1 April 2024 to 31 March 2029 is 2,241 and that this has reduced the Council's supply for that five-year period by 1,522 dwellings, i.e., a five-year supply of 3.95 years.

66. It has not been necessary for me to consider each of the 'category A' and 'category B' sites in detail as part of this appeal decision. Put simply, this is because the Council has not carried out an annual review of its now out of date five-year housing land supply position and relative to the new five-year period. The Council confirmed that it would not be able to prepare an updated five-year housing land position statement prior to the hearing owing to *'staffing issues'.* This is an important matter given that paragraph 78 of the Framework states that *'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies'.*

67. A significant period has elapsed since the last housing land supply position statement was prepared. In this regard, and notwithstanding the evidence from the appellant, the local planning authority cannot, in any event, demonstrate a five-year supply of deliverable housing sites in respect of the relevant five-year supply monitoring period. Indeed, the Council has not provided robust, up-to-date evidence to persuade me that I can still rely on the out-of-date housing land position statement. In fact, and, in the absence of a housing supply position statement which covers the 2025-2030 period, I am unable to conclude that the local planning authority can demonstrate a five-year supply of deliverable housing sites.

68. In the absence of up-to-date housing land supply monitoring data for the current five year period, it may also be the case that the rolling five year housing land supply position may have changed with reference to similar matters which resulted in a reduction from 7.2 years (i.e., when the plan was adopted) to 6.6 years based on its now out of date five year housing land supply position. Such matters may include revised timescales for infrastructure delivery and/or lost funding, a change to the small site delivery trend, the need to remove lapsed permissions, the inclusion of new planning permissions, an assessment of *'technical matters which require further resolution before delivery timescales and forecasts can be confirmed',* sites not being started despite assumed delivery, and an examination of build out rates. Overall, a robust and up-to-date assessment of the deliverability of available housing sites is needed, including information being sought from landowners and developers.

69. In addition, I emphasise that despite the appellant preparing an assessment relative to the published 1 April 2024 to 31 March 2029 housing land supply position statement, this has not been effectively rebutted by the Council on a site-by-site basis. It was open to the Council to do this as part of the appeal process and in accordance with the appeal timetable, and, moreover, it is noteworthy that the Council did not actively engage with the appellant in terms of the draft housing land supply statement of common ground.

70. Consequently, and, for the above reasons, I therefore conclude that paragraph 11d of the Framework is engaged. As outlined earlier, this is also a conclusion which is now shared by the Council given its changed position at the hearing.

Other Considerations

Housing supply and affordable housing

71. There is no doubt that the provision of up to 45 dwellinghouses would make a very positive contribution to the supply of houses in the area. This is in the context that I

have found that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites and, in any event, the housing requirement for the area is not a ceiling.

72. The completed planning obligation would ensure that 25% of the dwellinghouses were affordable. While this would be in accordance with development plan policy, it is nonetheless a matter to which I afford very positive weight in the overall planning balance. Collectively, these are social matters which weigh in favour of allowing the appeal.

Other benefits

73. It is likely that occupiers of the site would support existing amenities and services in the area, and, to that extent, there would be some economic benefits. There would also be some employment benefits at construction stage, although the positive weight that I afford this matter is tempered somewhat as such benefits would be short-lived.

74. While layout and design are reserved matters, the proposal nonetheless represents an opportunity to add to the housing mix in the area including the provision of smaller 1 and 2-bedroom units. In respect of the latter, the evidence indicates that the waiting lists show that there is a demand for this type of housing.

75. While layout and landscaping would be reserved for future reserved matters applications, based on the indicative layout the evidence is that the proposal would be capable of delivering significant biodiversity net gain. This would be over and above the statutory 10% minimum BNG requirement. The creation of 9.74 units of medium and 1.06 units of high distinctive habitat, along with 0.94 units of hedgerow (medium distinctiveness habitat) would be a significant on-site gain. Moreover, the provision of public open space on the site would also provide useful facilities for the wider community. These are benefits that could be secured by condition.

76. Collectively, the above benefits weigh substantially in favour of allowing the appeal.

Effect on the settings of non-designated heritage assets

77. There is common ground between the main parties in terms of the effect of the proposal on the setting of 27 Grove Wood Road and Grove Farm buildings which are identified as non-designated heritage assets (NDHA). The appellant has agreed that part of the north-eastern part of the site would not be developed with buildings or dwellinghouses thereby maintaining a suitable degree of open character surrounding the NDHA and hence maintaining the positive contribution that such land makes to the more open setting of these buildings and hence to their overall significance.

78. It is noteworthy that the Council's Conservation Officer also raises no objection to the proposal from a heritage point of view subject to the imposition of a condition preventing the construction of buildings/dwellings within the NDHA buffer zone in the north-eastern part of the site as shown on the appellant's plan. I do not disagree with the conclusions reached by the main parties, including the Council's Conservation Officer, about this matter. Consequently, and, subject to the imposition of a buffer zone condition, and, in the context of paragraph 216 of the Framework, I conclude that the proposal would be acceptable in land use principle

and that harm would not be caused to the significance of the NDHA from a setting point of view.

Public Sector Equality Duty

79. At the hearing, a local resident outlined that they had a disability. They live in a dwellinghouse at the bottom end of Orchard Grove. It was clear from the evidence that noise arising from the development would have the potential to exacerbate existing health conditions associated with the disability. In particular, the resident was concerned about possible noise from a pumping solution relative to surface water drainage, the use of generators, the position of proposed dwellinghouses, and construction activity leading to noise and disturbance. They also raised concern about well-being more generally in terms of stress and anxiety arising from the possibility of building houses on land which had otherwise been open and provided some undeveloped relief and a countryside setting to this part of Misterton.

80. I have no reason to doubt that the resident has a disability and that noise is likely to be a factor which may make her disability symptoms worse. They mentioned that there had been some issues in respect of another site nearby, particularly in terms of vibrations through the ground. Along with other residents, they also had fears about surface water flooding arising from the construction of dwellinghouses on the site and the ability to safely leave the street which is close to the proposed access.

81. Given the identified disability, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. It was in this context that there was discussion at the hearing amongst the main parties about the imposition of planning conditions which might ameliorate some of the possible effects arising from the development in so far as the resident's disability and associated symptoms.

82. In respect of the above, it is noteworthy that conditions have been agreed by the main parties which would specifically deal with and control matters relating to construction activity (e.g., construction hours, measures to manage and minimise noise emissions, the location of contractor's compounds, access/egress by emergency vehicles, the storage of plant, and parking provision). In addition, the main parties agreed to the imposition of pre-commencement conditions relating to both foul and surface water drainage. If a pumping solution is needed for surface water drainage, the approval of a scheme would include the consideration of acceptable levels of noise and in the context of the matters raised by the resident who has a disability. I also emphasise that the Council's Environmental Health service has powers to deal with statutory noise nuisance.

83. I find that the inclusion of specific conditions would provide a level of control that would suitably alleviate the perceived fears and anxiety amongst some of the existing residents, including the resident who has a disability. Moreover, the position of dwellinghouses would be considered in detail at 'layout' reserved matters stage (within the parameters permitted as part of the outline planning permission) and in the context of the PSED and where the disabled resident lives. Moreover, landscaping would be a reserved matter detail to be considered as part

of a future application. Boundary landscaping, including enhancement in parts of Grovewood Road, would assist in screening part of the development from views from Orchard Grove and hence the effects of any light spillage which is a matter that the resident indicated can exacerbate symptoms associated with the disability.

84. I have already considered highway safety matters and do not find that the proposal would result in unacceptable highway safety impacts. Residents mentioned existing problems relating to vehicles being parked on pavements and/or at junctions. If this does happen, it should then be raised with the Highway Authority who can then consider whether it is necessary to impose highway restrictions relating to the way that the highway is currently being used.

85. Overall, I am satisfied that subject to the imposition of conditions, the proposal does/would seek to eliminate discrimination against persons with the protected characteristic of disability. Given this level of control, I find that the benefits associated with the proposal are sufficient to outweigh any possible harm caused to those with the protected characteristic of disability, or indeed those who have indicated that general well-being would be adversely affected if outline planning permission were to be approved.

Other Matters

86. I have considered the representations made by third parties at both outline planning application stage and in respect of this appeal.

87. I acknowledge the concerns raised in respect of the increased amount of traffic in the village and specifically on roads surrounding the appeal site. I do not doubt that Grovewood Road is busier than normal during school pick up and drop off times. While it is likely that there would be a noticeable increase in the volume of traffic movements in the village at times, subject to the imposition of conditions there is no objective evidence before me to justify refusing planning permission because the residual cumulative impacts on the road network would be severe. I reach this conclusion having considered the appellant's Transport Assessment and road safety audit. Both in this regard, and in terms of the safe use of the proposed access, the proposal has been assessed by the Highway Authority. It raises no objection in these respects, and I have no reason to disagree despite the strength of feeling from some third parties.

88. I recognise that the indicative plans do not show car parking in association with proposed areas of open space. The open space would primarily be for use by the proposed residents and those that live in the wider village. The provision of car parking would encourage more trips by private motor vehicle rather than on foot, the latter of which is more sustainable.

89. Concerns have been raised about whether the GP surgery and primary school have capacity to accommodate additional people living in the village. The evidence is that the primary school does have capacity and in fact supportive representations have been made by a representative of the primary school. In response to comments made by the NHS Nottingham and Nottinghamshire Integrated Care Board, the appellant has completed a planning obligation which would ensure that if the outline application was approved, a payment of £46, 714.13 would be paid and used for the purposes of increasing GP capacity from either the reconfiguration and/or extension of existing premises or a new build GP surgery. In respect of secondary school education and sixteen plus education, the evidence from the

appellant at the hearing, which was not disputed by the Council, was that funding was provided for additional places via the Council's Community Infrastructure Levy charging regime.

90. I recognise that additional residents in the village would likely mean that existing facilities, shops and services would be busier. I see that as a positive in terms of long-term viability. It is quite possible that an increase in people living in Misterton would have the effect of more amenities, shops and services from forming in the village.

91. I recognise that some take the view that if this outline planning application were to be approved, it may mean that further planning applications would be submitted on adjacent land or on land which is not shown to include dwellinghouses on the indicative plan. Given my reasoning about the effect of the development on the setting of NDHA, and on a key view and a significant green gap, it is necessary that dwellinghouses are not erected on part of the site. This is a matter that can be controlled by condition. Such a condition has been agreed by the appellant and is necessary.

92. I have determined this appeal on its individual planning merits. I do not agree that a decision to grant outline planning permission would set a precedent by which any other planning application submitted outside of the Development Boundary would automatically be granted planning permission, or that it would inevitably lead to *'development creep'.*

93. I have considered comments made about the effect of the development in terms of surface water and foul drainage. Some third parties have commented that there are existing flooding issues and that the sewerage infrastructure cannot cope. No objection in principle has been raised by Nottinghamshire County Council Lead Local Flood Authority, or from Severn Trent Water. This is subject to the imposition of pre-commencement conditions relating to the submission and approval of surface water and foul drainage scheme conditions. Such pre-commencement conditions provide suitable control and hence address the fears of some of the residents.

94. Comments have been made that there are about thirty-five homes for sale in Misterton. In that regard, it is suggested that there is not a need for more homes to be built in the area. While this is noted, the housing requirement for the area factors in existing dwellinghouses. The LPA has not been able to demonstrate a deliverable five-year supply of housing sites against its housing requirement. Moreover, the requirement for Misterton is in any event set as a minimum and hence is not a ceiling. In addition, the proposal includes the provision of affordable housing.

95. I acknowledge that the appeal site could be used for the keeping and exercise of horses. At least part of the site is indeed used for that purpose now. In addition, I also accept that additional traffic on the roads would likely make horse riding less desirable and that horse riders (including those associated with the nearby stables/riding school) would have to take even more care. Nonetheless, I do not find that the evidence supports any claim that the proposal would give rise to material harm being caused to the safety of horse riders, or to the viability of any existing equine business. I accept that if the appeal site were to be developed for housing, open space and landscaping, it would mean that the land was not then

capable of being used for the keeping or exercising of horses. However, there is no evidence to suggest that there is not land elsewhere that could be used for these purposes and, in any event, this is a matter which needs to be balanced against the benefits of the proposal. It is not a matter which in itself would be sufficient to justify withholding outline planning permission given the identified benefits that would arise.

96. Some would prefer other sites to be developed before the appeal site including *'land opposite the fire station'*. I do not know if this site would be suitable for housing development and, in any event, I have determined this appeal on its individual planning merits and taken a balanced view in accordance with local and national planning policies.

97. It is not the case that the site is not within walking distance of a bus stop. There are bus stops in Grovewood Road and Gravelholes Lane. The evidence is that bus services 97 and 597 operate in the locality. It is noteworthy that in respect of bus service 97, which is the 'Gainsborough to Redford' route, the service operates between 06.35 to 18.10 hours, up to every two hours Monday to Saturday. There would therefore be some opportunity to use a sustainable mode of transport to reach amenities, jobs and services further afield, other than being wholly reliant on the private motor vehicle for all journeys.

98. One representation has been made indicating that there is uncertainty about land ownership and raising a concern about financial transactions. Such concerns are not reasonably substantiated. There is no objective evidence before me to suggest that the applicant's ownership certificates are incorrect.

99. I note that the representative of Misterton Parish Council expressed concern at the hearing that the planning obligation did not include a financial contribution to village facilities such as the 'village hall'. There is no objective evidence before me, including development plan policy support, for the provision of a planning obligation financial contribution towards the village hall. However, the Council confirmed at the hearing that it was a 'CIL charging authority' (i.e., £20 per square metre of floorspace) and that the Council does receive money as part of that process, some of which can sometimes be earmarked for additional infrastructure or projects in villages. This is not a matter that is relevant to this appeal. It is a matter that could separately be taken up by Misterton Parish Council in consultation with the District Council.

100. A comment was made by a local resident at the hearing that the development should enable suitable broadband connection for both the occupiers of the proposed dwellinghouses and the occupiers of existing dwellinghouses in the village. While policy ST55 of the LP seeks to address this matter, this has now essentially been overtaken as a separate Building Control requirement.

101. Indeed, The Building etc. (Amendment) (England) (No. 2) Regulations 2022 came into force on 26 December 2022. Such regulations introduce gigabit broadband infrastructure and connectivity requirements for the construction of new homes in England. They amend The Building Regulations 2010 and The Building (Approved Inspectors etc.) Regulations 2010. Planning conditions should not be imposed which seek to duplicate controls that exist elsewhere. Consequently, a condition is not necessary in terms of this matter because it would need to be addressed as part of a separate Building Control application. Providing broadband connectivity for

existing residents in the village would not meet the tests for conditions as outlined in paragraph 57 of the Framework from the point of view of being relevant to the development to be permitted, enforceability, and reasonableness.

102. None of the other matters raised above alter or outweigh my planning balance and conclusion below.

Planning Balance and Conclusion

103. Subject to the imposition of planning conditions, I am satisfied that the site could be developed in a manner that reflects the indicative layout plan and without any significant planning harm being caused in respect of the character and appearance of the area, landscape character (including the identified 'Key View' and 'Significant Green Gap'), highway and pedestrian safety, traffic generation, biodiversity, flood risk, drainage, heritage, the living conditions of the occupiers of surrounding properties, and the safe use of the roads by horse riders. I recognise that the erection of dwellinghouses on part of the site would change its essentially undeveloped character and appearance. However, change does not automatically equate to planning harm.

104. While there would be conflict with policy 1R(2) of the MRNP, this must be considered in the context of paragraph 31 of the Framework which states that strategic or non-strategic policies that are adopted in a LP after a neighbourhood plan take precedent. The LP was adopted after the MRNP and hence I find that policy ST2 of the LP has more weight in decision making terms than policy 1R(2) of the MRNP. Nonetheless, I emphasise that I have concluded that there would be some conflict with part of policy ST2 of the LP.

105. I recognise that the proposal would not accord with policy 1R(2) of the MRNP. This is an adopted development plan policy and hence the conflict with it does weigh against allowing the appeal. In this regard, paragraph 14 of the Framework is applicable. I have already concluded that paragraph 11(d) and the tilted balance is engaged because at this moment in time the LPA has been unable to demonstrate a deliverable five-year supply of housing sites relative to the current five-year period. I recognise that in these circumstances paragraph 14 of the Framework states that '*in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made, and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)'*.

106. In this case, the MRNP became part of the development plan less than five years before this appeal decision, and it contains policies and allocations to meet its identified housing requirement. However, the evidence does not demonstrate that the proposal would lead to planning harms from a technical point of view, and only part of policy ST2 of the LP would not be met. In this case, I afford the conflict with policy 1R(2) of the MRNP only limited adverse weight. It is an out-of-date policy given the housing land supply position and has less weight than policy ST2 of the LP. In respect of paragraph 14 of the Framework, I find, in this case, that the identified benefits associated with the proposal do significantly and demonstrably outweigh the conflict with policy 1R(2) of the MRNP.

107. In the context of paragraph 11(d) of the Framework, the conflict with policy 1R(2) of the MRNP, and part of policy ST2 of the LP (i.e., the most important housing planning policies which are now out of date), would be significantly and demonstrably outweighed by the identified benefits of the proposal when assessed against the policies in the Framework taken as a whole. In particular, this includes those key policies which direct development to sustainable locations (there is no dispute between the parties that the site is in a sustainable location), making effective use of land (the indicative layout demonstrates that proposal would be capable of making effective use of the land while at the same time not causing planning harm in environmental terms), and securing well-designed places and providing affordable homes (the proposal would be capable of securing a well-designed place and 25% of the homes would be affordable).

108. I also emphasise that the appeal site would not be in a remote location and would have the potential to enhance and maintain the vitality of the rural community. I acknowledge that several interested parties, including those that attended the hearing, do not share this view. Nonetheless, the evidence is that the appeal site is closely aligned to the existing village, including existing built form, and that the proposal would provide opportunities to enhance the vitality of the rural community, whether it be through the provision of a significant number of affordable homes, the potential to use additional or different public open space areas, or to encourage the provision of new services/amenities in the village as a result of increased residential occupation. In this regard, I do not find that the proposal would conflict with the rural housing requirements of paragraphs 83 and 84 of the Framework.

109. For the above reasons, and, on balance, I therefore conclude that the proposal would deliver a sustainable form of development. Therefore, the appeal should be allowed.

Conditions

110. The conditions set out in the accompanying schedule are based on those suggested by the Council and agreed by the main parties at the hearing. Notwithstanding the final list of agreed conditions from the main parties, I have included *'*construction hours' in condition No. 27 as that was an agreed matter at the hearing. In this case and given also the matters addressed in the public sector equality duty part of my decision, I find that this is a necessary condition in the interests of the living conditions of those that live around the site.

111. The appellant has expressly agreed in writing to the imposition of the pre-commencement conditions. I am satisfied that there is clear justification for the pre-commencement conditions. All the conditions meet the tests as outlined in paragraph 57 of the Framework.

112. I have provided reasons for each condition in the schedule of conditions at the end of this decision.

Planning Obligation

113. An executed planning obligation made under section 106 of the Act was signed and dated on 26 January 2026. In summary, it includes the provision for 25% of the homes to be affordable (in accordance with policy ST27 of the LP), an NHS financial contribution of £46,714.73 (for improved primary, secondary and tertiary care arising from the development), a bus stop infrastructure contribution of

£11,100 (to be used towards the provision of improvements to bus stops BA0079 and BA0080), free introductory bus travel provision (bus pass for one month to the first occupier of each dwellinghouse), and the planting of five trees per dwelling in accordance with policy ST48 of the LP.

114. I have considered all the contributions and obligations in the completed section 106 agreement against Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations), and paragraph 58 of the Framework, which states that they should be *'necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development'*.

115. I am satisfied that the contributions and obligations in the completed section 106 agreement do meet the tests for planning obligations as contained within Regulation 122(2) of the CIL Regulations and paragraph 58 of the Framework.

D Hartley

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To accord with the terms of the submitted application and to ensure that there are controls in place in terms of the acceptability of other reserved matters details.

2. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: a) the expiration of three years from the date of this permission: or b) the expiration of two years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.

Reason: To comply with section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.

3. The development hereby permitted shall be in accordance with the following approved plans and documents:

- Red and blue edged site location plan drawing ref. (00)100 dated October 2024.
- Access Design and Visibility Extents ref. RHC-23-405-01 Rev F.
- NDHA Buffer Zone drawing ref. (08)201 dated April 2024.
- Indicative Proposed Site Layout drawing ref. (08)101 (in so far that it relates to access details and condition No. 22).
- Swept Path Analysis (Refuse) by Roberts Highway Consultants Drawing ref RHC-23-405-02 Rev C.
- Proposed Pedestrian Crossings Into Public Open Space by Roberts Highway Consultants Drawing ref. RHC-23-405-03 Rev A.
- General Arrangement by Roberts Highway Consultants Drawing ref RHC-23-405-04 Rev B.

Reason: For the avoidance of doubt and in the interests of certainty.

4. Should the development be proposed to be progressed on a phased basis, the first reserved matters application shall include a detailed phasing plan indicating the phases in which the development is to proceed. Development shall proceed in accordance with the approved details.

Reason: To accord with the terms of the application.

5. Notwithstanding the indicative proposals, the reserved matters application(s) shall provide details of housing mix which is to be agreed with the Local Planning Authority. The details shall also demonstrate that, as a minimum, the dwellings meet the Nationally Described Space Standards (2015) or any successor standards or

policy. The Development shall then proceed in accordance with the approved details.

Reason: To ensure the development assists in the creation of sustainable and inclusive communities in accordance with policy ST28 and ST29 of the Local Plan.

6. A Design Guide shall accompany the first reserved matters application. The Design Guide will be applied to all subsequent Reserved Matters submissions for development should the development proceed on a phased approach. The Guide shall follow the principles established in the Design and Access Statement. The Design Guide shall refer to and reflect the National Design Guidance and the Adopted Bassetlaw Design Code SPD and cover the following key detailed design matters:
a) Urban design principles - how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and spaces;
b) Movement hierarchy and street types- the network of streets, footpaths and car free routes and how these integrate into existing networks, using street sections and plans to illustrate the hierarchy, including details of the verged and tree lined avenue to be created within the
public highway along the principal routes;
c) Residential character areas - the different areas of housing within the site and details of the key characteristics of each zone in terms of layout, scale, siting, appearance, and landscape;
d) Architectural appearance, building details and materials- informed by a local character appraisal;
e) Open space character areas - the function, appearance and design principles for each key area of open space;
f) Vehicle and cycle parking - including details of allocated and visitor
parking strategies in line with the Council's parking standards;
g) Hard and soft landscape - including street surfacing, junction treatments, street furniture, signage, management and maintenance, and boundary treatments - details of front, side, rear and plot division boundaries for each street type / character area;
h) How dwellings shall meet the Nationally Described Space Standards (2015) or any successor standards or policy. Development shall proceed in accordance with the approved details.

Reason: In accordance with The Bassetlaw Design Code SPD, policy ST33 of the local plan and Chapter 12 of the NPPF.

7. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy RLC/1566/FRA+OSDS01 dated September 2024 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include a timetable for implementation. The scheme shall be carried out in accordance with the approved details and the approved timetable for implementation. The scheme to be submitted shall:

- Include the maintenance of the drainage strategy.

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year. No flooding shown in a 1 in 30 year. For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site in accordance with policy ST50 of the Local Plan.

8. Any reserved matters application shall include a detailed landscaping scheme, for that phase, including details of street trees and new trees along with the future management and maintenance of the existing and proposed trees/hedgerows /landscaped areas within the site. Details shall also include detailed protection measure for retained trees in accordance with BS 5837:2012. The trees/landscaped areas shall only be managed in accordance with the agreed scheme.

Reason: To ensure that the trees/landscaped areas are managed satisfactorily in the interests of the appearance of the site and amenity of the area in accordance with policy ST48, ST33 and Chapter 12 of the NPPF.

9. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the local planning authority and including:

a) a non-technical summary;

b) the roles and responsibilities of the people or organisation(s) delivering the HMMP; the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and,
d) the monitoring methodology and frequency in respect of the created or enhanced.

Notice in writing shall be given to the Council when the:

a) HMMP has been implemented; and
b) habitat creation and enhancement works as set out in the HMMP have been completed.
No development shall take place until:
a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
c) The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990

10. The development shall not commence until (including demolition and ground works) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
a) Summary of potentially damaging activities.
b) Identification of "biodiversity protection zones"
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site
d) The location and timing of sensitive works to avoid harm to biodiversity features
e) The times during construction when specialist ecologists need to be present on site to oversee works
f) Responsible persons and lines of communication
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
h) Use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of a satisfactory development and in the interest of biodiversity in accordance with Policies ST 38 and ST 39 of the Bassetlaw Local Plan (May 2024).

11. The development shall not commence until a plan has been submitted to and agreed with the LPA that:
a) Sets out the type, number and location of features that will be installed as part of the development (e.g. bat boxes, bird boxes, refugia, compost heap for grass cuttings etc.);
b) Sets out at timeline for the installation of these features that will be adhered to.
The approved details shall be implemented and retained.

Reason: In the interests of biodiversity in accordance with Policy ST 38 of the Bassetlaw Local Plan (May 2024) and para 187(d) of the National Planning Policy Framework.

12. No development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for trial trench evaluation and provision for further mitigation work as necessary. These schemes shall include the following:

- An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- A methodology and timetable of site investigation and recording
- Provision for site analysis
- Provision for publication and dissemination of analysis and records
- Provision for archive deposition
- Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with policy 41 of the Local Plan and the National Planning Policy Framework.

13. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant/developer shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with policy 41 of the Local Plan and the National Planning Policy Framework.

14. A report of the archaeologist's findings, if any, shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced. The post investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

15. No development shall commence until a Land Contamination Risk Management Stage 1 Risk Assessment has taken place and, if required a Stage 2 options appraisal has been carried out to identify the nature and extent of any contamination at the site. The site investigation report shall include a risk assessment to assess the risks to the environment and to human health resulting from any contamination present at the site. Stage 3 remediation and verification measures identified by the investigation shall be carried out before the use of the site / the occupation of the buildings(s), hereby permitted, commences. The report shall be agreed in writing by the Local Planning Authority. In order to comply with the above condition, the proposal should comply with Land Contamination: risk management guidance found at https://www.gov.uk/guidance/land-contamination-how-tomanage-the-risks" and "BS 10175:2011+A2:2017 Investigation of potentially Contaminated sites - Code of practice".

Reason: To ensure that the site, when developed, is free from contamination, in the interests of safety in accordance with policy 47 of the Local Plan.

16. No development shall commence until details of the existing and proposed land and finished floor levels of the site, including sections through the site and building(s) proposed have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved levels.

Reason: To ensure the satisfactory development of the site in accordance with policy ST33 and policy 46 of the Local Plan.

17. No development shall commence until such time as full details of the manner in which foul sewage are to be disposed of from the site have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the site is drained in a satisfactory manner in accordance with policy ST50 of the Local Plan.

18. No development shall commence until details of the public open spaces are submitted to and approved in writing by the LPA, the details should include a Locally Equipped Area for Play (LEAP) which are to be in broad accordance with those located within the public open space shown on the Indicative Proposed Site Layout Plan Drawing ref (08)101. These facilities shall be designed in accordance with the standards contained within the Planning Obligations Supplementary Planning Document and Fields in Trust, Guidance for Outdoor Sport and Play- Beyond the Six Acre Standard, England (November 2020). The details shall include a schedule for the implementation and completion of the public open spaces and facilities and details of a management and maintenance strategy. Development shall then be carried out in accordance with the approved details. All public open space shall thereafter be retained in accordance with the approved details.

Reason: To ensure the development delivers public open space and facilities in pursuance of Policy ST44 of the Bassetlaw Local Plan, the Planning Obligations Supplementary Planning Document December 2025 and paragraph 103 of the NPPF.

19. Notwithstanding the submitted site location plan, the northeastern part of the site shall remain free from the construction of any buildings/dwellings as part of any future reserved matters application(s) as denoted on the NDHA Buffer Zone plan drawing no (08)201.

Reason: To ensure that the immediate setting of 27 Grovewood Road and the Grove Farm buildings, which are non-designated heritage assets, are adequately conserved and protected.

20. Notwithstanding condition No. 2, before occupation of the first dwellinghouse, a three-metre-wide footpath on Grovewood Road shall be completed, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved additional/extended three-metre-wide footpath shall thereafter be implemented and retained in accordance with approved details and prior to the first use of any approved dwellinghouse.

Reason: In order to ensure that the site is safe and accessible for all users.

21. No existing hedge or other landscaping on the site shall be removed unless permitted as part of the approval of a subsequent reserved matters application(s).

Reason: In order to ensure that the approved development incorporates existing vegetation and landscaping in the interests of the character and appearance of the area.

22. No development shall commence until details (including maintenance arrangement) of footpath links within the site, including to Grovewood Road and Gravelholes Lane, have been submitted to and approved by the local planning authority. The footpath links shall be implemented in accordance with the approved details. They shall be provided prior to the first occupation of any dwellinghouse hereby approved and thereafter retained.

Reason: To ensure that the site is accessible for all users.

23. Up to forty-five dwellinghouses are approved. Dwellinghouses are only approved on land falling within an outer edge of the purple hatched line and as ‘proposed residential development area’ on the indicative proposed site layout drawing ref (08))101.

Reason: In the interests of the character and appearance of the area and to safeguard a key view.

24. The development shall not commence until a Biodiversity Gain Plan has been submitted to and approved by the Local Planning Authority. The submitted and approved Biodiversity Gain Plan shall be prepared in accordance with the submitted

Statutory Biodiversity Metric (dated 5th November 2024 and prepared by Mr Connor Wilde of Elite Ecology Ltd) and shall outline the onsite delivery of:
a. a gain of 64.09% (6.36) Habitat Units and;
b. a gain of 10.40% (0.86) Hedgerow Units.
The development shall accord with the approved Biodiversity Gain Plan.

Reason: The provision of biodiversity net gain (BNG) as a benefit over and above the statutory minimum 10% BNG constitutes a benefit which has partly justified the on-balance decision to grant of outline planning permission.

25. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:
a. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
b. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
c. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30-years from the completion of development; and
d. the monitoring methodology and frequency in respect of the created or enhanced habitat.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

26. The development shall not be brought into use until:
a. the habitat creation and enhancement works set out in the approved Habitat Management and Monitoring Plan (the HMMP) have been completed; and
b. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

27. Prior to commencement of development, a Construction Environmental and Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. Within the CETMP the following information shall be provided:
a. Parking provision for site operatives and visitor vehicles;
b. The location(s) for the loading and unloading of plant and materials;
c. The location(s) for the storage of all construction plant, equipment, and materials;
d. Contractors' compounds and storage arrangements for cranes and plant, equipment, and related temporary infrastructure;
e. Access/egress by emergency vehicles;

f. Measures to manage and minimise noise emissions
g. A scheme for recycling/disposing of waste resulting from demolition and construction works;
h. Construction lighting (type and location), and,
i. Construction hours.

The development shall thereafter be carried out in accordance with the approved CETMP, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the living conditions of the occupiers of surrounding residential properties.

-End of Conditions-

APPEARANCES

FOR THE APPELLANTS:

Jon Pope BSc (Hons) MSc MRTPI Director at GPS Planning and Design Limited

Andrew Gore BSc (Hons) MSc MRTPI Partner at Marrons

Sam Muir BSc (Hons) MA Pg Dip Law Senior Planner at Marrons

Jack Randall-Barsby MSc, BSc Hons Associate Solicitor at Shakespeare Martineau

FOR THE LOCAL PLANNING AUTHORITY:

Kirsty Harte, Principal Planning Officer

Hafsah Naseem, Planning Officer

Karen Johnson, Planning Policy Manager

Cheryl Askell, Principal Planning Policy Consultant

Freddie Humphreys, Barrister

OTHER INTERESTED PARTIES:

A Stennett (Resident)

J Stennett (Resident)

D Perry (Resident)

L Rothery (Resident)

V May (Resident)

T Wilson (Resident)

A Harrison (Misterton Parish Council)

DOCUMENTS SUBMITTED AT THE HEARING

Council's additional suggested condition relating to the submission of a construction, environmental and traffic management plan.