



Notice of Decision

SIRIUS PLANNING - MR JAMES COOK
4245 PARK APPROACH
LEEDS
LS15 8GB

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Application for:	Full Planning Permission Major
Application No:	23/01837/FULM
Applicant:	Assured Asset Solar 2 Ltd - Mr Innes
Agent:	Sirius Planning - Mr James Cook
Proposal:	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.
Site Address:	Land To The West Of Main Street Kelham

Newark and Sherwood District Council as Local Planning Authority in pursuance of their powers under the said legislation **Refuse Full Planning Permission Major** for the development described in the above application, for the reasons set out below.

Reasons for Refusal:

01

A significant proportion of the site would affect the best and most versatile agricultural land, which would be removed from arable farming production for a period of at least 40 years. The loss of this land is not sufficiently mitigated or outweighed by the other benefits of the scheme. The proposal is therefore considered to be an unsustainable form of development, contrary to Policy DM8 and national advice contained within the National Planning Policy Framework (2024) and Planning Practice Guidance.

02

The proposed development, when taken cumulatively with other renewable energy developments in the locality, will result in unacceptable harm to landscape appearance, contrary to Spatial Policy 3 (Rural Areas) and Core Policy 9 (Climate Change) of the Amended Core Strategy (2019) and Policies DM4 (Renewable and Low Carbon Energy Generation), DM5 (Design) and DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD (July 2013) in addition to

the National Planning Policy Framework (2024) and Planning Practice Guidance. There are no other material planning considerations that would outweigh this harm.

03

The proposed development will result in less than substantial harm to designated heritage assets including Kelham Conservation Area and Kelham Hall. Whilst the significant benefits of the proposal in terms of renewable energy are acknowledged the public benefits and any other material planning considerations do not outweigh this harm. The proposal is thereby contrary to Policy CP14 of the Amended Core Strategy (2019) and DM9 of Allocations and Development Management DPD (July 2013) and national guidance contained within the National Planning Policy Framework (2024) and Planning Practice Guidance. The proposed development fails to preserve the setting of Kelham Hall in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Note to Applicant

01

The refusal is based upon the following drawings and specifications:

Drawing Reference HC1002 05 01 REV 0 Site Location Plan
 Drawing Reference HC1002 05 2A REV 1 Planning Application Boundary Sheet 1 of 2
 Drawing Reference HC1002 05 2B REV 1 Planning Application Boundary Sheet 2 of 2
 Drawing Reference HC1002 01 03 REV 0 Constraints Mapping
 Drawing Reference HC1002 02 01 REV 1 LVIA Study Area
 Drawing Reference HC1002 02 02 REV 1 Landscape Planning Constraints
 Drawing Reference HOR1002 02 03 REV 0 Zone of Theoretical Visibility Barriers
 Drawing Reference HC1002 02 04 REV 1 Landscape Character Policy Zones
 Drawing Reference HC1002 02 05 R3 REV 3 Landscape Mitigation
 Drawing Reference HC1002 02 06 R3 REV 0 Cumulative Sites
 Drawing Reference HC1002 02 07 REV 1 Residential, Settlement and Transport Receptors
 Drawing Reference HC1002 02 08 REV 0 Viewpoint Location Plan
 Drawing Reference HC1002 02 09 REV 0 Viewpoint Location Plan received 12 July 2024
 Drawing Reference HC1002 05 03 REV 4 Site Layout received 2 Dec 2024
 Drawing Reference HC1002 05 04 REV 1 Substation and BESS Compound Arrangement
 Drawing Reference HC1002 05 05 REV 0 PV Panel Details (including details of different mounting systems, to be read in conjunction with Drawing no. HC1002/5/28 Archaeology Mitigation Areas)
 Drawing Reference HC1002 05 06 REV 0 DNO Substation Details
 Drawing Reference HC1002 05 07 REV 0 Solar and BESS Switchgear Cabins Details
 Drawing Reference HC1002 05 08 REV 0 Solar Transformer Station Details
 Drawing Reference HC1002 05 09 REV 0 Spares Cabin Details
 Drawing Reference HC1002 05 10 REV 0 Container Details
 Drawing Reference HC1002 05 11 REV 0 Battery Modules Details
 Drawing Reference HC1002 05 12 REV 0 Battery Transformer Inverter Details
 Drawing Reference HC1002 05 13 REV 0 Battery Firewall Details
 Drawing Reference HC1002 05 14 REV 1 Point of Connection Details
 Drawing Reference HC1002 05 15 REV 0 Sections Through Substations and BESS Compound
 Drawing Reference HC1002 02 16 REV 2 Landscape Masterplan received 20 Dec 2024
 Drawing Reference HC1002 05 17 REV 0 Fencing and Security Details
 Drawing Reference HC1002 05 18 REV 0 Internal Access Track Construction Detail
 Drawing Reference HC1002 05 19 REV 0 Palisade Fencing Details
 Drawing Reference HC1002 05 20 REV 0 Deer Mesh Fencing Details
 Drawing Reference HC1002 05 21 REV 0 Acoustic Fence Details
 Drawing Reference HC1002 05 22 REV 0 Paladin Fence Details
 Drawing Reference HC1002 05 23 REV 1 Site Access Details received 21 June 2024
 Drawing Reference HC1002 05 24 REV 0 Site Access Construction Details
 Drawing Reference HC1002 05 25 REV 2 Temporary Site Set Down Area Details
 Drawing Reference HC1002 05 26 REV 0 Indicative 132kv Substation Details
 Drawing Reference HC1002 05 27 REV 2 Public Access Details received 20 Dec 2024
 Drawing Reference HC1002 05 28 REV 2 Archaeology Mitigation Areas
 Drawing Reference HC1002 05 29 REV 2 Translocated Hedgerow Plan received 21 June 2024

Drawing Reference WPD EPEX GA 03 REV B AND WPD EPEX GA 01 Communication Mast Indicative Specification

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

03

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

A copy of the decision notice and the officer/committee report are available to view on the Council's website.



Authorised Officer on behalf of Planning Development, Newark and Sherwood District Council

Date: 31 January 2025

Note: Attention is drawn to the attached notes.

Appeals to the Ministry of Housing, Communities and Local Government- If you disagree with the decision of the Local Planning Authority to refuse permission for the proposed development, then you can appeal to the Planning Inspectorate. It is important to note that there are different time periods in which you can appeal from the date of this notice. Please note, if you seek an inquiry you are asked to give the Planning Inspectorate and local planning authority at least 10 days' notice that you intend to submit an inquiry appeal. Further information is available on the Planning Inspectorates website at:

- For an appeal against a Householder application - <https://www.gov.uk/appeal-householder-planning-decision>
- For an appeal against a Full Planning application - <https://www.gov.uk/appeal-planning-decision>
- Customer support team by telephone 0303 444 5000

Purchase Notices - If either the Local Planning Authority or Ministry of Housing, Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council of the District in which the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).