

## Response to Planning Application S26/0237 Heatherway House, Stubton

I **object** to the above planning application for the following reasons.

### Objection

- The application has incorrect or missing information.
- There appears to be a great crested newt habitat immediately adjacent to the southern boundary of the site.
- The development would be contrary to the aims and policies in the Stubton Neighbourhood Plan.
- The proposed development would seriously harm the village's nature and character.
- Non of the requirements of SP3 (Residential Development within Settlements) of the Local Plan would be met. Assessment under SP4 (Residential Development on the Edge of Villages) may be more applicable but these requirements are also not met.
- The development would be likely to cause flooding on adjacent land and a public right of way.
- The provisions of Paragraph 11(d)(ii) of the National Planning Policy Framework apply in that the adverse effects of the proposed development outweigh the benefits.

### Details to the Objection

- 1) The current use of the site is not a residential garden as stated on the application. Although the application site formed part of the red line around the original Heatherway House planning application, the site has never been used as a garden in the 30+ years since approval. The predominant use has been equestrian and more recently the grazing of sheep. Google maps imagery and current views of the site clearly show that the application site is outside the domestic use (See attached photos). It is the material use of the site that is relevant. The application states that there are no trees on the site although there is a tree of significant size in the proposed entrance to the site (see attached photo). This should be the subject of an arboricultural report. The proposed access is not a reserved matter but details are not provided (dimensions, visibility splays etc). To assess the application properly there should be a landscape and village character assessment prepared and submitted. There is no evidence that proposed drainage will work, and local evidence suggests that the infrastructure in the village would not cope with the additional flows.  
On 5th March, 2026 a contractor working at Ellary House found two Great Crested Newts next to the pond immediately adjacent to the southern boundary of the application site. Great Crested Newts are strictly protected under UK law and therefore a suitable ecology assessment is required. See attached photos.
- 2) The Stubton Neighbourhood Plan (NP) notes the importance of the peace, quiet and tranquility in the village and states that this should be safeguarded. Furthermore it states that the small settlement nature is a major part of the village's charm. The NP supports "sensitive development which protects and enriches the landscape and built setting within the village and its environs". It suggests that restrictions should be placed on new domestic buildings and states that a 10% increase in housing over the next decade would be an acceptable scale. It also states, "development which would impact on views into and, where appropriate, out of the village should demonstrate that these features have been sensitively and appropriately considered and incorporated/mitigated as necessary".  
At the time of the adoption of the NP there were approximately 67 dwellings in the village. Since that time 3 new homes have been created (The Coach House, West View and Sunset View) and a further net increase of 2 new homes are being constructed at Park Cottage. There is also an approved plan for 4 new homes on Doddington Lane (S25/1033), and an application under consideration for 5 new homes on Claypole Road (S25/1860). In total there has been 9 new properties consented and 5 currently under consideration, excluding this Heatherway House application. If the Claypole Road and Heatherway House applications were both approved it would represent 19 new homes since the adoption of the NP. This would be a 28% increase in the size of the village. Such expansion would be completely at odds with the aims and policies in the Stubton Neighbourhood Plan (and the SKDC Local Plan).  
There is a public right of way adjacent to the northern boundary of the proposed site, and this then crosses agricultural land immediately to the west of the site. The site is in an area

predominated by farm and equestrian uses, and the proposals would have a significant negative impact on views into the village as seen by users of the right of way. Views out of the village will also be negatively impacted by the proposed development (see Attached photo).

- 3) The nature and character of the village is that of a small rural settlement, which is part of the charm enjoyed by residents. The proposed development would erode the attractive rural setting which is characterised by open countryside, farm and equestrian usage. It would extend the built up form into the open countryside, and would represent an unacceptably large expansion of the small village, particularly bearing in mind other planning applications and approvals.
- 4) The SKDC Local Plan states that infill under SP3 is generally expected to be no more than 3 dwellings. This suggests that the policy is to allow for the infilling of relatively small gaps, not for the development of a 1.3 acre field with 5 large detached houses. SP3 has requirements that must be met in order to be supported. These are detailed below with comments in italics.
  - (a) "It is within a substantially built up frontage or re-development opportunity (previously developed land)". *The proposed site is not within a built up frontage nor is it a re-development opportunity. It is located behind Heatherway House and would consist of new properties built entirely behind all existing buildings on Fenton Road and into open countryside.*
  - (b) "It is within the main built up part of the settlement". *Although the application site formed part of the red line around the original Heatherway House planning application, the site has never been used as a garden in the 30+ years since approval. The predominant use has been equestrian and more recently the grazing of sheep. The material use of the site is not a domestic garden. There are no existing domestic buildings along Fenton Road that extend as far west or north as the application site. The site is an open green space allowing views out of and into the village (see attached photo), particularly from the public right of way to the north and west. The topography of the site, sloping downwards to the north west corner, accentuates the views. Development of this site would therefore extend the buildings in this part of the village to the west and north, would erode the rural character and significantly impact the open countryside.*
  - (c) "It does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties". *The proposals would have a significant and unacceptable impact on adjacent properties, particularly Ellary House and the new properties at Park Cottage. The occupiers of Ellary House currently enjoy a private, tranquil garden and this would be significantly harmed in terms of loss of privacy, overlooking, noise and light pollution. The homes at Park Cottage would be similarly affected.*
  - (d) "It does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties". *The proposals do extend the pattern of development beyond the existing built form. The existing built form along Fenton Road is generally linear, albeit with varying degrees of set back. Park Cottage is currently being redeveloped for 3 houses instead of 1, but the actual buildings do not significantly extend further west than the original buildings. All of the houses in this proposal would extend the built form further west than any other building along Fenton Road, and part of the site would extend it to the north. The applicant has referred to other examples of 'depth development' within the village including St Martin's Close and Cherry Lane. Neither of these are directly comparable as both border Stubton Hall to the rear rather than open countryside. The recently approved development on Doddington Lane has proposed buildings that do not extend further west than Lindum House nor further south than Orchard End. The proposed development is not sensitive to the setting of adjacent properties such as Ellary House and the Park Cottage homes.*
- 5) It would appear that SP4 (Residential Development on the Edge of Settlements) is a more applicable form of assessment but the application does not meet these requirements. Most notably there has been no demonstration of substantial support from the local community.

- 6) The applicant states that surface water will be disposed of via soakaways. However, the land in the area is very dense clay and soakaways are extremely ineffective. The development proposals include a significant area of impermeable surface and this will very likely lead to run off and flooding in the lowest portion of the adjacent third party owned field (next to the north west corner of the application site). This corner of the field incorporates a public right of way and a copse of over 100 young trees that could suffer as a result of water logging. The applicant also states that foul water will be dealt with by way of 'package treatment plant'. However, this will generate a treated outflow and there is no information about where this will be discharged. Some other properties in the village have outflows that run into a ditch (not a watercourse) at the northern boundary of the field to the west of the application site. However, there is no right to connect new properties or increase the discharge into this private field. Ellary House has a treated outflow that serves 4 houses and after testing it required nearly 1km of soakaway drainage trenches located in the field to the west. The drainage infrastructure in the village cannot cope with the proposed expansion.
- 7) The Council's current Local Plan does not satisfy the government's latest targets for housing supply, and although a new plan is in production it is not yet approved and enforceable. In these circumstances the National Planning Policy Framework (NPPF) suggests the granting of an application unless "any adverse effects of doing so would significantly or demonstrably outweigh the benefits...having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes". It should be noted that weight may be given to emerging policy, depending how advanced it is. Current and emerging local plans target the most sustainable sites and focus on towns and larger villages. Stubton is one of 58 smaller villages and the housing target is 30 new dwellings per year between them all - an average of one new dwelling every two years per village. This figure is in line with the Stubton Neighbourhood Plan which suggests a 10% increase over a decade.

The 'timing gap' between the current and draft Local Plan (which will address the new government targets) could result in unacceptable and irreversible harm to small settlements such as Stubton. Stubton is not a sustainable location. There are no facilities whatsoever except for a village hall, and there is no scheduled public transport. The village will already be subject to expansion that is disproportionate to its size and infrastructure, and that is at odds with the aims of the Local Plans and the wishes of local residents as expressed in the Neighbourhood Plan. Continuous development is inappropriate and harmful. Unless proposals meet the requirements of SP3 or SP4 and the Neighbourhood Plan future housing provision in SKDC should be directed to more sustainable and suitable locations. It is worth noting that there is no significant demand for housing in Stubton at present. Some properties have been marketed for many months and others have been taken off the market due to lack of interest. There are significant adverse effects that would cause unacceptable harm to the character and setting of the village and the landscape character of its immediate environs if this development is approved. This would be particularly evident for users of the public right of way when approaching the village from the west. There would be an unacceptable encroachment of buildings into the open countryside and green space and it would erode the attractive rural setting which is characterised by farm and equestrian usage. The proposals would cause harm and unacceptable impact upon the amenity of adjacent properties, and would likely result in flooding on adjacent third party land.

If the proposals are approved the harm will outweigh the benefits.

### Summary

There are Great Crested Newts immediately adjacent to the site.

SP3 - The application does not meet any of the requirements.

SP4 - The requirements are not met.

Neighbourhood Plan - The proposals are against the aims, objectives and policies NE1, NE2, NE3, BE1 and BE2.

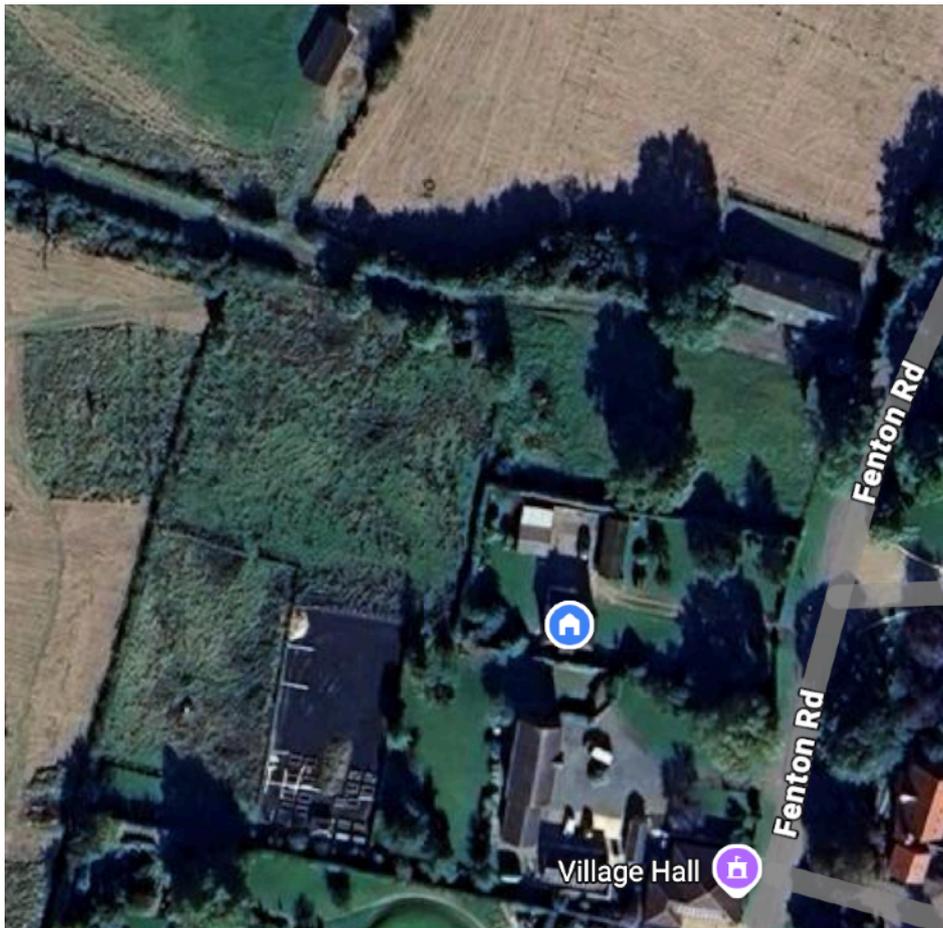
NPPF and Housing Land Supply - whilst the shortfall in regional housing needs is recognised, the cumulative impact of recently approved schemes together with this application will destroy the character of the village and the landscape character of its immediate environs. Stubton is a small village with no facilities and no scheduled public transport and is not a sustainable location. Applications should not be granted simply because of the Housing Land Supply - allocations should be more scientific and appropriate and directed to more sustainable locations. The harm of approving this application would outweigh the benefits.

**Recent Photos Showing Material Use of Site**





**Google Maps View Showing Material Use of Site**



**Existing Tree at Proposed Site Entrance**



**View to North West across the site showing Landscape Character**



**Great Crested Newts immediately adjacent to the proposed development.**



