



City of Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

Notice is given that a Meeting of the above Committee is to be held as follows:

Venue: Council Chamber, Civic Office, Waterdale, Doncaster DN1 3BU

Date: Tuesday, 5th March, 2024

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Monday, 26 February 2024

Governance Services Officer for this meeting

Sarah Maxfield
01302 736723

1. Apologies for Absence
 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
 3. Declarations of Interest, if any.
 4. Minutes of the Planning Committee Meeting held on 6th February, 2024. 1 - 8
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications. 9 - 60
- For Information**
6. Appeal Decisions. 61 - 80

Members of the Planning Committee

Chair – Councillor Susan Durant
Vice-Chair – Councillor Sue Farmer

Councillors Duncan Anderson, Iris Beech, Steve Cox, Aimee Dickson, Charlie Hogarth, Sophie Liu, Emma Muddiman-Rawlins, Andy Pickering and Gary Stapleton

Agenda Item 4.

CITY OF DONCASTER COUNCIL

PLANNING COMMITTEE

TUESDAY, 6TH FEBRUARY, 2024

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 6TH FEBRUARY, 2024, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant
Vice-Chair - Councillor Sue Farmer

Councillors Duncan Anderson, Iris Beech and Charlie Hogarth

APOLOGIES:

Apologies for absence were received from Councillors Steve Cox, Aimee Dickson, Sophie Liu, Emma Muddiman-Rawlins, Andy Pickering and Gary Stapleton

62 DECLARATIONS OF INTEREST, IF ANY.

In accordance with Members Code of Conduct, Councillor Iris Beech declared an interest in Application No. 23/02907/FUL Agenda Item 5(4) by virtue of being a Local Ward Member.

63 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 9TH JANUARY, 2024

RESOLVED that the minutes of the meeting held on 9th January, 2024 be approved as a correct record and signed by the Chair.

64 SCHEDULE OF APPLICATIONS

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

65 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 17(l), the meeting stand adjourned at 2.54 p.m., to be reconvened on this day at 3.00 pm.

66 RECONVENING OF MEETING.

The meeting reconvened at 3.00pm.

67 APPEAL DECISIONS

RESOLVED that the following decisions of the Secretary of State and/or his inspector, in respect of the undermentioned Planning Appeals against the decisions of the Council, be noted:-

Application No	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
22/01297/FUL	Erection of detached chalet bungalow and garage. (Being resubmission of 22/00102/FUL refused 07.03.2022) at West Lodge, Sutton Road, Campsall, Doncaster	Appeal Dismissed 08/01/2024	Norton and Askern	Delegated	No
22/02550/LBC	Listed building consent for the installation of black photovoltaic (solar) panels on south-facing roof at The Granary Rear of 33 Northgate, Tickhill, Doncaster	Appeal Dismissed 18/12/2023	Tickhill and Wadworth	Delegated	No
21/02792/FULM	Change of use of land for the siting of holiday lodges and holiday park reception, including formation of 1 new access and alteration of 1 existing access, creation of ponds, bunding, landscaping and associated infrastructure at Land East of Doncaster Road, Bawtry, Doncaster	Appeal Dismissed 18/12/2023	Rossington and Bawtry	Delegated	No
23/00051/FUL	Erection of site boundary fence (retrospective) at land North West Of Long Sandall, Clay Lane, Doncaster	Appeal Dismissed 16/01/2024	Wheatley Hills and Intake	Delegated	No

22/02154/FUL	Erection of garage to the side; porch/canopy feature to the front elevation; and a balcony at first floor level to the rear with associated alterations to the appearance of the dwelling (RETROSPECTIVE) at 175 South Street, Highfields, Doncaster DN6 7JH	Appeal Dismissed 19/12/2023	Adwick-Le-Street and Carcroft	Delegated	No
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68 PLANNING ENFORCEMENT QUARTERLY UPDATE

The Committee considered a report which detailed all Planning Enforcement performance in the third Quarter 1st October to 31st December, 2023.

A query was made regarding 48 Jubilee Road and what the next course of action would be if officers were still unable to gain access to the property. It was advised that an update would be sought from the team and a response be forwarded to Members in due course.

RESOLVED that the report be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 6th February, 2024

Application	01
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Application Number:	23/02196/3FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Full Planning Application for the remediation of land at Doncaster Waterfront (East) and use of site for interim public open space
At:	Land of former Gas Holder Wharf Road Wheatley Doncaster DN1 2ST

For:	Mr Peter Wilson – City of Doncaster Council
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Third Party Reps:	None	Parish:	N/A
		Ward:	Town

A proposal was made to GRANT Planning Permission subject to conditions.

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor Charlie Hogarth

For: 5 Against: 0 Abstain: 0

Decision: Planning Permission Granted subject to conditions,

(A correction to paragraph 8.21 of the report referencing the reduction of 30 parking space to Chappell Drive East Car Park, this had been clarified with the applicant that the correct number of spaces to be retained is 350, which had been verified by the Council's Parking Services team was reported at the meeting).

Application	02
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Application Number:	23/01339/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of one dwelling and detached garage with associated landscaping.
At:	Land at 24 Carr Lane, Bessacarr, Doncaster DN4 7PX

For:	Mrs Lee
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Third Party Reps:	15 representations have been received in opposition to the application	Parish:	No parish covers this area
		Ward:	Bessacarr

A proposal was made to GRANT Planning Permission subject to conditions.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Charlie Hogarth

For: 5 Against: 0 Abstain: 0

Decision: Planning Permission Granted subject to conditions.

Application	03
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Application Number:	23/02313/FUL
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Application Type:	Full
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Proposal Description:	Erection of a single storey rear extension to house in multiple occupation
At:	1 Elm Green Lane, Conisbrough, Doncaster DN12 3JA

For:	Wrap Around Charity
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Third Party Reps:	8 objectors	Parish:	Unparished
		Ward:	Conisbrough

A proposal was made to GRANT Planning Permission subject to the conditions.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Iris Beech

For: 4 Against: 0 Abstain: 1

Decision: Planning Permission Granted subject to conditions.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Ian Pearson, Ward Member spoke in opposition to the Application for the duration of 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr John Allcock, on behalf of the Applicant spoke in support of the Application for the duration of 5 minutes.

Application	04
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Application Number:	23/02097/FUL
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Application Type:	Householder
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Proposal Description:	Installation of a dropped kerb to a classified road (A19) (resubmission of application 23/00174/FUL, withdrawn on 20.03.2023)
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At:	26 Doncaster Road, Askern, Doncaster
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For:	Mrs T Hughes
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Third Party Reps:	0 supporters 0 objectors	Parish:	Askern Town Council
		Ward:	Norton and Askern

A proposal was made to DEFER the decision to allow officers to explore an alternative proposal to extend the existing access with the applicants, and to visit the site if required.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Duncan Anderson

For: 5 Against: 0 Abstain: 0

Decision: The application be deferred to allow officers to explore an alternative proposal to extend the existing access with the applicants, and to visit the site if required.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Councillor Austen White, Ward Member spoke in support of the Application for the duration of 5 minutes.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Michael Hughes, the Applicant spoke in support of the Application for the duration of 5 minutes.

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CITY OF DONCASTER COUNCIL

5 March, 2024

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process. Any pre-committee amendments will be detailed at the beginning of each item.

Human Rights Implications

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic wellbeing or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

Copyright Implications

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Scott Cardwell
Assistant Director of Economy and Development
Directorate of Place

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward	Parish
1.	23/02223/FUL	Sprotbrough	Sprotbrough And Cusworth Parish Council
2.	24/00060/FUL	Tickhill And Wadworth	Tickhill Parish Council

Application	1
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Application Number	23/02223/FUL
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Application Type	Full Planning
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Proposed Description	Amended – Proposed raising of the roof height of the existing detached garage to form a new first floor office space, with one pitched roof dormer window proposed to the front elevation of the half hipped styled roof.
At	24, St Chads Way, Sprotbrough, Doncaster DN5 7LF.

For:	Mr Glenn Bluff
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Third Party Reps	Three letters of objection	Parish	Sprotbrough and Cusworth Parish Council
		Ward	Sprotbrough

Author of Report	Sara Dodds
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SUMMARY

The amended proposal seeks permission for the proposed raising of the roof height of the existing detached garage to form a new first floor level office space, with one pitched roof dormer window proposed to the front elevation of the half hipped styled roof.

The proposal is being presented to Planning Committee because the applicant is Mr Glenn Bluff who is a Councillor for Sprotbrough Ward and Vice Chair of the Audit Committee for Doncaster City Council and a Parish Councillor for Sprotbrough Parish Council.

The proposal is considered to be an acceptable form of development. The proposal does not harm the character of the area, the neighbouring residential amenity or does it raise any highway safety concerns, subject to the control of the relevant conditions attached to this report. The proposed scheme is further considered to be an acceptable and a sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2023).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic, or environmental benefits of the proposal in this location.

RECOMMENDATION: GRANT planning permission subject to conditions.

Proposed Site Plan



1.0 REASON FOR REPORT

- 1.1 This application is being presented to Planning Committee due to the applicant being an elected Ward Member.

2.0 PROPOSAL

- 2.1 The proposal in its amended form is for the raising of the roof height of the existing detached garage to form a new first floor level office space, with one pitched roof dormer window proposed to the front elevation of the half-hipped styled roof. The resultant space will be used in connection with the main dwelling house.

3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS

- 3.1 The property comprises of a detached dwelling house, which has been constructed in red coloured brickwork with dark in colour concrete roof tiles on a mixed design roof style (which comprises of a gable end and a half hipped styled roof to the dwelling house itself). Located within the side garden area of the site in question is the detached hip styled double garage, the subject of this application. The floor area of the detached garage is currently split between garage and office use facilities. The site in question is located north west of the head of the cul-de-sac setting of St Chad's Way, Sprotbrough, Doncaster. The wider residential area comprises of mainly detached residential properties and their associated detached garages.

4.0 RELEVANT PLANNING HISTORY

- 4.1 06/01210/RET - Retention of 1.8m high wooden lath style fencing and gates to side of detached dwelling. Granted on 17.07.2006.

5.0 RELEVANT PLANNING POLICY/SITE ALLOCATION

- 5.1 The application site lies within the Residential Policy Area, as allocated in the adopted Doncaster Local Plan (Sept 2021). The site also lies within the Sprotbrough Neighbourhood Plan area. Policy S1 is relevant. Policy S1 states that Guidance for New Development in Sprotbrough seeks to ensure that new development is sympathetic to the distinctive local character of Sprotbrough.

5.2 National Planning Policy Framework ('NPPF') 202

- 5.3 The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The

NPPF is a material consideration in planning decisions and the relevant sections are outlined below.

- 5.4 The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 2 reiterates planning law in that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 101 states planning policies and decisions should promote public safety by anticipating and addressing possible malicious threats and natural hazards. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.
- 5.7 Paragraph 109 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.8 Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9 Paragraph 123 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 5.10 Paragraph 124 c) states substantial weight should be given to using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 5.11 Paragraph 125 states Local Planning Authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.
- 5.12 Paragraph 135 states planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.13 Paragraph 139 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 5.14 Paragraph 172 states where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. Paragraph 173 states when determining any planning applications, local planning authorities should however ensure that flood risk is not increased elsewhere.
- 5.15 Paragraph 159 requires new development to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed.
- 5.16 Paragraph 180 e) states planning policies and decisions should contribute to and enhance the natural and local environment, including preventing new and existing development from being put at unacceptable risk from land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
- 5.17 Paragraph 189 states planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

- 5.18 Paragraph 190 confirms where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 5.19 Paragraph 194 states the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 5.20 Doncaster Local Plan (2021)
- 5.21 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).
- 5.22 Policy 1 sets out the Settlement Hierarchy for the City. It seeks to concentrate growth at the larger settlements of the City with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities. The site lies within the Main Urban Area, as defined in the Local Plan and its supporting Policies Map. Policy 41: Character and Local Distinctiveness and Policy: 44 Residential Design are also applicable.
- 5.23 Other material planning considerations
- 5.24 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021.

The adopted SPDs are regarding Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.

5.25 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.

5.26 The Transitional Developer Guidance (updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

5.27 Other material considerations include:

- National Planning Practice Guidance (ongoing)
- National Design Guide (January 2021)

5.28 Other Council initiatives include:

- Doncaster Green Infrastructure Strategy 2014 – 2028
- Doncaster Delivering Together

5.29 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new ten-year strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy does not form part of the adopted development plan, but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change;
2. Developing the skills to thrive in life and work;
3. Making Doncaster the best place to do business and create good jobs;
4. Building opportunities for healthier, happier and longer lives for all;
5. Creating safer, stronger, greener and cleaner communities where everyone belongs;
6. Nurturing a child and family - friendly borough;
7. Building transport and digital connections fit for the future;
8. Promoting the borough and its cultural, sporting and heritage opportunities.

5.30 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would directly contribute towards the aims of DDT.

6.0 REPRESENTATIONS

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Any neighbour sharing a boundary with the site has received written notification.
- The application has been advertised on the Council's website.

6.2 As a result of the above advertisement process three letters of objection have been received from the following two different neighbouring properties on the following summarised grounds:

- 1) 3, Willowdale Close, Sprotbrough, Doncaster.
- 2) 26, St Chad's Way, Sprotbrough, Doncaster.

- The side elevation has a window on the first floor which will overlook the objector's back garden. If the window is to remain it should be made of frosted glass.
- Access to property
- Building size/scale of development/overbearing nature and materials
- Lack of privacy
- Impacts from further cars which would impact access arrangements to neighbouring property
- Concerns over conflict of interest given the applicant is an elected councillor [NB – land ownership is not a material planning consideration and cannot be taken into account in the determination of this application. The fact that the applicant is an elected councillor is the reason for reporting the matter to planning committee]

7.0 CONSULTATIONS

Internal CDC Consultees

7.1 Pollution Control Section - One informative has been provided and is to be attached to the decision notice.

External Consultees

7.2 Parish Council - No response received.

7.3 National Grid Cadent - No response received.

7.4 National Gas - No objections received.

7.5 Yorkshire Water - No response received.

8.0 ASSESSMENT

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

8.2 The NPPF (2023) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

8.3 The main issues for consideration under this application are as follows:

- The principle of the development
- Any potential impact the proposal may have upon neighbouring residential amenity.
- Any potential impact upon the character and appearance of the surrounding residential area and its wider cul-de-sac setting.
- Economic Impact
- Overall Planning Balance

8.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

The Principle of the Development

- 8.5 The application site falls within the Residential Policy Area, as defined in the adopted Doncaster Local Plan (2021). This designation relates to the relevant policies of Policy 41: Character and Local Distinctiveness and Policy 44: Residential Design of the Doncaster Local Plan.

Sustainability

- 8.6 Paragraph 7 of the NPPF states that one of the core principles of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.7 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

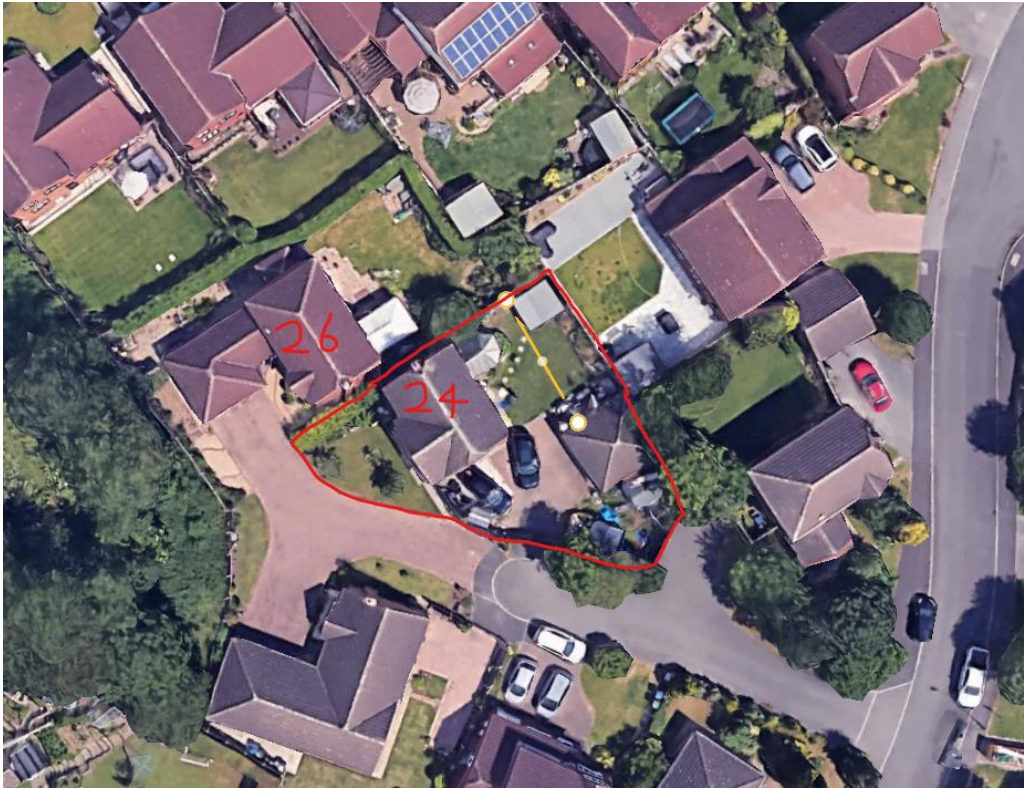
SOCIAL SUSTAINABILITY

Impact on neighbouring residential amenity

- 8.8 The proposed scheme as amended is considered to be in accordance with the above relevant policies of Policy 41: Character and Local Distinctiveness and Policy 44: Residential Design of the Doncaster Local Plan.
- 8.9 To summarise, the scheme has been amended since the original submission to remove the apex roof, reduce the overall height and to reduce the number of dormer windows proposed to the front elevation from two to one in number. The re-designed roof is now proposed to form a half hipped roof, with an overall height for the proposal of approximately 5.6m (as indicated on the Proposed Front Elevation Plan). The overall height of the current detached hip roof garage is 4.24m. Therefore, the proposal is for an increase in height of approximately 1.3m.
- 8.10 The half-hipped roof is considered to be more in keeping and in character with that of the main dwelling house and also that of the wider cul-de-sac setting of St Chads Way (which consists of a mixture of both hip and apex style roof types).

The proposed first floor level stairs/office window will be an obscure glazed window, and this can be secured by planning condition, thus removing any potential for overlooking to the neighbouring property to occur.

- 8.11 In considering the concerns raised in the objections, these are addressed below in turn:
- 8.12 There are no changes proposed to vehicular access or parking arrangements and therefore there are no impacts arising in this respect in terms of residential amenity.
- 8.13 As already stated above, the proposal entails an increase in height of 1.397m to the existing detached garage structure. This distance is deemed to be reasonable and acceptable, given that the structure is a detached one, the location of the existing garage in relationship to its immediate built surroundings and the specifics of the site in question. the site in question is also located to the north-west of the head of the cul-de-sac setting of St Chad's Way, with the dwelling house itself being located between the detached garage in question and the number 26 St Chad's Way.
- 8.14 The external size of the first-floor level office space is the same footprint size as the current detached garage (being 6.16m in length and 5.85m in width as taken from the Existing Ground Floor Layout Plan). The internal useable space/proposed floor area of the first-floor level Office Space will be smaller than the above measurements, as reflected in the Proposed First Floor Layout Plan. It is not considered that the proposal will result in any unreasonable nor significant overbearing issues for any of the surrounding neighbouring properties and their residents.
- 8.15 A concern has been raised over lack of privacy as the side elevation completely overlooks the neighbour's entire back garden and the back of the property with concerns over the loss of privacy when the window is open. The window in question is small in size and is to be conditioned to be obscure glazed. Furthermore, there is a separation distance of approximately 12.41m from the north-west side wall of the existing detached garage to the north west red boundary line of the site in question as demonstrated by the Proposed Site Plan and the following two aerial photos, which is demonstrated with the yellow lines.



- 8.16 The presence of the above proposed first floor level office window more than meets the 10m distance, as stated in the Key Residential Planning Requirements and Design Standards of Doncaster Council's Revised (August 2023) Transitional Developer Guidance (TDG).
- 8.17 Concerns over further traffic (cars and delivery vehicles) adversely impacting the access and egress of the objector's property is not expected through the creation of an additional first floor level Office Space area.
- 8.18 Following receipt of the above representations, it has been brought to the attention of the Case Officer, that neither of the objectors relating to number 26, St Chad's Way, Sprotbrough, Doncaster actually reside there, but do in fact reside elsewhere. This is just for the Planning Committee's awareness and regardless does not affect the professional planning judgement undertaken which is in relation to the proposed land use concerning the development proposal and its surrounding context.

Conclusion on Social Impacts

- 8.19 In conclusion, it is considered that residential amenity is not adversely, unreasonably nor significantly affected by the proposed scheme and is in accordance with relevant policies of 41 and 44 of the Local Plan, subject to the control of the following conditions.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 8.20 Paragraph 130(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Conclusion on Environmental Issues

- 8.21 Paragraph 8(c) of the NPPF (2023) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.22 In conclusion of the environmental issues, it is considered that the proposed development in its amended form does not harm the character or appearance of the residential area nor that of the wider built environment as a whole, subject to the imposition of planning conditions.

ECONOMIC SUSTAINABILITY

- 8.23 The proposed development will provide some short term and limited economic benefit to the proposed scheme through the employment of a construction company/builder to construct the proposed development. This would be restricted to a short period of time and limited in terms of economic benefit, because the development is only going to be constructed/developed once and therefore carries limited weight in favour of the application.

Conclusion on Economy Issues

- 8.24 Para 8 a) of the NPPF (2023) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 8.25 The proposal would result in some short term and limited economic benefit in the creation of a job/s for a builder/construction company during the construction phase of the proposed scheme.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. There are no adverse economic, environmental or social impacts that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is now compliant with the development plan and there are no material considerations which indicate the application should be refused.

10.0 RECOMMENDATION

10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE AMENDED PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW.

CONDITIONS

- 01 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.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02 The external materials and finishes shall match the existing property.

REASON

To ensure the satisfactory appearance of the development in accordance with policy 41 of the Doncaster Local Plan.

03 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/amended plans listed below:

Approved plans:

Title: Drawing No: DRB1 (Location and Proposed Block/Site Plans).

Date: 31.10.23.

Amended plans:

Title: Drawing No: DRB 2 (Amended Proposed Elevations and Floor Layout Plans).

Date: 03.10.23.

Received by City of Doncaster Council on the 24.11.2023.

REASON

To ensure that the development is carried out in accordance with the application as approved.

04 Before the first occupation of the extension hereby permitted, the first floor level side elevation the office window, as indicated on the approved plans shall be permanently obscure glazed to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be permanently retained in that condition thereafter.

REASON

To ensure that the development does not impact on the privacy of the adjoining premises and to ensure that the privacy of the occupants of the household in question is also protected.

INFORMATIVES

01 INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

02 INFORMATIVE

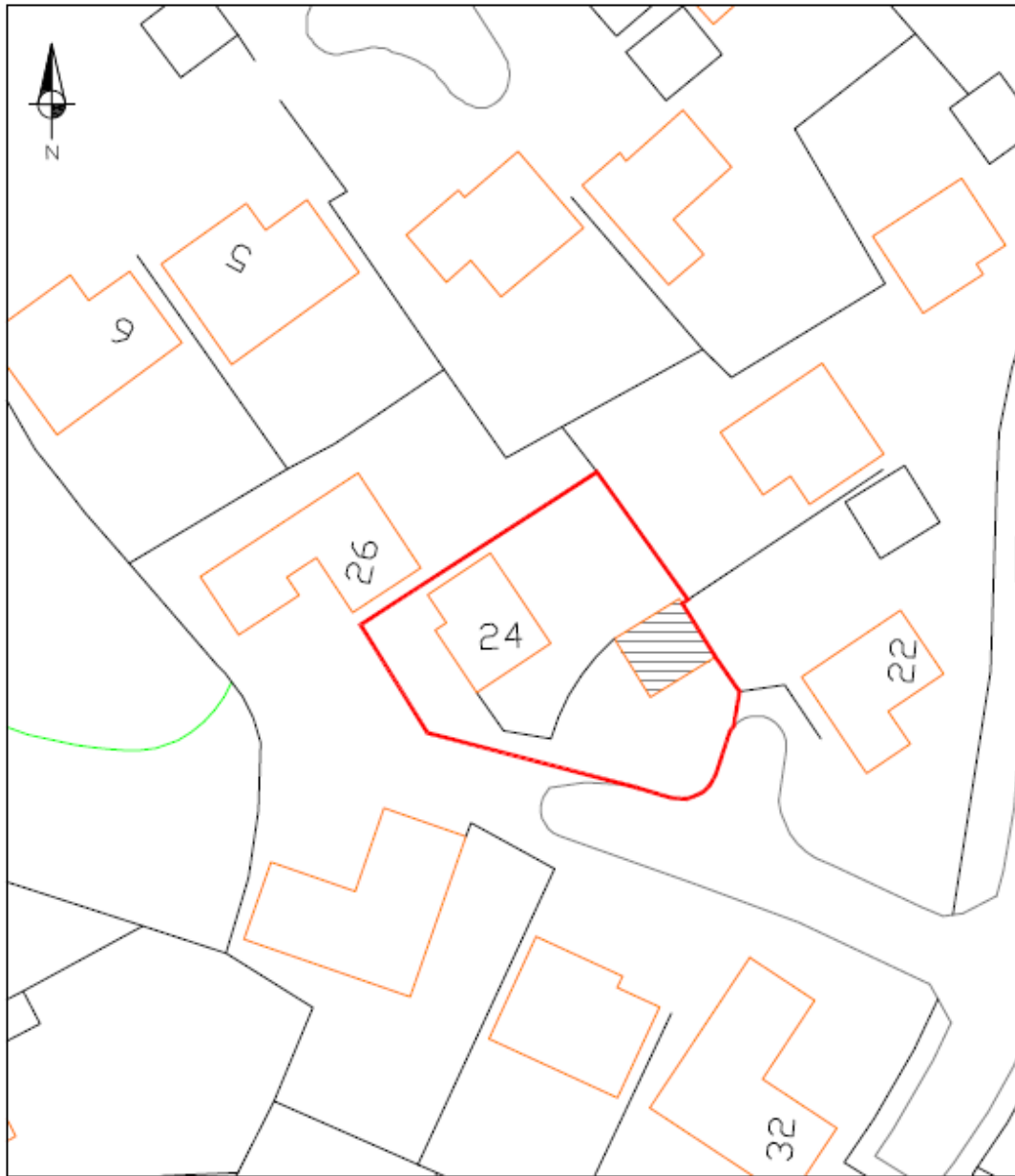
Historic maps indicate that the above application is located near a quarry.

INFORMATIVE: DEVELOPMENTS NEAR POTENTIALLY INFILLED LAND

The proposed development is within 250 meters of potentially infilled land about which insufficient information is known to permit an adequate response to be made on the extent to which landfill gas may be present on or off site.

Planning permission has been granted on the basis that there is no sound and clear-cut reason to refuse. The applicant is, however, reminded that the responsibility for safe development and secure occupancy of the site rests with the developer and accordingly is advised to consider the possibility of the presence or future presence of landfill gas and satisfy himself of any gas precaution which may be necessary.

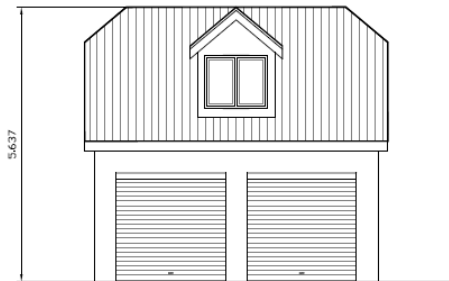
APPENDIX 1 - SITE PLAN



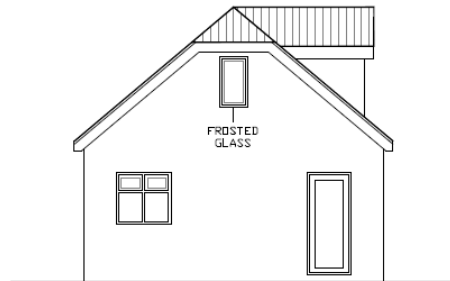
BLOCK PLAN SCALE 1=500

Scale: 1:500

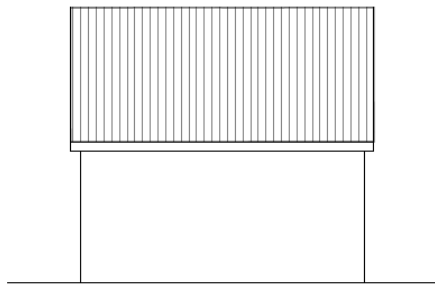
APPENDIX 2 - AMENDED PROPOSED ELEVATIONS



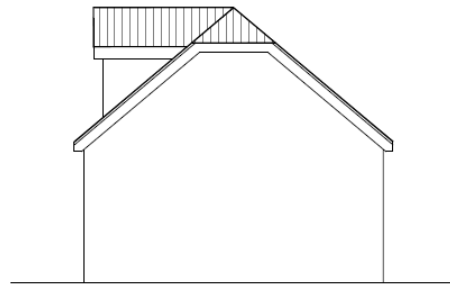
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



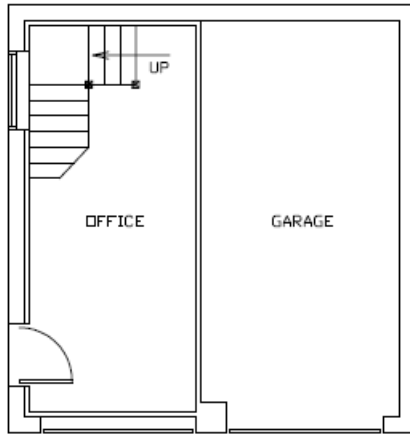
PROPOSED REAR ELEVATION



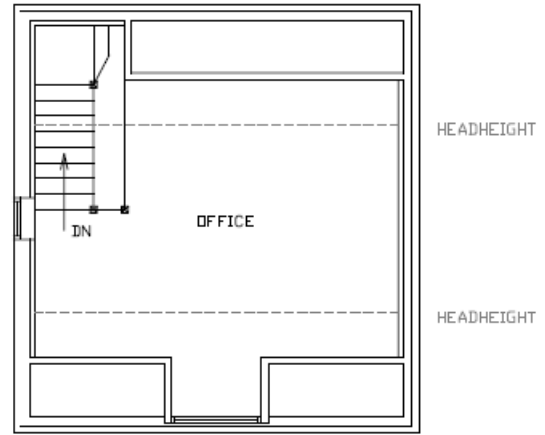
PROPOSED SIDE ELEVATION

Scale: 1:100

APPENDIX 3 - AMENDED PROPOSED FLOOR PLANS



PROPOSED GROUND FLOOR LAYOUT



PROPOSED FIRST FLOOR LAYOUT

Scale:1:100

Supporting Site Photos (taken on Friday 01.12.2023)







Supporting Aerial View Photos - to show the site in question and its surroundings







Application	2
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Application Number:	24/00060/FUL
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Application Type:	Full Application
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Proposal Description:	Erection of a first floor rear extension and modifications to ground floor rear elevation.
At:	54 Castlegate Tickhill Doncaster DN11 9QU

For:	Mr and Mrs Peter Lamb
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Third Party Reps:	0	Parish:	Tickhill Parish Council
		Ward:	Tickhill and Wadworth

Author of Report:	Hollie Hazlett
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SUMMARY

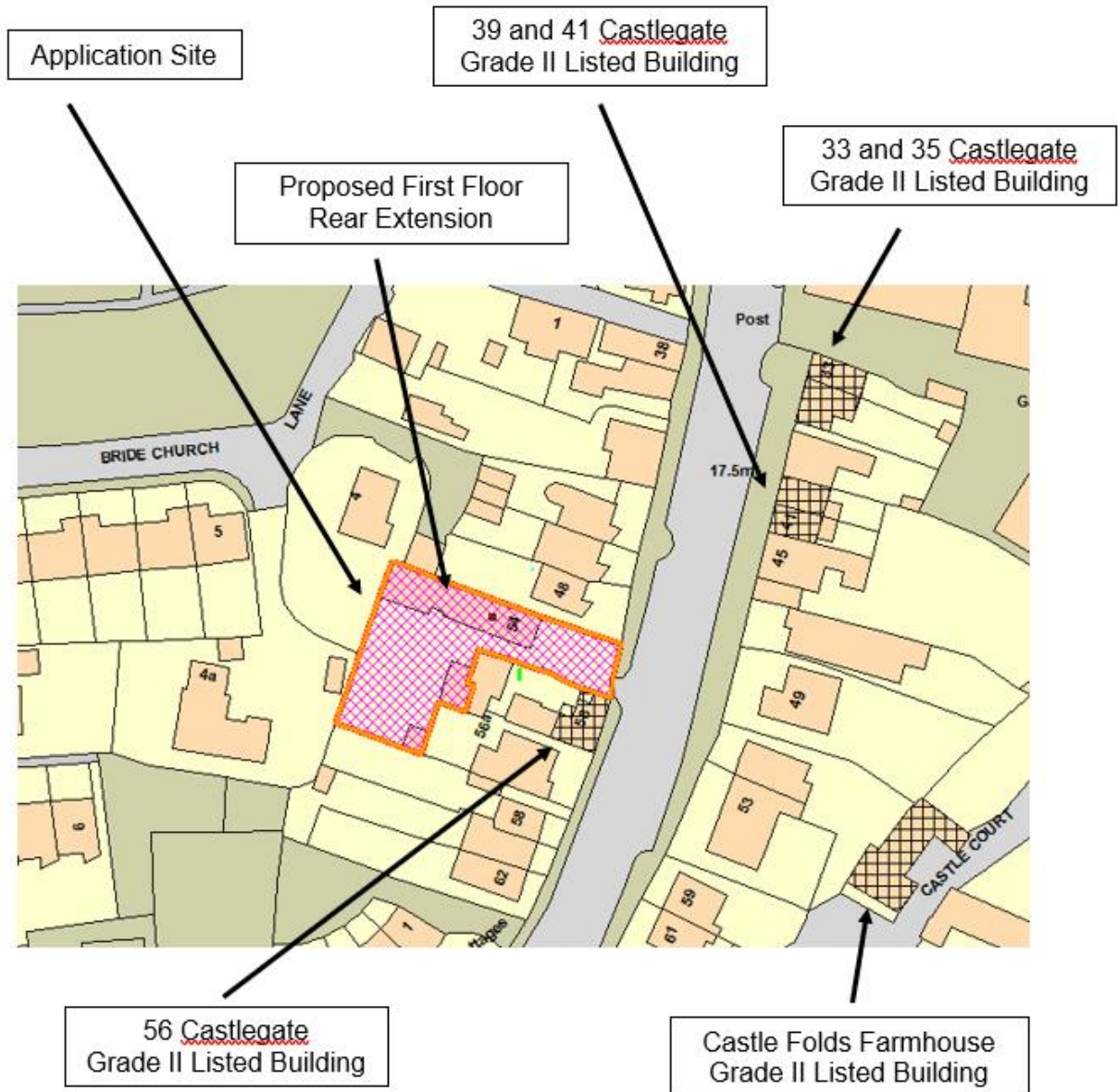
The application seeks permission for the erection of a first-floor rear extension with alterations to the ground floor rear elevation of the subject property 54 Castlegate, Tickhill.

Overall, the proposal is considered to be an acceptable and sustainable form of development in line with Paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2023).

The proposal is presented to Planning Committee for determination as the applicant is an employee of the Directorate of Economy and Environment.

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties or the character of the area.

RECOMMENDATION: GRANT planning permission



1.0 REASON FOR REPORT

- 1.1 This application is being presented to Planning Committee due to the applicant being an employee of the Directorate of Economy and Environment.

2.0 PROPOSAL

- 2.1 This application seeks full planning permission for the erection of a first floor extension to the rear of 54 Castlegate, with further alterations to the ground floor rear elevation. This will form additional first floor living accommodation forming a bedroom with walk in wardrobes and an en-suite bathroom.

3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS

- 3.1 The property is a detached two-storey property along Castlegate, Tickhill. The property has a linear form, with a two-storey main element with a gable to the road, and single storey extension to the rear. Whilst the building is not listed, the two-storey element of the extension hosts its historic value, with remains of a timber structure within the building possibly dating as early as the 1700s. This is in the process of being renovated which has included the removal of cement-based render to better reveal the historic brickwork and stonework. Similarly, uPVC windows have been replaced with oak-framed metal windows and a timber tri-partite window which are more appropriate to a traditional building (works approved under planning application 16/00357/FUL). With revealing the external appearance of the dwelling, it has aided in understanding the development of the property. It would appear the dwelling has been externally re-built with a stone exterior and then enlarged with a rear brick extension, along with heightening of the roof. A chimneystack was also added to what is now the front gable which seems contemporary with the brick extension with the same brick seemingly being used. These alterations seem to have occurred to create a cottage with irregularly spaced windows.
- 3.2 Further addition / alteration to the dwelling includes the erection of a single storey extension to the front of the dwelling, which has alter had added a chimney stack with large paned windows. To the rear, the extensions are of various forms and widths, and includes the erection of a lean-to style conservatory. The garden to No. 54 lies to the side and given its central location is relatively large, and is not currently that visible from the upper levels of the building.
- 3.3 54 Castle Gate lies within Tickhill Conservation Area. Tickhill was designated a Conservation Area on 23 February 1970. Tickhill is a former market town whose form has been strongly influenced by the foundation of the Norman castle. The area was important in the medieval period as a strategic castle and tournament venue. It was also on the main north/south trading route at a time when the Great North Road was less attractive due to a damper climate. With the decline of castles in general and the resurgence in the usage of the Great North Road, the importance of Tickhill waned. During more recent times its role become mainly agricultural.

3.4 Sunderland Street, Northgate/Castlegate and Westgate form the main streets of the area and are lined with many historic buildings with modern buildings being fairly few in the form of infill and backland development. Building form is relatively simple although civic buildings can be more elaborate. There is an almost equal distribution of limestone and brick as the traditional material, which is rendered on some buildings. Principal roof materials are slate and clay pantiles, although there are some examples of small red plain tiles (often called Rosemarys). Limestone boundary walls are an important and extensive feature of the Conservation Area.

3.5 The churchyards, the grounds of the castle, the open field in the middle of Lindrick and the area around the Friary and Friary Farm provide important areas of green open space in the area contrasting with the denser urban developments elsewhere. These open areas contain many trees as does the town in general.

4.0 **RELEVANT PLANNING HISTORY**

4.1 The following application history is relevant to the site:

Application Reference	Proposal	Decision
13/00614/TCON	Notice to remove three trees (one Maple in front garden and one Eucalyptus and one Cherry in rear garden) (being situated within the Tickhill Conservation Area).	TPO Not Served (TCON) 18/04/2013
16/00357/FUL	Erection of external chimneystack to front, installation of external wall insulation to front gable and relocation of satellite dish.	Planning Permission GRANTED 03/05/2016
16/02654/TCON	Notice to remove one Cherry in rear garden (being situated within the Tickhill Conservation Area).	TPO Not Served (TCON) 18/11/2016
23/01108/MAT	Erection of external chimneystack to front, installation of external wall insulation to front gable and relocation of satellite dish (being amendment to previous permission 16/00357/FUL granted on 10.05.2016) - Increase in size of base of chimneystack, change of external treatment from render to brick and change to top - Retrospectively).	Planning not Required 28/06/2023

5.0 SITE ALLOCATION

- 5.1 The application site is within a Residential Policy Area as defined by the Doncaster Local Plan (2021).
- 5.2 The area also lies within the Tickhill Conservation Area as defined by the Doncaster Local Plan (2021).
- 5.3 National Planning Policy Framework ('NPPF') 2023
- 5.4 The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.5 The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 2 reiterates planning law in that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.6 Paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for the conservation and enhancement of the natural built and historic environment.
- 5.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.8 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.9 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 5.10 Paragraph 131 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.11 Paragraph 135 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site. Paragraph 135(f) sets out that planning decisions should create places which provide a high standard of amenity for existing and future users.
- 5.12 Paragraph 196 states that plans should set out a positive strategy for conservation and enjoyment of the historic environment including heritage assets. This should take into consideration the desirability of sustaining and enhancing heritage assets, the social, cultural, economic, and environmental benefits that conservation of the historic environment can bring, and how new development can contribute positively to local character and distinctiveness.
- 5.13 Paragraph 201 states that in determining planning applications, consideration should be given to any proposals that may affect the setting of a heritage asset in order to avoid or minimise any conflict between the heritage assets' conservation and any aspect of the proposal.
- 5.14 Paragraph 212 states that local planning authorities should look for opportunities for development in Conservation Areas that would better enhance or reveal their significance.
- 5.16 Paragraph 213 acknowledges that not all elements of a Conservation Area will necessarily contribute to its significance.
- 5.17 Doncaster Local Plan (2021)
- 5.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).

Doncaster Local Plan

- 5.19 Policy 1 sets out the Settlement Hierarchy for the City. It seeks to concentrate growth at the larger settlements of the City with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities. The site lies within the Main Urban Area as defined in the Local Plan and its supporting Policies Map.

- 5.20 Policy 10 relates to Residential Policy Areas. It supports residential development in these areas provided the development would provide an acceptable level of residential amenity for both new and existing residents, the development would enhance the quality of the existing area and would meet other development plan policies.
- 5.21 Policy 34 sets out the need to value historic environments within Doncaster and support their conservation. Proposals and initiatives will be supported where they preserve and enhance the heritage significance and setting of the Borough's heritage assets. Proposals and initiatives will be supported which improve the accessibility and enjoyment of the Borough's existing and potential local, regional and national historic attractions in keeping with their heritage significance. Proposals and initiatives will be supported which identify, promote and secure the long term future of Doncaster's heritage assets.
- 5.22 Policy 35 outlines the requirement for a heritage statement to be included with any application that would affect an identified heritage asset. This should include sufficient information to gain an understanding of the potential impact that the proposals will have on the significance of any heritage assets or historic environment likely to be affected.
- 5.23 Policy 36 states that development proposals affecting a listed building, or its setting, will be assessed against the following principles: whether they enhance or better reveal the identified heritage significance, whether any extension or alteration is sympathetic to the building, and whether they would result in significant harm or loss of a listed building.
- 5.24 Policy 37 states that development within a Conservation Area should take fully into account the identified heritage significance of the Conservation Area. Proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas. Proposals will be supported where it can be demonstrated that they will enhance or better reveal an element which can contribute to the character and appearance of the conservation area. Any proposal for the demolition of a building or site in a conservation area will need to be accompanied by an acceptable redevelopment scheme or a remedial scheme for making good the building or site which will be required to be implemented immediately following demolition.

- 5.25 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 5.26 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.
- 5.27 Policy 44 relates to residential design and sets out the key design objectives which residential development must achieve, as well as stating that all developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours.
- 5.28 The Tickhill Town Council Neighbourhood Development Plan
- 5.29 Policy DE1 'New Building' states that new development should be designed to fit into the character of Tickhill with proposals demonstrating a thorough understanding of local character as part of the design process.
- 5.30 Policy DE6 'Extensions and Alterations' states that proposals for extensions and alterations will be supported where they compliment and enhance the main building and its setting, and is proportionate to it in scale and size.
- 5.31 Policy H1 'Conservation Area: Northgate/Doncaster Road, Market Place, Castlegate, Westgate, St Mary's Church and environs' states that new housing should be constructed of stone or brick to be in keeping with existing properties, have red clay pantile or natural slate roof, form a coherent building line, retain existing limestone boundary walls, and be of a size, scale and height appropriate to its location and size of the plot.
- 5.32 Policy HE1 'Heritage Assets' states that proposals will be supported where they maintain, conserve, and improve where and when appropriate, Tickhill's Heritage Assets, including historic buildings and sites outside the Conservation Area.
- 5.33 Other material planning considerations
- 5.35 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021.

The adopted SPDs are regarding Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.

5.36 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.

5.37 The Transitional Developer Guidance (updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

5.38 Other material considerations include:

- National Planning Practice Guidance (ongoing)
- National Design Guide (January 2021)

5.39 Other Council initiatives include:

- Doncaster Green Infrastructure Strategy 2014 – 2028
- Doncaster Delivering Together

6.0 REPRESENTATIONS

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Advertised on the Council website
- All neighbours with an adjoining boundary notified by letter
- Site notices to advertise application

6.1 One round of public consultation has been carried out to ensure the neighbours have had opportunity to comment on the provided plans. No representations have been received towards the application.

7.0 CONSULTATIONS

External Consultees

7.1 National Grid

No comments received.

7.2 Severn Trent Water LTD

No comments received.

7.3 Yorkshire Water Services LTD

No comments received.

Internal CDC Consultees

7.4 Parish Council

No comments received.

7.4 Design and Conservation Officer

The Conservation Officer has raised no issues of concern with respect to any adverse impact on the character or appearance of the heritage assets/conservation area.

8.0 ASSESSMENT

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

8.2 The NPPF (2023) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

8.3 The main issues for consideration under this application are as follows:

- Principle of development
- Impact on neighbouring amenity of existing and future residents
- Impact on the character and appearance of the area
- Impact on the character and appearance of the Tickhill Conservation Area
- Impact on the setting of Grade II Listed Building 56 Castlegate
- Overall planning balance

8.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:

- Substantial
- Considerable

- Significant
- Moderate
- Modest
- Limited
- Little or no

The Principle of the Development

- 8.5 The application site falls within a residential policy area as defined by the Local Plan, as such residential development is acceptable in principle providing that there is an acceptable level of residential amenity for both existing and future occupiers, the qualities of the existing area are protected and enhanced, and other development plan policies are met.

Sustainability

- 8.7 Paragraph 7 of the NPPF states that one of the core principles of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.8 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 8.9 Policy 44 Part A states that proposals must protect existing residential amenity; not significantly impact the living conditions or privacy of neighbours or the host property; should not be overbearing or result in an unacceptable loss of garden space.
- 8.10 Table 2 of the Transitional Developer Guidance (TDG) gives minimum separation distances that are applied for new residential development. 2-3 storey extensions should have back-to-back distances (between facing habitable rooms) of no less than 21m, and front to front distance of no less than 12m, dependent upon the street hierarchy. Habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary.

- 8.11 The application site is surrounded by residential properties to the north, south, east and west, and is set back from the adjacent highway of Castlegate contrary to the prevailing property line on the street which sees dwellings set forward within their plots.
- 8.12 The application proposes to install two velux style windows to the northern roof slope on the proposed first floor extension. This elevation resides directly on the boundary between the application site and 48 Castlegate. Due to the height and angle of these windows within the roof slope, neither window is considered to serve as functioning outlooking windows and are primarily for light purposes. Therefore, there is no concern for harmful overlooking to neighbouring dwellings or curtilages despite of their close proximity.
- 8.13 To the south elevation associated with the first-floor extension, there is proposed one large box style window and a standard size window. To the ground floor, the existing lean-to style conservatory and blank elevation is to be replaced with a set of three large windows occupying the entire south elevation of the existing ground floor extension elevation. The proposed windows directly overlook the rear curtilage / garden space of the host dwelling. They are positioned in excess of 12m from the closest rear boundary / curtilage of any neighbouring property as such complies with the separation distances set out in table 2 of the TDG. In addition, the proposed first floor extension and consequently the windows would be in excess of 21m to any elevation of any neighbouring property also meeting the required separation distances. The incidence of overlooking is restricted by virtue of the host dwelling being on a lower land level than properties to the south, and obscured by existing high boundary walls separating domestic curtilages.
- 8.14 Proposed to the west elevation of the first-floor extension is a single central window. This window overlooks the rear curtilage of No.04 Bride Church Lane and is positioned 9.3m from the boundary. The incursion into the recommended 10m separation distance is, on balance, considered to cause little to no harm to neighbouring privacy. The concern for overlooking is further mitigated by the height of the proposed window being 1.5m above floor level, as high as it could be without incurring into the internal vaulted roof space. At it's lowest point, the window is considered to be within the upper limit of eye level, designed to reduce potential for overlooking. The window does not face towards any elevation of the neighbouring property, and there will be significant private amenity space where no overlooking as a result of the proposed extension would occur.
- 8.15 The main property with the potential to be affected by overshadowing as a result of this development is No.48 Castlegate. The north side elevation of the host dwelling forms the boundary between the two properties. The proposed side extension creates potential for overshadowing to the rear curtilage of the neighbouring property thus potentially affecting the available and functional private amenity space. At its peak, the maximum increase in height of the host dwelling as a result of the proposed development would be 2.0m.

The extension has been set back from the north elevation by approximately 1.4m, and has a pitched style roof which slopes down towards the north elevation. As a result of these factors, the massing of the extension is situated away from the boundary and thus rear curtilage of the neighbouring dwelling. The incidence of overshadowing to the neighbouring rear curtilage is considered to be minimal, and will not detrimentally impact upon the living conditions of the occupants.

- 8.16 Neighbouring dwellings to the south, east and west of the proposed extension are sufficiently distanced that there is no concern for harmful overshadowing to either domestic gardens or habitable room windows as a result of the proposed extension.
- 8.17 The proposal would not result in the expansion of the footprint of the host dwelling. Therefore, there would be no loss of existing available private amenity space or impact on existing off-street parking provision.
- 8.18 Overall, the proposed development protects existing residential amenity. The proposal therefore accords with policy 44 of the Local Plan and table 2 of the TDG.

8.19 Conclusion on Social Impacts.

- 8.20 Para. 8 b) of the NPPF (2023) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 8.21 It is not considered that the proposed development would adversely affect future or existing residential amenity. There would be no harmful overlooking or overshadowing introduced as a consequence of the application, and sufficient private amenity space would be retained. This weighs in favour of the application carrying substantial weight.

8.22 ENVIRONMENTAL SUSTAINABILITY

Impact upon the setting and character of a Listed Building

- 8.23 Policy 36 states that proposals affecting a listed building, or its setting will be supported where they enhance the significance of a listed building or where they do not harm its heritage significance.
- 8.24 The host dwelling resides within the setting of No.56 Castlegate, a Grade II Listed Building, and within the vicinity of St Mary's Church, a Grade I Listed Building.

- 8.25 The proposed extension is set to the rear of No.56 Castlegate and will not be visible in conjunction with the Listed Building as viewed from the adjacent highway to the front of the property where much of the heritage significance of the listed building and positive contribution to the Conservation Area is contained.
- 8.26 The proposed extension would be visible from the grounds of St Mary's Church, but some significant distance away. Given this and the relation of the host dwelling to the Church within the street scene, it is unlikely that the two would be viewed in conjunction with one another.
- 8.27 By virtue of the scale, massing and design of the proposed extension, the conservation officer is satisfied that there would be no impact on the setting and character of either listed building. As such the proposal accords with policy 36 of the Local Plan.

Impact upon the character and appearance of the Conservation Area

- 8.28 Policy 34 Part A states that proposals and initiatives will be supported which preserve and, where appropriate, enhance the heritage significance and setting of the Borough's heritage assets (including locally identified undesignated heritage assets), and especially those elements which contribute to the distinct identity of the Borough.
- 8.29 Policy 37 states that Doncaster's historic environment will be conserved where proposals and initiatives preserve and, where appropriate, enhance the heritage significance and setting of the Borough's heritage assets.
- 8.30 The application site lies within the Tickhill Conservation Area, designated in 1970. Tickhill is a former market town whose form was strongly influenced by the foundation of the Norman Castle. Along Castlegate, there are many historic buildings, with modern buildings composing of the limited examples of backland development. Building form is relatively simple, with dwellings typically having pitched roofs or gables facing the highway. Plots are long and narrow, with some examples of dwellings being set back within the plot.
- 8.31 No.54 Castlegate is considered to make a neutral contribution to the Conservation Area. The provided Heritage Statement details the demolition of front extent of the dwelling in the 20th Century prior to the Conservation Area designation, and later more modern additions to the rear ground floor limit the dwellings ability to positively contribute to the overall character and appearance of the Conservation Area.
- 8.32 The proposed form and design of the extension is inherently modern, with the use of materials to aid in responding positively to its setting. The first-floor extension is proposed to be constructed in limestone to match the existing limestone walls of the host property, and reflect a highly used material within the Conservation Area.

The zinc roof, whilst a modern material, is more commonly being used within the Tickhill Conservation area and throughout the borough as an acceptable roofing material as when used appropriately its harm is minimal. The Conservation Officer is satisfied that the choice of materials is appropriate, and will allow for distinction between old and new elements of the dwelling creating a sympathetic contrast and better revealing the identified heritage significance of the host dwelling within the Conservation Area.

- 8.33 The proposed first floor is positioned to the rear of the dwelling and will not be visible from the adjacent highway of Castlegate. It is therefore considered to have limited impact on the form of the dwelling as viewed within the street scene, and consequently the wider Conservation Area.
- 8.34 Within the zinc roof facing the south, there is proposed to be integrated solar panels. The use of such is becoming more acceptable as allows more of an accepted feature concerning heritage properties, whereby technological advances in building products enables heritage properties to enjoy benefits associated with renewable energy sources whilst not causing harm to the historic environment. Integrated solar panels have been used within the Tickhill Conservation Area, and others throughout the borough, and represent appropriate balance between retaining the historic environment and the NPPF presumption towards sustainable development.
- 8.35 The Conservation Officer is satisfied that the proposal will not harm the setting of the conservation area, and will aid in better distinguishing the historic elements of the property from the new. The proposal is therefore considered to accord with policies 34 and 37 of the Local Plan.

Impact upon the character and appearance of the surrounding area

- 8.35 Policies 41 (a), 42 (b), and 44 (b) in part require development to be of a high-quality design that contributes to local distinctiveness, respond positively to existing site features and integrate well with its immediate surroundings.
- 8.36 Paragraph 135(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 8.37 There is current imbalance between the proportion of ground floor to first floor living accommodation of the host dwelling. The proposal aims to address this by creating additional first floor accommodation with the creation of an additional bedroom with en-suite. As a result of the proposal, the host dwelling would appear much more in balance when considering the overall form.

- 8.38 The proposed extension is appropriate with regards to scale. It is limited to first floor development only and does not result in the expansion of the existing footprint of the host dwelling. The characteristic long, narrow built form with large garden to the side is retained.
- 8.39 The proposed extension is considered to be subservient to the host dwelling as is set down from the main roof ridgeline and set in from the existing north side elevation. The proposed extension does not dominate the existing form of the dwelling.
- 8.40 The use of materials throughout the extension and external alterations including stonework and roof materials are considered appropriate. The extension is to be erected in stonework to match existing which allows the extension to integrate visually into the host dwelling, respecting and reflecting the established character and design. The zinc roof, whilst a contrasting material, is appropriate in the context of the modern elements of the building and is used throughout Tickhill thus is appropriate within the wider area.
- 8.41 The scale and design of the proposed materials are acceptable in principle. The smaller windows to the rear and northern elevations are of similar scale and design to the smaller scale windows of the existing dwelling. The roof lights do not dominate the existing roof form. The large 'box' style window to the rear, whilst inherently modern, is positioned within the proposed extension and modern section of the property, therefore is appropriate within its siting on the dwelling, and does not harm the historic elements of the building. The large extent of glasswork proposed to the existing ground floor south elevation of the modern side of the dwelling is considered appropriate given it will not result in changes to the valued historic form. Furthermore, the overall form will appear more sympathetic to the overall design of the dwelling than the existing extension and lean-to style conservatory.
- 8.42 The appearance, scale and design of the proposed dwelling would respond positively to its context and would not be harmful to the overall character and appearance of the host dwelling and wider area. The proposal is in accordance with policies 41, 42 and 44 of the Local Plan.

Highways Details

Policy 13 of the Local Plan states that new development should ensure that appropriate levels of parking provision are made in accordance with the standards set out in Appendix 6.

- 8.43 This application will create an additional bedroom to the property to create a 3 bedroom unit. As per Appendix 6 of the Doncaster Local Plan, two allocated off-street parking spaces must be provided to meet the parking standards for 2+ bed units.

- 8.44 There are no proposed amendments to the existing off-street parking provision, and there exists ample space within the curtilage of the dwelling for the parking of two vehicles. As such the proposal is in accordance with Policy 13 of the Local Plan.

Impact upon Trees

- 8.45 Policy 32 states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process so that a significant adverse impact upon public amenity or ecological interest has been avoided.
- 8.46 There are no significant or protected trees within the application site or vicinity. The proposal therefore raises no concerns with regards to potential harm to trees.

8.48 Conclusion on Environmental Issues

- 8.49 Para. 8 c) of the NPPF (2023) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.50 The proposals provide a very well thought out solution and high-quality design features to provide more balanced accommodation suitable for modern day living requirements and demands, taking into account a response to climate change, whilst being respectful and sympathetic of the surrounding historic environment.

8.51 ECONOMIC SUSTAINABILITY

- 8.52 It is anticipated that there would be some short-term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however, this is restricted to a short period of time and therefore carries limited weight in favour of the application.

8.53 Conclusion on Economy Issues

- 8.54 Para 8 a) of the NPPF (2023) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

8.55 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

9.0 PLANNING BALANCE & CONCLUSION

9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal will not result in adverse harm to the character and appearance of the Tickhill Conservation area or nearby listed buildings which weighs substantially in favour of the application. Officers have identified no adverse economic, environmental, or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

10.0 RECOMMENDATION

10.1 **DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO GRANT PLANNING PERMISSION SUBJECT TO THE CONDITIONS BELOW:**

CONDITIONS

01 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.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02 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.

Location Plan. Project number: 230426. Drawing number: 01. Date received: 11/01/2024.

Proposed Site Plan. Project number: 230426. Drawing number: 02. Date received: 11/01/2024.

Proposed Elevations. Project number: 230426. Drawing number: 06. Date received: 11/01/2024.

Proposed Floor Plans. Project number: 230426. Drawing number: 05. Date received: 11/01/2024.

Design and Access Statement. Date received: 11/01/2024.

REASON

To ensure that the development is carried out in accordance with the application as approved.

- 03 Prior to the commencement of the relevant site works, full details of the design, construction and finish of all external doors and windows shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing, the details shall include an elevation at 1:20 scale of each door or window type and 1:5 scaled cross sections, development to be carried out in accordance with the approved details.

REASON

To preserve or enhance the character and appearance of the conservation area in accordance with Policy 37 Doncaster Local Plan.

- 04 Prior to commencement of the development details of the external materials (roof covering and integrated solar panels on the south roof elevation and limestone wall) 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.

REASON

To preserve or enhance the character and appearance of the conservation area in accordance with Policy 37 Doncaster Local Plan.

- 05 The rooflights hereby permitted shall be low profile conservation rooflights with a central vertical bar. details of the sizes or, alternatively, the make and model of the rooflights to be used in the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Development shall be carried out in accordance with the approved detail.

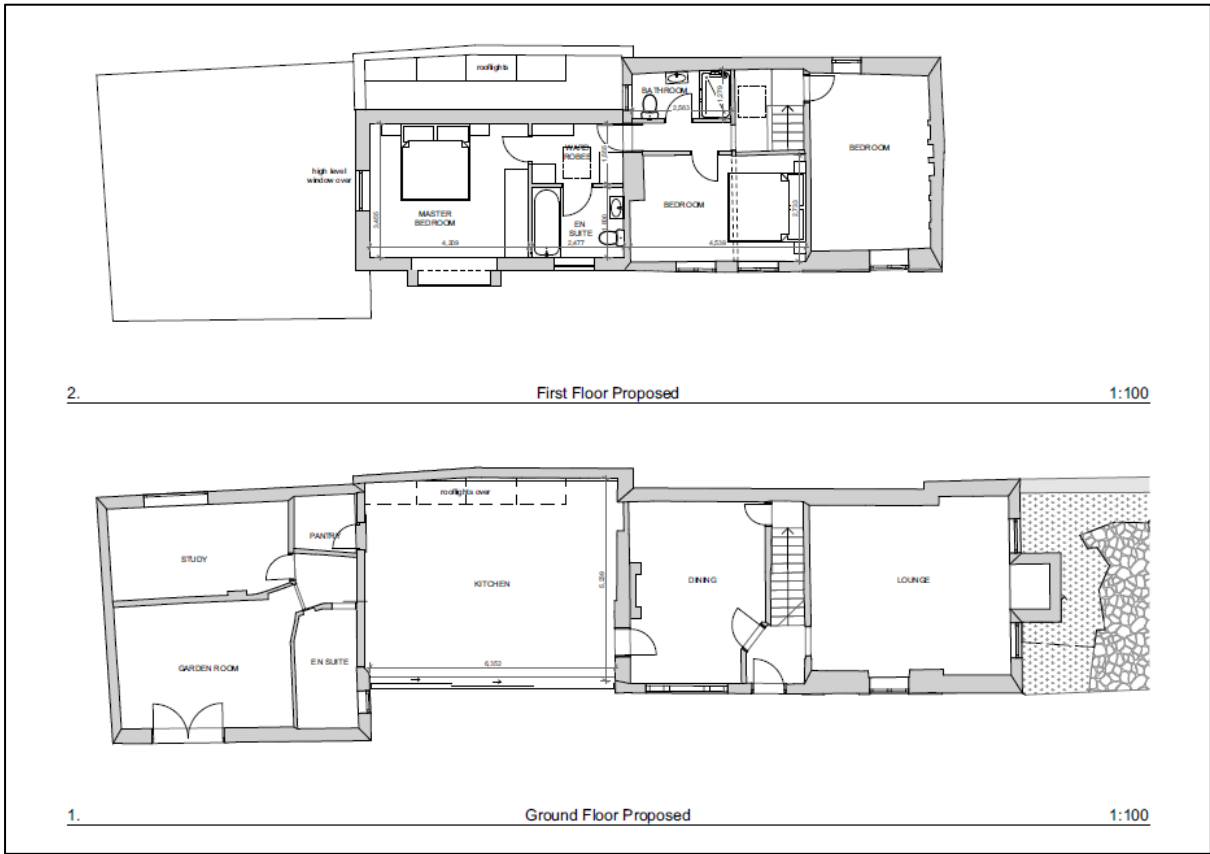
REASON

To preserve or enhance the character and appearance of the conservation area in accordance with Policy 37 Doncaster Local Plan.

APPENDIX 1 – SITE PLAN



APPENDIX 2 – PROPOSED ELEVATIONS



APPENDIX 3 – PROPOSED FLOORPLANS



APPENDIX 4 – VISUALS



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5 March 2024

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

3. That the report together with the appeal decisions be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

BACKGROUND

5. Each decision has arisen from appeals made to the Planning Inspectorate.

OPTIONS CONSIDERED





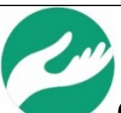
6. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.




REASONS FOR RECOMMENDED OPTION

7. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Developing the skills to thrive in life and in work	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Making Doncaster the best place to do business and create good jobs	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Building opportunities for healthier, happier and longer lives for all	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			

Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Nurturing a child and family-friendly borough	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Building Transport and digital connections fit for the future	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Promoting the borough and its cultural, sporting, and heritage opportunities	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
Fair & Inclusive	✓			
Comments: Demonstrating good governance				

LEGAL IMPLICATIONS [Officer Initials AH Date 21/02/2024]

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
 - b) a breach of principles of natural justice;

- c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
- d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
- e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did; a material error of law.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 21/02/2024]

- 10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 21/02/2024]

- 11. There are no Human Resource implications arising from the report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 21/02/2024]

- 12. There are no technology implications arising from the report

RISK AND ASSUMPTIONS

- 13. It is considered that there are no direct health implications although health should be considered on all decisions.

CONSULTATION

- 14. N/A

BACKGROUND PAPERS

- 15. Decisions on the under-mentioned applications have been notified as follows:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
21/02867/FULM	Erection of stables and change of use of field to equestrian use (Amended plans - change of access and design of stable block as well as the addition of a perimeter fence.) at Land On The North Side Of, Bawtry Road, Finningley, Doncaster	Appeal Dismissed 08/02/2024	Finningley	Committee	YES
23/00711/TEL	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets. at Grass Verge, Barnsley Road, Scawsby, Doncaster	Appeal Dismissed 02/02/2024	Roman Ridge	Delegated	NO

23/01222/FUL	Creation of a new vehicular access at the rear with a 4x6m driveway and installation of a sliding gate. at 1 Mallin Drive, Edlington, Doncaster, DN12 1HB	Appeal Dismissed 13/02/2024	Edlington And Warmsworth	Delegated	NO
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Copies of the appeal decisions are appended to this report.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

16. N/A

REPORT AUTHOR & CONTRIBUTORS

Amanda Hobson **Technical Support & Improvement Officer**

01302 737489 | Amanda.hobson@doncaster.gov.uk

Dan Swaine, Director of Place

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Appeal Decision

Site visit made on 22 January 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2024

Appeal Ref: APP/F4410/W/23/3318364

Field off Bawtry Road, Finningley, Doncaster

- 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 Mrs Natalie O'Connor, G.A. Mell (Builders) Ltd, against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/02867/FULM, dated 20 September 2021, was refused by notice dated 24 January 2023.
 - The development proposed is construction of stables and change of use of field to equestrian use.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Preliminary Matters

3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal. In reaching my Decision, I have taken into account the comments raised.

Main Issue

4. The main issue is whether the proposed development would be an enterprise that supports a prosperous rural economy, having regard to national and local planning policy.

Reasons

5. The appeal site comprises an arable field with an existing access point off Bawtry Road. The site is located towards the south of the village of Finningley and within the Countryside Policy Area.
6. Policy 25 of the Doncaster Local Plan 2015-2035 (2021) (LP) sets out that a proposal for a non-residential development will be supported in the Countryside Policy Area, providing that it satisfies a number of set criteria. This includes A) the rural location of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the Framework.

7. In making my decision I have considered the supporting text of LP Policy 25. The supporting text does not hold equal weight to the terms of the policy itself¹, and the policy does not state that an overriding benefit to the local economy should be demonstrated. Nonetheless, the supporting text is helpful in understanding the policy.
8. The proposed development is for personal use. The main parties agree that, in the context of LP Policy 25, the term 'enterprise' can include uses such as that proposed. There is no credible evidence before me that would lead me to an alternative conclusion.
9. Framework paragraph 88 sets out that planning decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings; and b) the development and diversification of agricultural and other land-based rural businesses. The appellant states that the proposal is best characterised as a leisure development, wherein limb c) of paragraph 88 states that decisions should enable sustainable leisure developments which respect the character of the countryside.
10. As a result of the private use of the proposal, the proposed development would not grow or expand a business or relate to a rural business as supported by the Framework. Even if the proposal could be considered as a leisure development, sustainable development has three overarching objectives including an economic objective. Furthermore, the overarching aim of this part of the Framework is to support a prosperous rural economy.
11. The proposal would provide benefits to the local economy, including through the construction period and the operational period through the ongoing demand of veterinary and supply services, as well as maintenance. The economic benefits would be very limited due to the small scale of the proposal.
12. LP Policy 25 does not specifically state that applications must demonstrate whether the proposal would support a prosperous rural economy to a greater extent than an existing use. However, in my view, the existing use is a relevant consideration in assessing whether a proposal complies with the policy.
13. The site is currently in active productive agricultural use for the production of cereal crop (maize and rye) which is sold to a local company who convert the produce to biofuel for onward sale. The use of the site contributes towards local employment (including the tenant farmer, contractors, and farm labourers) and the rural economy. The evidence before me states that the business accounts (of the tenant farming company of the appeal site) over the last 3 years are profitable. The proposal would result in the field being taken out of agricultural production and the economic contribution of the tenant farming company would be reduced.
14. The appellant highlights that the field could fall out of productive agricultural use at any time due to matters entirely beyond the control of the planning system. Whilst that may be so, the site is currently in productive agricultural use.
15. The proposal would result in the loss of an existing productive agricultural business use of the land which contributes to the rural economy and would

¹ Gill, R (On the Application Of) v London Borough of Brent (Rev 1) [2021] EWHC 67 (Admin)

replace it with a private recreational use. The proposal would provide very limited economic benefits. Based on the evidence submitted, and taking into account the current use of the land and the size of the land that would be taken out of agricultural production, as well as the scale of the proposed development, the proposal would result in an overall reduction in economic benefits.

16. For these reasons, I cannot conclude that the rural location of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the Framework, because the proposed development would result in a disbenefit to the rural economy. Consequently, the proposed development would conflict with criterion A) of part 4 of LP Policy 25 and the Framework which seek to support a prosperous rural economy. It is important to highlight that it is the specific circumstances of this case (including the current use of the site and the size of the land in relation to the scale of the proposed development) which have led to the above conclusion.

Other Matters

17. The appellant has highlighted matters that are agreed, and that the officer's report recommended approval of the application. In addition, they raise concerns regarding the Planning Committee's decision. The other matters highlighted do not outweigh the conflict I have found above.
18. The Finningley Conservation Area (CA) is located towards the north of the appeal site. The Council raise no concerns in respect of the effect of the development on the setting of the CA, and I have no reason to consider otherwise. The development would have a neutral impact on the character and appearance of the CA and the development would not cause harm to the significance of the designated heritage asset. This is due to the nature and design of the proposed development, distance to the CA as well as the intervening built development, trees and vegetation.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR

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Costs Decision

Site visit made on 22 January 2024

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th February 2024

Costs application in relation to Appeal Ref: APP/F4410/W/23/3318364 Field off Bawtry Road, Finningley, Doncaster

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Natalie O'Connor, G.A. Mell (Builders) Ltd, for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the construction of stables and change of use of field to equestrian use.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant asserts that the Council have failed to demonstrate their case and the reason for refusal is based on a flawed and prejudiced understanding of the proposal. They consider that the action of the Council to misinterpret case law, national guidance, and their own local planning policy, despite professional advice, is considered to represent unreasonable behaviour. The applicant also sets out that no support from the elected members has been provided and the Council has failed to provide any clear or justifiable evidence to support the reason for refusal. They state that they have had to appeal the decision which has resulted in additional costs, delays, and uncertainty for the applicant.
4. The Council sets out a timeline of events and asserts that it is not an unusual situation for an application to be refused planning permission contrary to the recommendation of officers. In determining the application, committee members gave greater weight to the fact that the proposal would contribute little benefit to a prosperous rural economy than the planning officer did. The Council state the reason for refusal is in accordance with adopted planning policy and was formed on the basis of the facts, local knowledge and debate that took place at the planning committee meeting.
5. The committee members were entitled to go against the professional advice of officers. The Council's statement of case, and reason for refusal, demonstrates why the Committee found that the proposal would be unacceptable and clear evidence was provided to substantiate that reasoning. The application required an exercise of planning judgement, and my Appeal Decision found favour with the Council's case. Accordingly, the Council has not prevented development

that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.

6. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

L Wilson

INSPECTOR



Appeal Decision

Site visit made on 22 January 2024

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/F4410/W/23/3326884

Barnsley Road Street Works, Barnsley Road, Doncaster, DN5 8QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Gallivan of CK Hutchison Networks (UK) Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 23/00711/TEL, dated 12 April 2023, was refused by notice dated 15 May 2023.
 - The development is proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan¹ and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm

¹ Including Policies 21, 26, 27 and 46 of the Doncaster Local Plan 2015-2035 (2021)

would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

6. The appeal site comprises a grass verge situated between Westerdale Road and Barnsley Road. It forms part of an area of protected open space and green infrastructure. The surrounding area is characterised primarily by two-storey, semi-detached and detached dwellings as well as Barnsley Road which is a main transport corridor. The site is not located within a conservation area or covered by a Tree Preservation Order.
7. The grass verge on this part of Barnsley Road is wide with tree planting. It provides visual relief and a green buffer between the principal road and the dwellings which face towards the road. There are a group of trees adjacent to the site as well as lampposts, telegraph poles and bus shelters nearby. Within a short distance from the site is an existing mast located at the junction of Rosedale Road and Barnsley Road, sited within the protected open space area.
8. In making my decision I am mindful that the mast is the lowest required for the improved 5G service need identified in the area. The proposed monopole would be coloured grey and would be taller than the nearby trees. The trees would provide very limited screening when viewed from Barnsley Road as the proposed installation would be located towards the front of the trees. There could also be conflict long term between the proposed location and trees, for example they could result in interference to signals as the nearby younger trees mature.
9. The proposed installation would be highly visible when viewed from Barnsley Road and would be more dominant than the existing street furniture (including trees and lampposts) due to its siting, height, and bulk. The installation would be a prominent addition which would detract from the protected open space area and be an incongruous feature. The cumulative impact of the nearby existing mast would exacerbate the impact of the proposed installation and would degrade the quality of the open space area. For these reasons given above, due to its siting and appearance, the proposed installation would harm the character and appearance of the area.

Suitable alternatives

10. Paragraph 121 of the Framework sets out that applications, such as that proposed, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
11. The proposed location was identified following a desktop analysis and physical search of the intended target/search area. The site specific supplementary information and planning justification statement details other sites that have been investigated and discounted.
12. The appellant asserts that no mast/site sharing opportunities or existing buildings/structures were identified. However, given the close proximity of the existing mast (located at the junction of Rosedale Road and Barnsley Road),

and the requirement of exploring existing masts, the information provided does not robustly explain why the existing mast would be unsuitable.

13. Consequently, based on the evidence presented, I am not satisfied that a thorough review of possible options has been conducted within the search area. The appellant has not adequately explored whether there may be less harmful alternative sites such as the existing mast. As such, the harm I have identified above is not outweighed by the need for the installation to be sited as proposed.

Other Matters

14. The appellant has highlighted a range of other matters including benefits of the proposal, an overview of telecommunications, pre-consultation, provided an ICNIRP certificate, as well as a letter from the Department for Digital, Culture, Media and Sport. These matters do not justify the harm identified above.

Conclusion

15. I have found that, due to its siting and appearance, the proposed installation would have a harmful effect upon the character and appearance of the area. The harm I have identified is not outweighed by the need for the installation to be sited as proposed or the other matters highlighted. For the reasons given above, I conclude that the appeal does not succeed.

L Wilson

INSPECTOR

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Appeal Decision

Site visit made on 30 January 2024

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2024

Appeal Ref: APP/F4410/D/23/3330503

1 Mallin Drive, Edlington, DONCASTER, DN12 1HB

- 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 and Mrs Demeny against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 23/01222/FUL, dated 29 June 2023, was refused by notice dated 9 August 2023.
 - The development proposed is described as 'Creation of a new vehicular access at the rear with a 4x6m driveway and installation of a sliding gate'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issues of this appeal, I have not sought comments on the revisions.

Main Issue

3. The main issue is the effect of the proposal on highway safety and whether a safe and suitable access could be achieved.

Reasons

4. The proposal seeks to install hardstanding to form a parking area of circa 4 x 6 metres (m) with a sliding gate on the rear boundary of No.1 Mallin Drive. To the rear of the appeal property is a roughly triangular parcel of land ('the space') which includes a hard surfaced track, substation building, grassed areas, two concrete pads and section of compacted ground.
5. The Council have made clear that they do not object to the installation of the hardstanding and the sliding gate in the rear garden of the host property. Rather, it is the requirement to navigate the space to the rear to access and egress the public highway at Linden Grove from the appeal site which is of concern.
6. My attention is drawn to the South Yorkshire Residential Design Guide 2011 (RDG) which advises in section B.1.1.11 that private driveways should have a minimum carriageway width of 3.1m and passing places of minimum width of 4.5m and minimum length 6m may be required depending on the length of the private drive, at the discretion of the Highway Authority.

7. The Council advises the width of the track leading to Linden Grove is 2.5m wide. I note this is not disputed and from all I have seen and read I have no reason to doubt the measurement is accurate. This would fall significantly below the minimum requirement of 3.1m and/or 4.5m to allow vehicles to pass one another.
8. When exiting the appeal site, vehicles would turn right and move along the track to join the highway. The track bends slightly to the right here, which I observed would partially hinder visibility approaching Linden Grove given the location of the house in that location. This would be on the narrowest section of the track and would increase the risk of collision with other vehicles. It would not be possible for two vehicles to pass one another, which would necessitate one vehicle reversing and allowing the other to pass. This would have the knock-on effect of potential conflict with pedestrians, who I observed using the space to cut between the large open grassed area to the southwest and Linden Grove on my site visit.
9. I note the appellant advises that the proposal does not create a private driveway in the context of the RDG guidance. Rather, the new driveway would be located in the rear garden of the host property and the track through the space is existing. However, the use of the newly created parking area would require movement between the appeal site and Linden Grove to occur via the space to the rear.
10. I understand other vehicles already park in the space, while No.24 has a driveway. However, the Council maintains that planning permission has not been approved for any of these and there is no formal arrangement in place. Approval is sought here for access to the highway and as the track does not meet the requirements of the RDG, I share the concerns of the Council that visibility and safe access/egress could not be achieved. This has not been adequately demonstrated on the plans. Although it is suggested that an audible and flashing light could be installed, it is unclear as to how this would work or what knock-on effects this could have on living conditions of neighbouring dwellings with regards to increased noise.
11. Allowing this proposal to proceed could also set a precedent for future similar proposals. Although generally speaking I agree that each proposal is assessed on its own merits, the Council may find it difficult to resist future proposals of this nature which would further increase the number of users of the space on the narrow track. As such, on this occasion, I share the concern of the Council that a precedent could be set.
12. Bringing things together, the proposal would be contrary to policy 13 of the Doncaster Local Plan 2015 - 2035 (DLP) (adopted September 2021) which seeks to ensure development does not result in unacceptable impact on highway safety. This would also be contrary to the RDG and paragraphs 114 and 115 of the Framework. These advise that safe and suitable access to the site can be achieved for all users and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
13. I have taken the appellant's comment on board regarding the wording of paragraph 115 of the Framework. However, the use of the word 'or' is clear in linking the alternative assessments and for my judgement of this proposal to

be unacceptable does not also require the residual impacts on the road network to be severe.

Other Matters

14. There were no public objections to the scheme during the application process nor were any submitted at appeal stage. Be that as it may, a lack of objection would neither weigh in favour nor against the proposal.
15. It is asserted that the proposal would increase natural surveillance of the rear space which would be of benefit. I have not been made aware of any anti-social behaviour or crime in that location. Regardless, any benefit in this regard would be minimal and offer little in favour of the scheme which would not outweigh the harm.
16. I note the comments of parties regarding the extent of the red line on the submitted site location plan. As I am dismissing the appeal, I have not taken this matter further.

Conclusion

17. The proposal would harm highway safety and not provide a safe and suitable access. As such it would conflict with the development plan taken as a whole, as well as the Framework and RDG. I have taken into account the benefits of the scheme, although the weight attributed to these would not outweigh the harm. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

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