

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE - 29th May 2019

Application	3
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Application Number:	18/00638/FUL	Application Expiry Date:	7th May 2018
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Application Type:	Full Application
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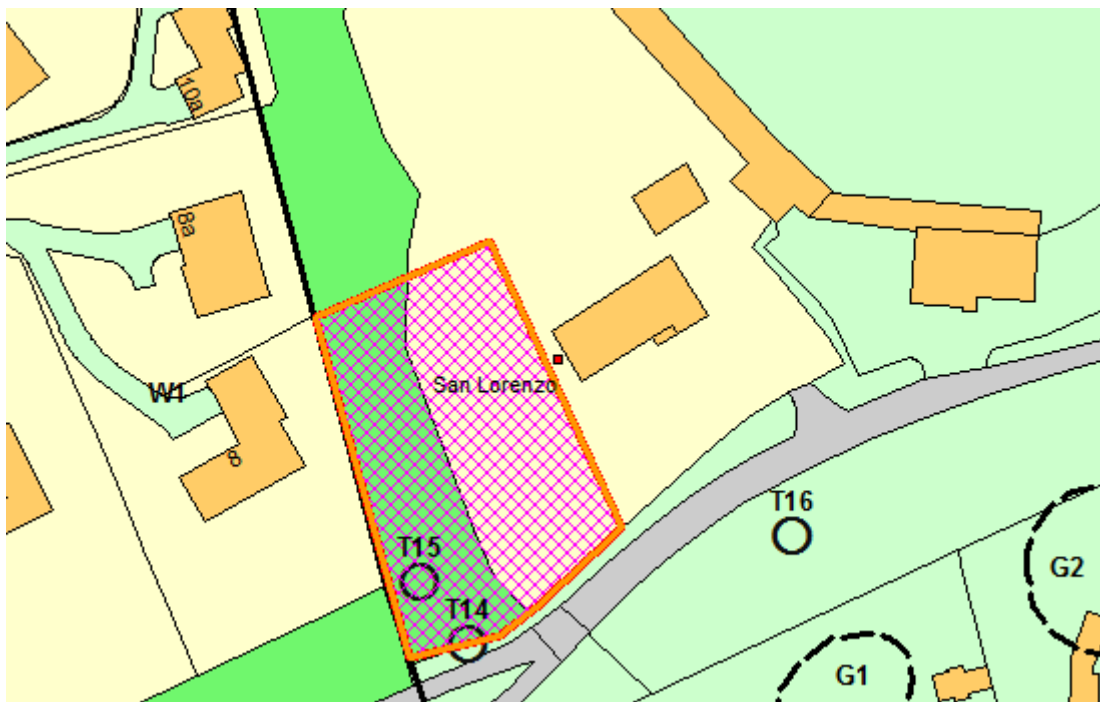
Proposal Description:	Proposed Detached 4 Bed Dwelling With Detached Garage (Being a re-submission of 17/01202/FUL).
At:	San Lorenzo Armthorpe Lane Barnby Dun Doncaster

For:	Mr Jason Taylor
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Third Party Reps:	6	Parish:	Barnby Dun /Kirk Sandall Parish Council
		Ward:	Stainforth And Barnby Dun

Author of Report	Alicia Murray
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MAIN RECOMMENDATION:	Refusal
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## **1.0 Reason for Report**

1.1 This application is presented to Planning Committee given the number of representations received supporting the application.

## **2.0 Proposal and Background**

2.1 The applicant is seeking consent for the erection of a single dwelling on part of the curtilage of San Lorenzo on the south eastern edge of Barnby Dun.

2.2 The site lies within the countryside and beyond the settlement limits, and critically the ability to infill in the countryside has now been abolished in the Councils Core Strategy and has recently been confirmed in several other similar appeals.

2.3 The site forms part of the curtilage of the existing house known as San Lorenzo on the edge of Barnby Dun. San Lorenzo is a detached dwelling located next to the Golf Range. To the west of the site are a series of dwellings located on Parkwood Rise and this plot would run along the boundary of no. 8; opposite the site is a series of paddocks utilised for equestrian purposes with stables. The access to the site is down the private road which leads to the Golf Range. The site is heavily dense with trees, along the western boundary and high hedges conceal the site.

2.4 Barnby Dun is considered to be part of the main urban area within the Core Strategy and the boundary limit of the residential policy area as outlined in the UDP is the boundary lines of no.8 Parkwood Rise and the rear elevation of the row of dwellings on Armthorpe Lane.

## **3.0 Relevant Planning History**

1.1 17/01202/FUL: Erection of Detached 4 Bed Dwelling With Detached Garage. Application Refused 01.08.2017.

## **4.0 Representations**

4.1 This application has been advertised by site notice and neighbour notification letters; in accordance with the Development Management Procedure Order 2015.

4.2 5 local residents have provided comments in support of this application and 1 resident has provided neutral comments; the comments outlined the following:

- Increase security in the area
- It could introduce new customers to the golf range
- Eco element would enhance the area and not harm the amenity
- The proposal is clearly infill
- Site is 10.3m AOD and would not flood, similar to the properties on Parkwood Rise which were approved 7 years ago.
- Whilst the siting of a dwelling in this location could raise factors that relate to development in the Countryside Policy Area it is apparent in this instance there is an accumulation of material considerations that could influence the Local Authority to allow the application.
- There are no obvious restraints on why a dwelling in this localised settlement area could not be erected on this site.

## **5.0 Relevant Consultations**

5.1 Drainage - No objections but have requested that if approved a condition is placed on the decision for full details of on-site drainage to be provided.

5.2 Policy (flooding) -Both the latest EA Flood Map for Planning and Council's SFRA Level 1 (2015) identify the site to be in FRZ3 - high risk. In accordance with NPPF/CS4 of the adopted Core Strategy (2012) a flood risk sequential test is required. Although the applicant questions the accuracy of the flood map, due to the time involved in challenging this with the EA, they have opted to conduct a "rudimentary sequential test to assess whether there is any other suitable land within the local area". Reference is then made to a search of the market (using RightMove) but that no plots have been identified elsewhere in the settlement of Barnby Dun. The search area should be the whole borough given Barnby Dun is a no growth settlement in the Core Strategy. If the sequential test requirements can be met first and foremost, then as residential development is classed by national policy as being 'more vulnerable' both parts of the exception test must also be met.

5.3 Contaminated Land - No objection subject to a condition and informative.

5.4 Natural England - No objections.

5.5 Policy (Open Space) - There is a lack of history attached to this site. The site is designated as Open Space in the UDP but it has subsequently come to have a bungalow sited on it which also has a garden, so its designation as Open Space is no longer accurate.

5.6 Policy (Housing) - The site is clearly outside the main built up area of Barnby Dun and is separated by the significant woodland and treed areas to the west and north. It is not an area where housing should be promoted. The existing dwelling does not support a further dwelling on land within its curtilage. The site is not infill in the sense of infilling a small gap in an otherwise built up frontage and exacerbating the erosion of countryside beyond the defensible boundary set by woodland. The security barrier on the approach road, and the nature of the two way road system to and from the leisure use, serves to further differentiate the character of the land from the main built up area of Barnby Dun.

5.7 Environment Agency - No objections subject to conditions relating to adherence to the flood risk assessment.

5.8 Highways - No objection.

5.9 Design - It is desirable to retain as much of the frontage hedgerow as possible. The sustainability report is commendable.

## **6.0 Relevant Policy and Strategic Context**

6.1 The site is allocated as Countryside Policy Area as defined by the Doncaster Unitary Development Plan 1998. The site is also located with Flood Zone 2 and 3. Planning policy relevant to the consideration of this application includes:

## 6.2 National Planning Policy Framework

### 6.3 Doncaster Council's Core Strategy:

CS3 - Countryside

CS 4 – Flooding and Drainage

CS 14 – Design and Sustainable Flood Risk

CS16 - Valuing our Natural Environment

### 6.4 Saved Doncaster Unitary Development Plan:

Policy ENV2 - Countryside Policy Area Designation

Policy ENV4 - Development within Countryside Policy Area

Policy ENV59 - Protection of Trees

Supplementary Planning Document - Development Guidance and Requirements

Supplementary Planning Document - Residential Backland and Infill Development  
(adopted 2010)

## 7.0 Planning Issues and Discussion

### The appropriateness of the proposal

7.1 The application site lies within Countryside Policy Area as defined by Doncaster's Unitary Development Plan, adopted in 1998. As such consideration should be had for Policy ENV4.

7.2 Saved Policy ENV 4 is one of the key local policies which set down the Borough Council's overall policy for control over development in the Countryside. It states that development will not normally be permitted for purposes other than, in brief:

- a) Agriculture, forestry, outdoor recreation and leisure, cemeteries and essential service provision by undertakers or other uses appropriate to a rural area.
- b) Infill development within settlements subject to policy ENV9.
- c) The re-use of existing buildings.
- d) Small scale extension or expansion of existing sources of employment.
- e) Minor retail development appropriate to the rural real.
- f) Replacement of, or alteration or extension to, an existing dwelling.

7.3 In May 2012 Doncaster Council adopted the Core Strategy 2011 - 2028 which replaced all unsaved policies. Point (b) of Policy ENV4 refers to policy ENV9 (Infill) which has subsequently been revoked. Although policy ENV4 cross references policy ENV9, this part of ENV4 ceases to be relevant and consideration should be given to Core Strategy Policy CS3.

7.4 Policy CS3 states that the countryside in the east of the borough will continue to be protected through a Countryside Protection Policy Area (as indicated on the Key Diagram). The key considerations for land within this area are:

1. new urban extension development allocations will be confined to those necessary to deliver the Growth and Regeneration Strategy;
2. minor amendments to settlement boundaries will be supported where existing boundaries are indefensible;
3. proposals will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all; and;

4. proposals that would generally be acceptable include agriculture, forestry, outdoor sport and recreation, habitat creation, flood storage and management, essential infrastructure, mineral extraction, some forms of stand-alone renewable energy, suitable farm diversification schemes, limited extension, alteration or replacement of existing dwellings and re-use of suitable buildings for uses appropriate in the countryside.

7.5 Although the proposal would close the gap between the existing bungalow and the dwellings on Parkwood Rise, the site is not within the settlement boundary. It is also noted that there are additional buildings to the opposite side of San Lorenzo, but as these are for not utilised for a residential purpose they cannot justify an infill argument. Therefore the proposal would not be infill development as described by UDP Policy ENV4. Consequently the proposal does not meet the criteria set out in either CS Policy CS3, or UDP Policy ENV4.

7.6 This argument has been tested under the following appeal; Appeal Ref: APP/F4410/A/12/2184110 Firth Hills Farm, Old Thorne Road, Hatfield, Doncaster DN7 6EQ. The inspector comments as follows "From my visit the locality is physically separate from the built-up area of Hatfield, the limit of which is marked by recent development at Mallard Chase, some 200m to the south. It is clearly open countryside where the Council's Core Strategy Policy CS3 provides protection through a Countryside Protection Policy Area (CPPA). The proposal would not meet the criteria under para C of the Policy, specifically, in that it would not preserve the openness of the CPPA and would conflict with the purposes of including the land within it. The Policy is in accord with the National Planning Policy Framework (the Framework), which recognises the importance of open land and the intrinsic character of the countryside.

7.7 Firth Hills Farm comprises a dwelling and a collection of buildings, apparently the former farmstead. The appeal site is a rectangular plot of land within a larger parcel of flat open grassland, separated from the main group of buildings, but having a common boundary with the first of the residential properties, a bungalow. It is argued that the development comprises infilling. However, this appears to rely on a previous policy within the Unitary Development Plan (ENV9) which has been revoked. There is no policy within the Core Strategy which would allow infill development in a CPPA. In any event, the site cannot be properly described as infill development since there would be an open gap between Firth Hills Farm and the proposed dwelling. In this circumstance it cannot be argued that the Framework requires councils to consider granting planning permission in the absence of a development plan policy. For all of these reasons I consider the proposal would comprise an unacceptable development in the open countryside contrary to the protection afforded by Policy CS3."

7.8 The prospect of infill within the countryside has been tested in several appeals over recent years which again supports this refusal.

- APP/F4410/W/16/3159789 - Land South of Hushells Lane, Fosterhouses, Nr Fishlake, Doncaster, Yorkshire DN7 5LE,
- APP/F4410/A/12/2179796 - Site of the former Severn Trent pumping station at the rear of 40 St Vincent Avenue, Branton, Doncaster, DN3 3QR

7.9 The planning statement submitted outlines a decision recently made by the planning committee at The Park, Manor Road, Hatfield (15/01306/FUL). This application similarly was in Countryside Policy Area and a Flood Zone; however this application was considered to be acceptable as it had material considerations which outweighed the impact on the Countryside; as it was closely aligned with the village context rather than in the countryside, it is the first zero emission house to be approved in the borough, it passed the sequential test as it is within a growth town, finally the design and position of the dwelling results in a minimal impact on the countryside.

7.10 It is considered that this proposal differs from the application approved in Hatfield for the following reasons: the site is not as well connected as The Park to the main village; whilst it is commendable that this dwelling would be eco-friendly it is not a consideration strong enough to warrant a house in the countryside and its design is not outstanding to accord with Para 7 of the NPPF; the site is within a no growth village therefore the sequential test area is the whole borough (to be discussed further in the report); the dwelling would also be located on land within an existing residential curtilage but this land is clearly defined by the dense tree line and the type of access arrangements as countryside, unlike Manor Road which is very close to the village settlement.

7.11 The agent has presented a case which suggests this proposal is infill development; Policy CS3 does not state infill development as an acceptable form of development within the countryside. As such residential infill development within Countryside Policy Areas is not considered acceptable. Notwithstanding the above, infill as defined in the abolished ENV 9 required 3 dwellings either side of the site within a continuous built up frontage, which again this proposal fails; as discussed previously within the report.

7.12 In addition the allowance of a further dwelling would set an undesirable precedent for other 'one off' dwellings to be placed in the wider countryside further eroding its open and spacious character. Whilst officers accept these would be considered on a case by case basis, in this case the residential policy area is a clear and defensible boundary created by the woodland and any further development beyond this boundary will harm the open character of the countryside.

7.13 Also, although the site is currently used as a domestic garden, the proposal would introduce into this area a dwelling as well as an additional domestic curtilage, boundary treatments and a hardstanding. As such, the proposal would have an adverse effect on the character and appearance of the surrounding area and conflict with UDP policy ENV4 and the objectives of CS 3 and the Framework.

#### The impact on the character of the surrounding area

7.14 The submitted site plan shows the dwelling slightly forward of the build line of the host dwelling San Lorenzo. The dwelling would be located approximately 5m away from the side elevation of San Lorenzo and 24m away from the side elevation of no.8 Parkwood Rise; the boundary to the west would be a dense line of trees to be retained and a 1.8m high timber fence to the east. This proposal would result in an additional dwelling on this private road leading the Golf Range; the surrounding dwellings are located within the Residential Policy Area (minus San Lorenzo) and are accessed of Parkwood Drive and Armthorpe Lane.

7.15 The design of the proposed dwelling is considered to be unacceptable, but could be acceptable with amendments; the neighbouring San Lorenzo is a red brick bungalow, with red concrete roof tiles. The proposed dwelling is proposed to be rendered, which is considered to be out of character with the existing dwellings close to the site; if this application was to be approved a brick material choice would have been requested and the render be partially or fully removed from the scheme.

7.16 There would be a large amount of windows on the side elevation facing towards San Lorenzo, within 5m. This is not considered to be in accordance with the Residential Backland and Infill SPD which suggests high occupancy and low occupancy windows or blank gables should have an 11m separation distance; but this can be mitigated by a fence at ground floor and the first floor windows are to bathrooms and therefore would not have an impact in terms of overlooking, as these would be obscurely glazed.

7.17 The proposal is not considered to raise any issues in terms of overshadowing, given the orientation and separation distances of the neighbouring residential properties. Although it is noted that the proposed dwelling would not have a significant impact in terms of neighbour amenity, it is considered that the principle of residential use is unacceptable as detailed above.

#### Tree Issues

7.18 CS16 states that proposals will be supported which enhance the borough's landscape and trees by: "Being appropriate to the landscape's character, sensitivity and capacity and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting."

7.19 ENV21 of the UDP states that the LPA will seek to protect and conserve existing trees and woodlands, by steering development away from trees and woodlands.

7.20 ENV59 of the UDP states that the LPA will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features and will require that new developments do not cause unnecessary loss of trees, nor imperil trees by building works.

7.21 Having consulted with the tree officer it has been commented that the woodland edge has been inaccurately plotted on the site plan and on site measurements show the 5m marker from the woodland edge to the western elevation of the proposed dwelling a lot closer than what is shown on plan; resulting in the openings on the western elevation staring into the woodland trees which will get larger over time. Moreover, the garage and associated hardstanding would negatively alter the open 'parkland' feel of the site and immediate area. As well as this woodland edge being closer to the dwelling than plotted, it is also considered that the two cedars on site would be closer to the new access than shown on plan; which may result in those being compromised also.

7.22 Since the original submission in 2017 the applicant has provided a tree report as part of this submission; it is noted that the report offers good advice regarding silvicultural management (management of woodland). However this does not obscure the fact that the development is steered towards trees.

7.23 It is considered that the proposal would result in un-necessary tree loss and could result in future tree loss by virtue of the unsatisfactory relationship with the woodland trees within the western area of the site. The loss would be contrary to policy ENV21 and ENV59 of the UDP and Policy CS16 of the Core Strategy.

#### Flooding Issues

7.24 It is noted that the application site is 10.3m AOD, however the site is still designated within a high flood risk (FRZ3) based on the latest EA Flood Map for Planning (July 2017).

7.25 In line with both NPPF/CS4 (adopted 2012) and the Development & Flood Risk SPD (October 2010) 'more vulnerable' housing proposals normally require a flood risk Sequential Test to be passed and, if this can be demonstrated first, both parts of the Exception Test. The SPD states (Table 3) that proposals on land designated as CPA (with the exception of agricultural workers dwellings etc) are normally contrary to other policies and a bespoke area of search should be agreed with the LPA.

7.26 The proposal would form a very small urban extension to the settlement of Barnby Dun, a Defined Village in the Core Strategy where the policy only supports infilling within existing settlement limits rather than expansion. The wider policy considerations of this proposal have been considered above, but in respect to flood risk it is suggested that there is a case for the proposal to look at all potential development plots reasonably available elsewhere in the borough rather than restricting the search to just Barnby Dun. The search need only look for plots capable of accommodating a single dwelling and can discount anything that has planning permission, and/or sequentially no better in flood risk terms, and/or, any other justified reasons for discounting as not being reasonably available.

7.27 The applicant/agent has suggested inaccuracies within the flood map, thus the site may not be FRZ3; and should be seen as similar to Top Rd in Barnby Dun which is FRZ1, but that challenging the Flood Map may be time consuming process and has therefore conducted a Sequential Test of the local area anyway. The applicant has done a review of Right Move and has stated that no suitable sites are available. Whilst this may be the case, no evidence has been provided to support this and a review of Right Move is in itself not considered to be a robust search. Also, the area of search could be seen as being far too small based on the Development and Flood Risk SPD; where it states that the proposals outside the settlement boundary should have a search area of the whole borough. Although it may be possible to pass the Sequential Test, it is considered that insufficient evidence has been provided that accords with the SPD to come to this conclusion.

7.28 If the Sequential Test can be passed, then both elements of the Exception Test must also be met. The submitted FRA may provide some of the basis for part 2 of the test but part 1 requires demonstration of wider sustainability benefits that outweigh residual risk. The Case Officer and Local Plans Officer for flooding are not satisfied that the applicant has provided sufficient evidence to transparently conclude both elements of the Exceptions Test have been met.



7.29 Although a Flood Risk Assessment has been supplied, sufficient and robust Sequential Test and Exceptions Test information has not been supplied. As such it is considered that insufficient information has been submitted to demonstrate that the application site is sequentially preferable and consequently the proposal is considered to be contrary to the National Planning Policy Framework, specifically section 'Meeting the challenge of climate change, flooding and coastal change.'

## **8.0 Summary**

8.1 In summary it is considered that principle of the development is inappropriate and would result in a form of development that is not supported by the Core Strategy.

8.2 Additionally the proposal would result in a dwelling within close proximity of a dense tree line which would result in direct tree loss and expected future loss by virtue of its relationship with the western area of the site; which may also be detrimental to the character of the area

8.3 It is further considered that insufficient information has been supplied to adequately demonstrate that the proposal has passed the Sequential Test for flooding in line with National Planning Policy Framework - Meeting the challenge of climate, flooding and coastal change, and Doncaster's SPD for flooding and development.

8.4 It is for these reasons that the proposal is considered unacceptable and recommended accordingly.

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**

## **RECOMMENDATION**

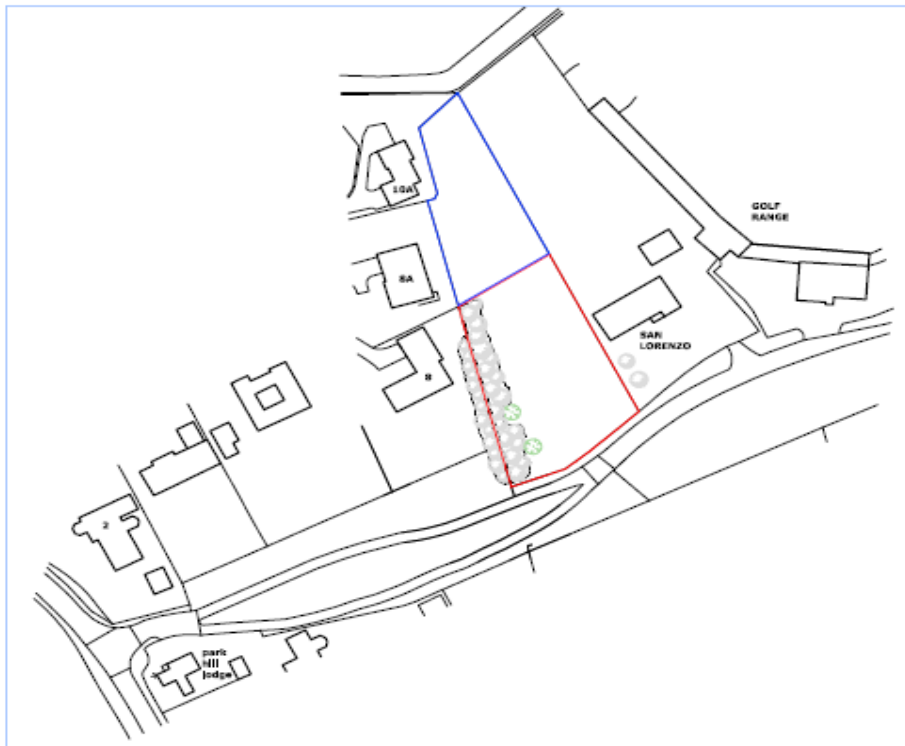
**Planning Permission REFUSED subject to the following conditions.**

- |            |   |
|------------|---|
| 01. U61216 | The proposal would represent an unacceptable form of development within the countryside. The application fails to comply with the appropriate uses of Policy ENV 4 of the Unitary Development Plan (adopted July 1998, saved by authority of the Secretary of State September 2007 and listed at Appendix 3 of the Doncaster Council Core Strategy 2011-2028) and Core Strategy Policy CS3: Countryside, adopted in May 2012. The applicant has not demonstrated that there are any circumstances that would outweigh this policy and as such the proposal is unacceptable. |
|------------|---|

02. U61217      The submission has provided insufficient information to apply the sequential test and exception test as set out in National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change and therefore fails the sequential test. The proposal is therefore contrary to the National Planning Policy Framework, Core Strategy Policy CS 4 Flooding and Drainage and Doncaster's Flood Risk and Drainage SPD .
03. U61218      The proposal would adversely affect the existing trees by direct tree loss and by expected future tree loss by virtue of the unsatisfactory relationship with the woodland trees within the western area of the site. This loss would be contrary to Policies ENV 21, ENV25 and ENV 59 of Doncaster's Unitary Development Plan, adopted in 1998, Policy CS16 of Doncaster's Core Strategy and Planning Policy Principle 11 of the NPPF; and the Development Requirements and Guidance SPD.

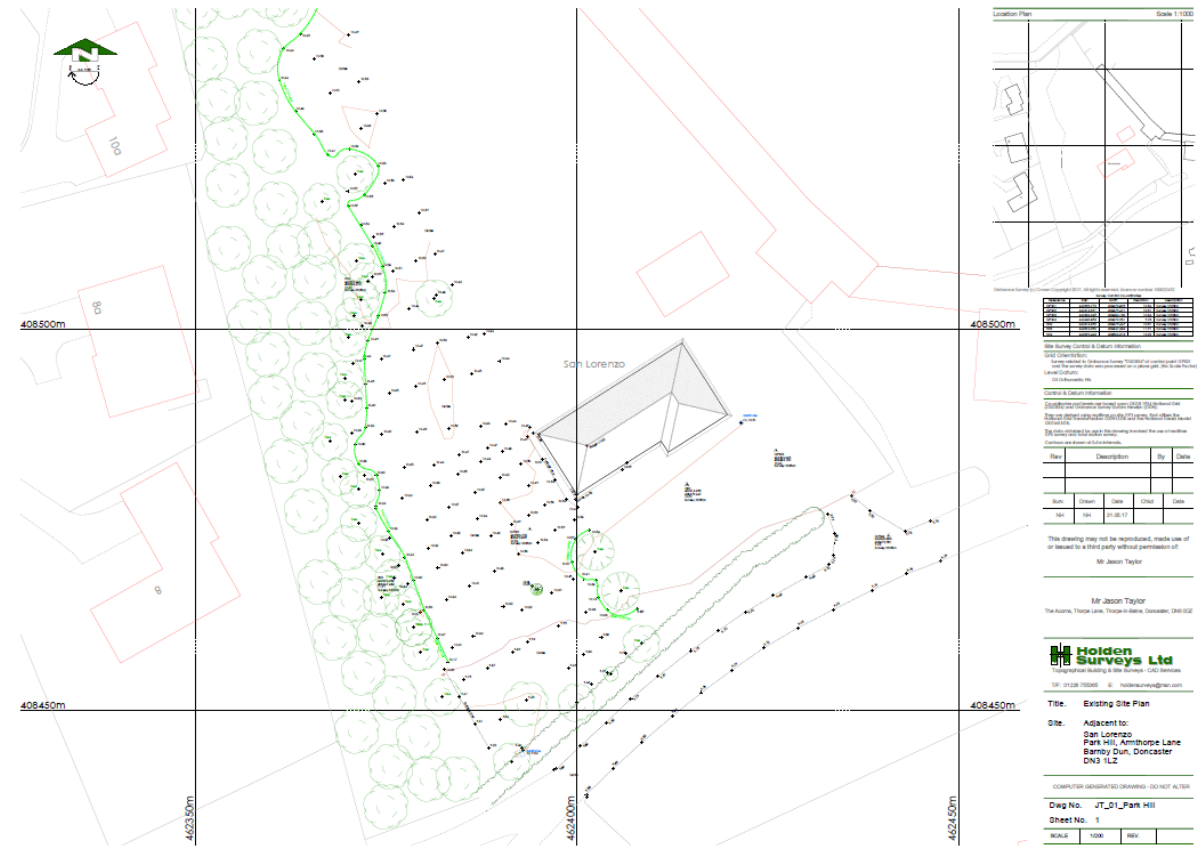
## Appendices

### Appendix 1: Location Plan

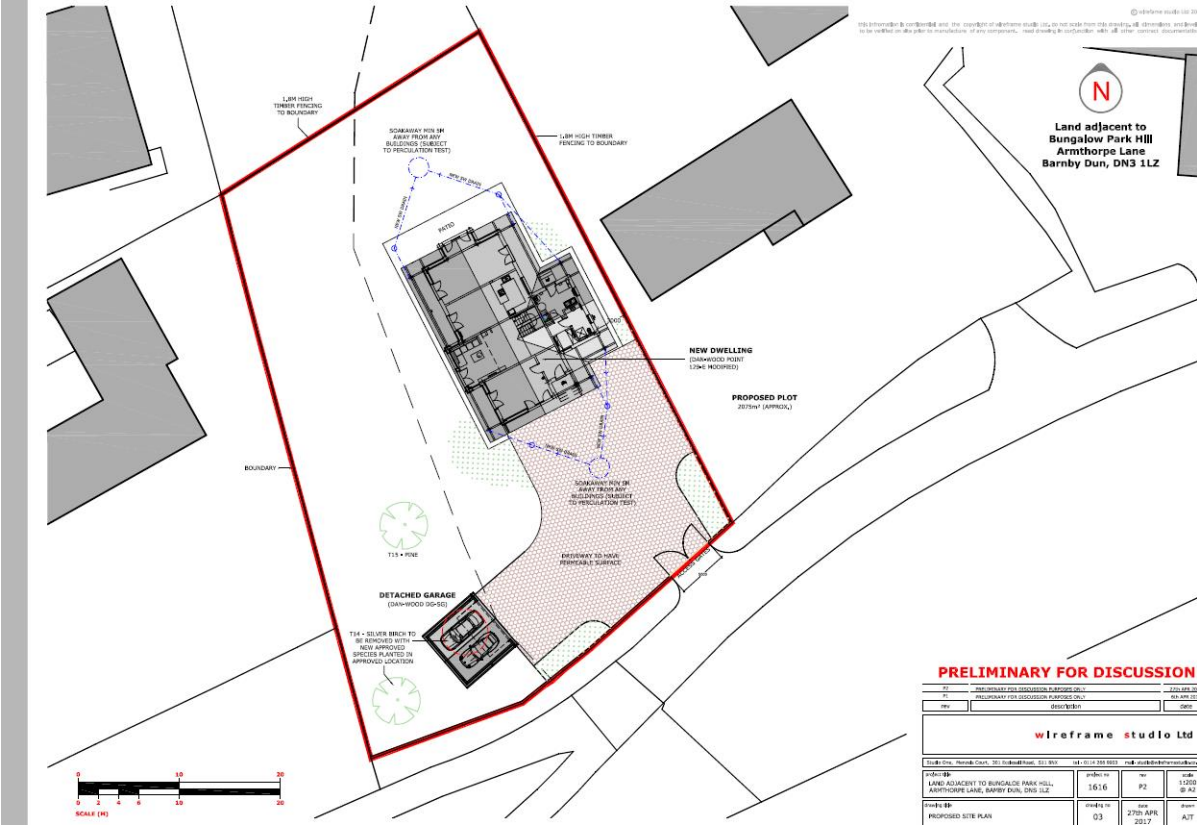


**LOCATION PLAN**  
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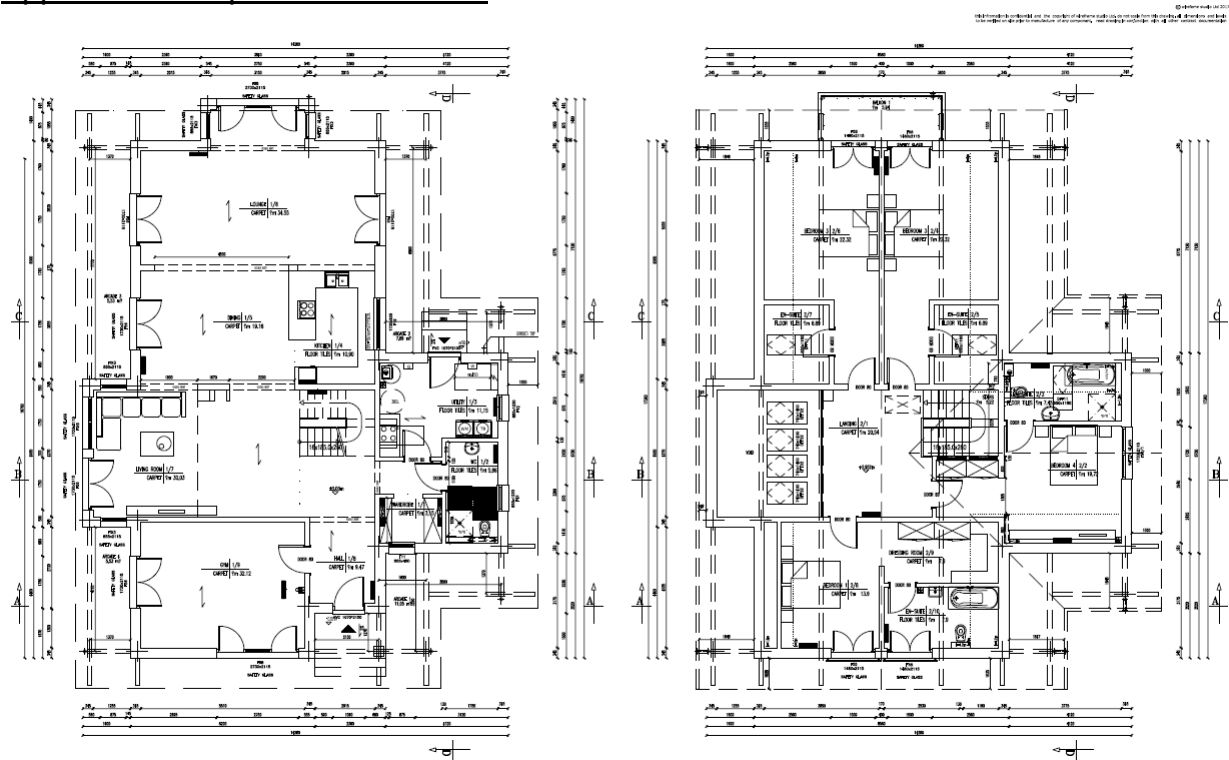
Appendix 2: Existing Site Plan



Appendix 3: Proposed Site Plan



Appendix 4: Proposed Floor Plans



Appendix 5: Proposed Elevation Plans

