



---

## Appeal Decision

Site visit made on 24 April 2018

**by A Jordan BA(Hons) MRTPI**

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

**Decision date: 9 May 2018**

---

**Appeal Ref: APP/F4410/W/18/3194280**

**Unit 3, Harlington Road, Adwick Upon Dearne, Mexborough, S64 0NL**

- 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 Bryan Hargreaves of IMH Recruitment Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/02436/FUL, dated 28 September 2017 was refused by notice dated 27 November 2017.
  - The development proposed is two detached dormer bungalows.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dormer bungalows on approximately 0.09ha of land following the demolition of existing buildings at Unit 3, Harlington Road, Adwick Upon Dearne, Mexborough, S64 0NL in accordance with application Ref 17/02436/FUL, dated 28 September 2017 and the plans submitted with it and subject to the conditions in the attached schedule.

### Procedural Matters

2. The Council altered the site address to better reflect the site location. As this appears more accurate, I have also adopted this description.
3. The application was accompanied by plan ref 2027 showing 2 access points to the site. This was amended during the course of the application to a single access point, a matter which is referred to in the Officer Report. Following refusal of the scheme the appellant clarified the scale on the submitted plans. I have considered whether this clarification constitutes a revised scheme, and have concluded that it would not. The clarification does not alter the scheme from the one applied for, and does not therefore run contrary to the principles outlined in *Wheatcroft*<sup>1</sup>.

### Main Issues

4. The main issues for the appeal are:
  - Whether the proposal is inappropriate development for the purposes of the *National Planning Policy Framework* (the Framework) and Development Plan policy, and
  - The effect of the proposal on the character and appearance of the area.

---

<sup>1</sup> Bernard Wheatcroft Ltd v SSE

## Reasons

### *Inappropriate Development in the Green Belt*

5. The *Doncaster Unitary Development Plan* (UDP) was adopted in 1998. Policy ENV3 of the plan allows for limited infilling in villages subject to the development complying with the limitations of Policy ENV9, which has now been replaced with policy CS3 of the *Doncaster Council Core Strategy* (CS) which was adopted in 2012. This later policy requires that development in Green Belt will have regard to national policy. The Framework states in paragraph 89 that the construction of new buildings is inappropriate development in the Green Belt, other than a number of stated exceptions which include limited infilling in villages. The Framework does not define "limited infilling in villages". The now deleted policy ENV9 of the UDP does contain guidance as to what infill development may comprise. The supporting text defines infilling as 1 or 2 houses within a substantial built frontage, which should have a least 3 houses either side of the gap. The site would fail to meet the requirements of policy ENV9 as there is a large gap in the frontage to the west of Rowenda.
6. However, policy ENV9 has not been saved. Furthermore, the site is clearly already developed and lies within the built extent of the village. Despite having open land opposite to the south and further along the road to the west, it forms part of a continuous, relatively dense frontage which extends through the village. Therefore, although I note the proposal would not fall within the definition within the now defunct policy, I see no convincing reason why the development site, which comprises infilling of 2 houses, within an existing settlement, would not reasonably be considered to comprise limited infilling within a village.
7. Development which comprises limited infilling in villages falls within the exceptions listed in paragraph 89 of the Framework which do not require any consideration of the effect on openness. I therefore find that the proposal to be not inappropriate development in the Green Belt.

### *Character and Appearance*

8. The proposal would comprise 2 bungalows which would roughly occupy a built area equivalent to the size of the existing industrial unit. The Council consider that the extent of development proposed on site would appear cramped, and that this would impact on the open character of the area. Having regard to the proposed layout, it appears to me that the spacing between buildings would be similar to that on the adjoining cul de sac. Although the Council refers to a building height of 9 metres, this is incorrect. Having assessed the dimensions on the submitted plans, and viewed the height of the adjoining properties, I consider that the bungalows would be of an acceptable height, at around 7.5 metres to the apex. This appears to be broadly similar to the existing dwellings in the vicinity of the site and so would not appear overly large or out of character with the prevailing mixed palette of architectural styles along Harlington Road.
9. I therefore find no conflict with policies CS3 of the CS or Policy ENV3 of the UDP which together seek to resist visually detrimental development within the Green Belt, or with guidance within the Framework, which has similar aims.

### *Other Matters*

10. The adjoining occupier has raised concerns in relation to whether the proposed development would comprise an intensification of activity on site, which would result in an unneighbourly impact due to vehicular activity and parking. I take into account the amended highway layout shown on plan ref 254/101/Rev B, which shows that each plot could accommodate 2 parking spaces, which I consider to provide sufficient parking for the dwellings proposed. I also note that the Highways Authority are satisfied with the amended scheme, which shows a single point of access. Accordingly, I have no basis for concluding that the proposal would be harmful to either highway safety or residential amenity.

### **Conclusion and Conditions**

11. The proposal would not conflict with policies CD3 and ENV3 of the development plan. Accordingly, having regard to all other matters raised, including highway safety and the effects of parking provision on adjoining occupiers, I allow the appeal. In addition to conditions relating to the period of implementation and the approved plans, conditions relating to appropriate materials and landscaping are reasonable to ensure a satisfactory appearance for the scheme. Taking into account the current use of the site, a condition relating to potential contamination and remediation is also reasonable and necessary. In order to ensure the site is adequately drained, and does not increase the risk of flooding elsewhere, a drainage condition is also appropriate and reasonable. A condition requiring the laying out and retention of parking is necessary in the interests of highway safety. Furthermore a restriction on the height of boundary walls is necessary to ensure access visibility is maintained.
12. Lastly, I have considered whether a condition restricting permitted development rights is necessary in the interests of maintaining openness in the Green Belt. As the site is an infill plot within a village, the effect on wider openness was not relevant to considering whether the proposal was inappropriate development. Furthermore, taking into account the configuration of the plots, it is unlikely that the extent of development permissible under permitted development rights would have a significant effect on openness in any case. I therefore consider such a condition to be unnecessary.

*Anne Jordan*

INSPECTOR

### Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications: Dwg No. 2027/OS Location Plan, Dwg No. 2027/1 Rev B Proposed Floor Plans & Elevations, Site Plan as shown on 254/101 Rev B.
3. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
4. Prior to the commencement of the development hereby granted full details of the proposed landscaping and natural ground treatments shall be submitted to and approved by the Local Planning Authority. These details should include plans and specifications of layout, drainage, soils, grass seed mixes, turfing, tree and/or shrub planting together with proposals for maintenance and other horticultural operations necessary to implement the development and in particular of any area to be retained for indigenous ecological conservation purposes.
5. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site.

Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

6. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
7. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 as amended, all walls, fences, gates and enclosures forward of the principal elevation of the house towards the highway shall be no higher than 900mm above ground level.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
9. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.