
Appeal Decision

Site visit made on 10 January 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 February 2017

Appeal Ref: APP/F4410/W/16/3159789

Land South of Hushells Lane, Fosterhouses, Nr Fishlake, Doncaster, Yorkshire DN7 5LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Rowley against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 16/00902/FUL, dated 23 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is the construction of detached two storey dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The spelling of the appellant's name on the application form is not consistent with its spelling in subsequent documents, including the appeal form. I have used the most consistently spelt form of the name for the purpose of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

4. The appeal site is located in the loosely-arranged hamlet of Fosterhouses that comprises a small number of residential dwellings and farmsteads. The hamlet is in a remote rural location in the open countryside. The appeal site comprises a rectangular plot of land that is part of a larger agricultural land parcel to the west. The eastern boundary of the appeal site abuts Hushells Lane whilst its northern and southern boundaries abut the curtilages of residential dwellings. Panoramic views of the open countryside are present across the site when viewed from the adjacent road.
5. I observed from my site visit that the dwelling to the north of the appeal site is set back from the road to a significant extent and is situated on a considerably larger plot in comparison to the diminutive bungalow to the south. As a consequence it appears as a more isolated dwelling, clearly set apart from the dwellings to the south. The proposal would lead to a significant visual

coalescence of the built form along the western side of the road to the detriment of the isolated, rural character of the hamlet. This would lead to a more extensive and incongruent, suburbanised frontage. I also note from the plans that the substantial massing of this five bedroom property would introduce a further incongruity when compared to the smaller neighbouring dwellings, in particular the bungalow to the south.

6. The appellant contends that the appeal site is within an established settlement that has a clear beginning and end and that the proposed dwelling should therefore be considered acceptable as infill development. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I acknowledge that saved policy ENV4 of the Doncaster Unitary Development Plan 1998 (UDP) states that infilling development within settlements, such as Fosterhouses, may be permitted subject to the limitations set out in policy ENV9 of the UDP. However, policy ENV9 was not saved which means that policy ENV4 only carries limited weight.
7. Policy CS2 of the Doncaster Core Strategy, 2011-2028 (2012) (CS) defines a settlement hierarchy and associated indicative housing allocations. It clearly states that undefined villages, such as Fosterhouses, do not have a housing allocation and that any development should be restricted. The policy explanation states that undefined villages are not considered sustainable locations for new housing and that any such development will therefore be confined to agricultural dwellings, replacement dwellings and the conversion of rural buildings or otherwise related to rural diversification schemes. The restrictions and limitations are clearly set out in policy CS3 of the CS and carry full weight in relation to individual development schemes. As the scheme does not conform to any of the exceptions and would be visually detrimental it is consequently not supported.
8. Given the above, I conclude that the proposal would cause significant harm to the character and appearance of the local area and would not conform to any of the exceptions that justify new housing in undefined settlements. As a consequence it would be contrary to policies CS2 and CS3 of the CS and saved policies ENV2, ENV4 and ENV17 of the UDP that seek, among other things, to ensure that the countryside is safeguarded from encroachment, development is restricted to specific purposes and that areas of landscape value are protected.

Other Matters

9. I note the fact that none of the Councils' own consultees have objected to the proposal and that only one local resident has concerns over the positioning of the garage. However, an absence of objection does not indicate an absence of harm, merely that it has not been identified. Consequently, a lack of objection cannot be relied upon to imply that development is acceptable.
10. The appellant has suggested that agricultural operations on the area of land encompassed by the appeal site have become 'irksome' to the owner and that it is likely to become abandoned. Whilst I acknowledge that this may be a possibility the harm caused by the proposed development would be greater and of a permanent nature.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)

11. The appellant is of the opinion that the proposal would assist regeneration and help to maintain a sustainable rural community. However, paragraph 55 of the National Planning Policy Framework 2012 advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As no public services are present in Fosterhouses, nor readily accessible by any means other than the use of a private motor vehicle, I am not satisfied that this would be the case. In any event, I have no substantiated evidence before me that Fosterhouses is in decline or that new families would not become established over time through a natural turnover in house occupancy.
12. The appellant claims that a poor service has been provided by the Council. However, this is not relevant to the planning merits of the case and is consequently not a matter for consideration in an appeal made under S78 of the Town and Country Planning Act 1990 (as amended).

Conclusion

13. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR