

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 3<sup>rd</sup> April 2018**

**Application**      4

<b>Application Number:</b>	17/02784/FUL	<b>Application Expiry Date:</b>	4 <sup>th</sup> January 2018
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<b>Application Type:</b>	Application for variation of condition under Section 73 Application.
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<b>Proposal Description:</b>	Section 73 application to vary Condition 4 of Planning Permission 12/00600/FUL (approved plans) - 1. Removal of swimming pool. 2. Alterations to create living space at ground floor level. 3. Raising of the eaves and ridge height (Retrospective).
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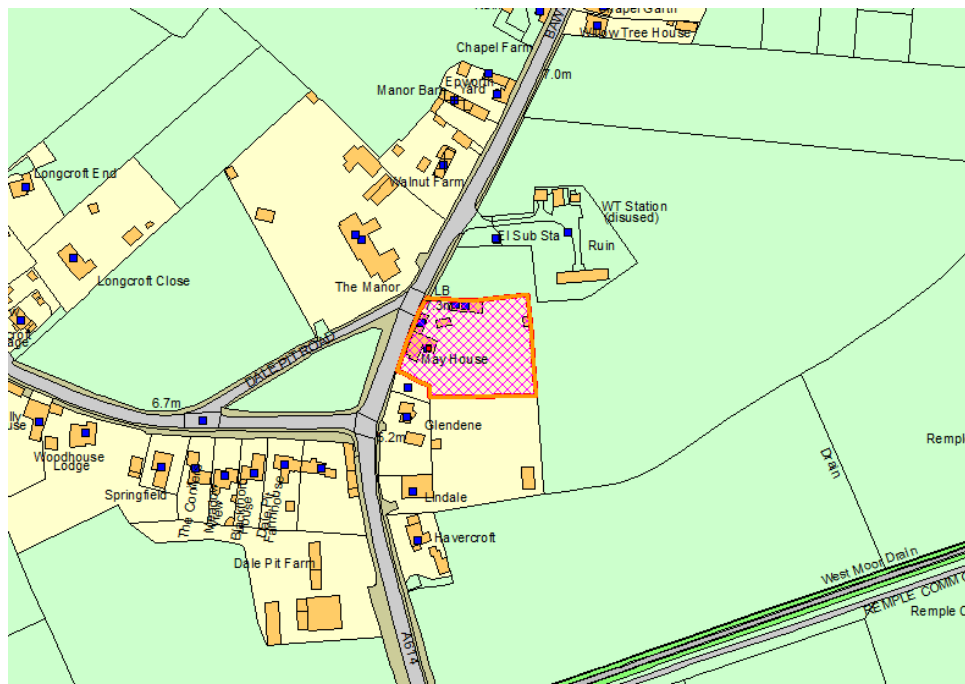
<b>At:</b>	May House, Bawtry Road, Hatfield Woodhouse, Doncaster
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<b>For:</b>	Mrs K White
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<b>Third Party Reps:</b>	1 Representation (Support)	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

<b>Author of Report</b>	Dave Richards
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<b>MAIN RECOMMENDATION:</b>	Refuse
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## **1.0 Reason for Report**

1.1 The application is being presented to the planning committee as it has been requested by Councillor Linda Curran. Cllr Curran believes the development would be within the boundary of the properties and would enable a family member to live near his family. The development is also judged to improve the area, as the footprint of the building has been reduced.

## **2.0 Proposal and Background**

2.1 The application proposes a variation to the approved plans under Planning Permission 12/00600/FUL. The alterations include:

- Alterations to create living space at ground floor level
- Removal of swimming pool

2.2 The site previously consisted of a relatively modest brick and tile building, apparently used as a gun shop with rear lean to additions. The rear lean to additions have been demolished and the gun shop has now been converted and extended to a larger outbuilding under Planning Permission 12/00600/FUL.

2.3 During the course of the application, it became apparent that the extent of the works is more elaborate. The alterations include the raising of the eaves and ridge height of the building and various alterations to the internal layout, windows and doors, varying from the approved plans. The description was subsequently amended with the permission of the applicant.

2.4 The site is bounded by agricultural fields to the north and east with the residential curtilage of May House and Shoemakers Lodge situated to the south.

## **3.0 Relevant Planning History**

3.1 The relevant planning history of the site is as follows:

3.2 12/00600/FUL - Conversion of existing barn to living accommodation, erection of part two storey/part ground floor extension to side of existing barn, demolition of part of existing gun shop and erection of part two storey/part single storey extension to form workshop/triple garage/swimming pool/storage area. Approved 28.06.2012.

3.3 15/00263/FULFT - Erection of stable block incorporating tack room to rear of detached property. Approved 31.03.2015.

3.4 15/01681/FUL - Conversion of barn and erection of extension to form new dwelling. Approved 26.01.2016.

3.5 16/00812/FUL - Conversion of Gun Shop and erection of extension to form new dwelling. The application was refused on 16.05.2016 for the following reason:

The proposal does not represent sustainable development in the countryside and would fail to protect or enhance the character of the area contrary to Policy CS3 of the Core Strategy, Saved Policies ENV2 and ENV4 of the Doncaster Unitary Development Plan and the core principles of the NPPF. Furthermore, the proposal is outside any settlement limit and does not constitute quality infill, contrary to Policy CS2 of the Core Strategy.

A copy of the appeal decision is found at appendix 7 of this report.

3.6 17/00495/MAT - Conversion of existing barn to living accommodation, erection of part two storey/part ground floor extension to side of existing barn, demolition of part of existing gun shop and erection of part two storey/part single storey extension to form workshop/triple garage/swimming pool/storage area. (being amended to previous permission 12/00600/FUL, granted on 28/06/2012 - Floor Plan alterations). Amendment granted 20.03.2017.

#### **4.0 Representations**

4.1 The application has been advertised in accordance with the requirements of the Planning Practice Guidance as follows:

- Any neighbour sharing a boundary with the site has received written notification
- Advertised on the Council website

4.2 1 letter of support has been received from the adjacent occupier at Shoemakers Lodge:

- The reduced building will be better for me and my family's day to day living experience
- Disruption has been minimised
- The building works are sympathetic
- Having an annexe will reduce fear of crime
- The minor alterations are not an issue

#### **5.0 Parish Council**

5.1 No comments have been received.

#### **6.0 Relevant Consultations**

6.1 No consultation responses are relevant.

#### **7.0 Relevant Policy and Strategic Context**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 In the case of this application, the development plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1, CS2, CS3, CS14 and CS16 of the Core Strategy and Policies ENV2, ENV4, ENV9, ENV10 and ENV13 of the UDP.

7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG); as well as the Council's supplementary planning guidance. The planning history of the site, set out in Section 3 of this report, is a material consideration.

7.4 In March 2018 a set of revisions to the existing NPPF were published for consultation. The draft is subject to lengthy consultation and may still change and as such, no weight is given at this stage.

## **8.0 Planning Issues and Discussion**

8.1 The main planning consideration is whether the principle of the alterations proposed are acceptable, with regard to the location and nature of the building.

8.2 The application site is located in the vicinity of the small village of Hatfield Woodhouse which is in the countryside to the south east of Hatfield. The gun shop was a relatively modest brick and tile building, apparently used as a gun shop with various ad-hoc additions.

8.3 These additions have now been demolished and building works to convert and extend the building under Planning Permission 12/00600/FUL started in February 2015. The approved layout of the outbuilding consists of a workshop, garaging, swimming pool and plant room at ground floor and storage space in the roof space. The plans associated with the development are shown in appendix 1 and 2.

8.4 The applicant contacted the Local Planning Authority in February 2017 requesting to make some changes to the extant permission to suit her family's needs and submitted a variation application under Section 96A of the Town and Country Planning Act 1990 "a non-material amendment". The applicant stated that the swimming pool was not required and they wished to change some space into a garden room. The rest of the building would remain as previously approved with the exception of the first floor of the gun shop which was requested to be converted into a bedroom with en-suite for the applicant's elderly parents. The applicant explained that, with two young children, having use of the outbuilding for habitable space and the provision of ancillary accommodation for her parents would be hugely beneficial. The plans associated with the development are shown in appendix 3 and 4.

8.5 The consideration when dealing with an application for a non-material amendment is whether they amount to a material change to the original planning permission under which planning permission would be required. In this case, the main consideration was whether the alterations resulted in either the appearance and creation of a new house (a new separate planning unit) or merely converted sections of an approved outbuilding to living accommodation, both of which would be incidental to May House (in essence, a part annexe).

8.6 It is clear that the use of an outbuilding for ancillary residential accommodation in association with a main house does not require planning permission provided it complies with Section 55(2)(d) of the 1990 Act. This part of the legislation allows the use of buildings within the curtilage of a dwelling house for any purpose “incidental to the enjoyment” of that dwelling house and that it does not amount to ‘development’ which requires planning permission.

8.7 The layout, design and physical relationship between the house and the building was an important consideration in deciding whether to grant the amendment, as will the size and scale of the accommodation to be provided. Officers raised concerns with the applicant that by introducing living accommodation, given the overall size of the building, this use would not be ‘incidental’ as the building could be lived in as a separate dwelling.

8.8 Officers worked with the applicant in a positive and proactive manner in order to provide the living space required for the applicant’s parents and children. It was noted that only a small amount of living space would be created for family members as part of the works – namely the bedroom, en-suite and garden room. The rest of the building would remain as previously approved and shown to be typical outbuilding type uses such as a garage and store. In order to retain this arrangement and light of the site specific characteristic of the building, a condition was added to the permission via the amendment which stated:

*The living accommodation hereby permitted as shown by the highlighted area on the submitted plan shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling. The living accommodation shall be strictly limited to the area shown and no other part of the building unless otherwise approved in writing by the local planning authority.*

#### **REASON**

*To ensure that the living accommodation is ancillary and does not become a separate dwelling in light of the unsustainable location and impact upon the character of the area.*

8.9 The applicant contacted the Local Planning Authority in November 2017 to advise that the implementation of Planning Permission 12/00600/FUL was to be scaled back for budgetary reasons. The applicant wished to make some minor changes to the external openings and amend the ground floor internal layout. The applicant had assumed that not fully implementing the proposal was acceptable and didn’t require further planning permission. However, the condition attached to the amendment explicitly restricts any further creation of living space within the outbuilding unless agreed in writing by the Local Planning Authority.

8.10 As such, a Section 73 application was validated to vary the approved plans under Planning Permission 12/00600/FUL. The application was described as seeking to vary the approved plans to remove a section of the previously proposed outbuilding and to convert sections of the outbuilding to living space at ground floor level.

8.11 Upon conducting a recent site inspection, it was noted that the extent of the works is more elaborate. The alterations include the raising of the eaves and ridge height of the building and various alterations to the internal layout, windows and doors, varying from the approved plans. These variations include the makings of a central staircase to the first floor in the middle of the building with studded walls at first floor. The alterations at ground floor comprise an entrance hall, two spacious living areas, a smaller utility area and a small room to the rear of the building. The internal alterations are incomplete however each room has been plastered boarded with electric fittings, LED lighting, thermostat controllers and other domestic elements. To the rear of the building, a small room has an extraction vent and fitting space for white goods.

8.12 It should be noted that 'fear' of adaptation to a large building is not a clear cut reason to refuse a proposal however, it is the opinion of Officers that the unauthorised creation of additional living space, together with the overall changes in appearance and layout of the development, is contrary to the reasoning behind imposing the condition on the previous amendment. As a result of the changes, the building is no longer considered to be incidental in terms of habitable space in relation to May House but entirely capable of being self-contained. The siting and general layout of the building is also a consideration, in that it would share a similar footprint to the main house and it can be accessed, occupied and functioned separately. Contrary to Planning Permission 12/00600/FUL and its subsequent amendment, the building in its current form does not comply with the Council's SPD guidance on the creation of an acceptable annexe.

8.13 It is Officer's conclusion that, whoever occupies the building, they would do so independently of those to May House as a result of the unauthorised works made to the building. The building would, in use terms, function as its own dwelling and it is on this basis that the application is assessed.

#### Acceptability of a new dwelling

8.14 The application site lies within the countryside outside of the defined village boundary. Policy ENV4 of the UDP indicates that development in this location will not normally be permitted for purposes other than those appropriate to rural areas and that infill development is restricted to within settlements subject to limitations. Policy CS2 of the Core Strategy identifies the nearby village of Hatfield Woodhouse as being a 'defined village' which is identified as a rural settlement that has limited services and facilities or access to public transport.

8.15 The site is also within a Countryside Protection Policy Area (CPAA) as set out in the Core Strategy. Policy CS3 of the Core Strategy indicates that proposals in the CPAA will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty. Policy CS3 also states that minor amendments to settlement boundaries will be supported where existing boundaries are indefensible. However, the supporting text to Policy CS3 is clear that the outer boundaries of existing built up areas where they adjoin countryside are under constant pressure for often minor but cumulatively significant small scale housing developments.

8.16 The underlying objective of the NPPF is to significantly boost the supply of housing and is a material consideration in the determination of planning applications. In terms of its location, a new dwelling would make a very small contribution towards maintaining the vitality and social vitality of such a rural community. In economic terms, there would be a limited benefit during construction. In environmental terms, a new dwelling would encourage built form into this countryside location. It is considered that the proposal would not be sustainable development with minimal overriding environmental, economic or social benefits.

8.17 This opinion is consistent with the findings of a Planning Inspector who, in 2016, dismissed a planning appeal (16/00017/REF) refused by the Local Planning Authority to convert the outbuilding approved under Planning Permission 12/00600/FUL to a separate dwelling. Whilst it should be noted that the consideration of the appeal was based upon the building in its original format and by a previous occupier (not the current applicant), the findings of the Inspector in terms of the acceptability of a new dwelling in this location attract very significant weight to this decision. A copy of the appeal decision is found at appendix 7 of this report.

8.18 The relevant housing policies for the Borough are considered up to date and consistent with the National Planning Policy Framework. As such, there is little justification for granting planning permission for a new dwelling in the countryside which is contrary to Policies CS2 and CS3 of the Core Strategy and Policies ENV2 and ENV4 of the UDP.

#### Other issues

8.19 Regard has been given to whether another condition linking the occupation of the annexe to May House would be appropriate. However, in view of the revised internal layout of the annexe, the independent access and its remoteness from May House, it is considered that a planning condition will not mitigate the adverse effects of the development and would not meet the tests of enforceability under the guidance set out in the NPPG.

8.20 Notwithstanding the above considerations, there is no significant impact to neighbouring amenity or highway safety as a result of the development.

### **9.0 Summary and Conclusion**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the application has been assessed, as a matter of judgement, as to allow a building with the distinctive character of a dwelling which includes consideration of the scale, extent of provided facilities, the physical layout as built and the functional relationship with May House. As such, it does not comply with the policies relating to the location, scale and siting of new housing which seek to ensure that new development is sustainable.

9.2 In terms of material considerations, the fall-back position of constructing the outbuilding under Planning Permission 12/00600/FUL would be a use appropriate for the area, as well as an annexe limited to an acceptable level conditioned under the amendment application reference 17/00495/MAT.

9.3 Given that alterations have occurred without the benefit of planning permission, the refusal of this application will involve enforcement action against the applicant. As such, the recommendation to this report includes authorisation to take action as appropriate.

9.4 For the reasons given above, and taking all other matters into consideration, the proposal conflicts with the relevant plan policies concerning the provision of new housing and planning permission should be refused. Under the provisions of the NPPF, the application is not considered to be a sustainable form of development.

## **10.0 RECOMMENDATIONS**

10.1 Planning Permission should be REFUSED for the following reason;

In the opinion of the local planning authority, it is considered that the alterations to the building result in the building having the appearance and capability of being a self-contained unit of accommodation that is not ancillary to May House. As a result, a new dwelling would be created in an unsustainable countryside location which is harmful to the rural character of the area. Accordingly, the proposal is contrary to Policies CS2, CS3 and CS14 of the Core Strategy, Policies ENV2 and ENV4 of the UDP, the Council's SPD guidance and the sustainable agenda of the NPPF.

10.2 That Members authorise all necessary and appropriate enforcement action, which may include the service of a breach of condition notice, to be taken to achieve compliance with previous planning permissions and/or and bring about the proper planning control of the land.

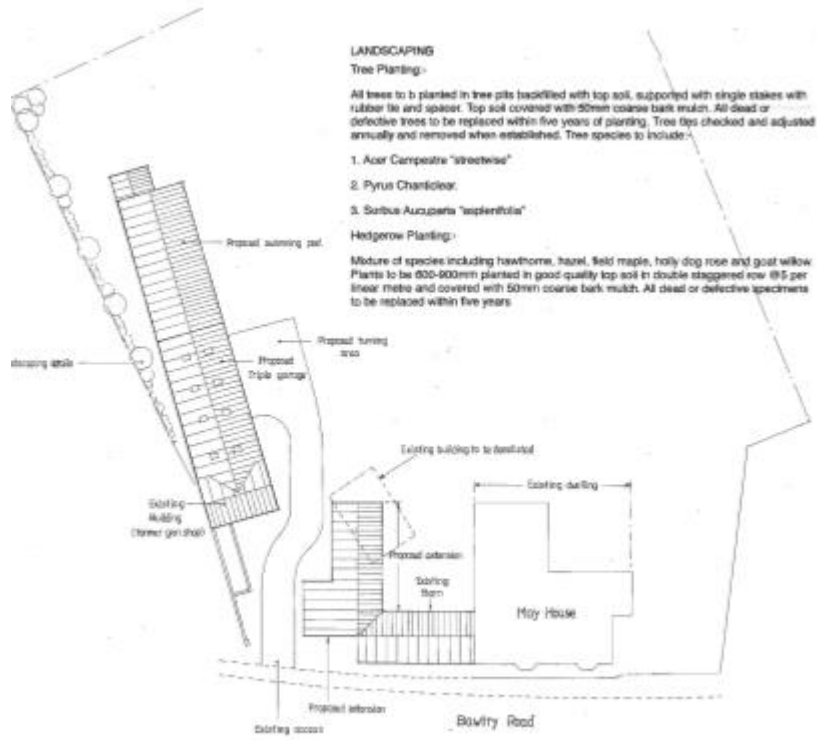
### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible. The Local Planning Authority has worked with the applicant on a previous application with a degree of flexibility which enabled an acceptable form of development.

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

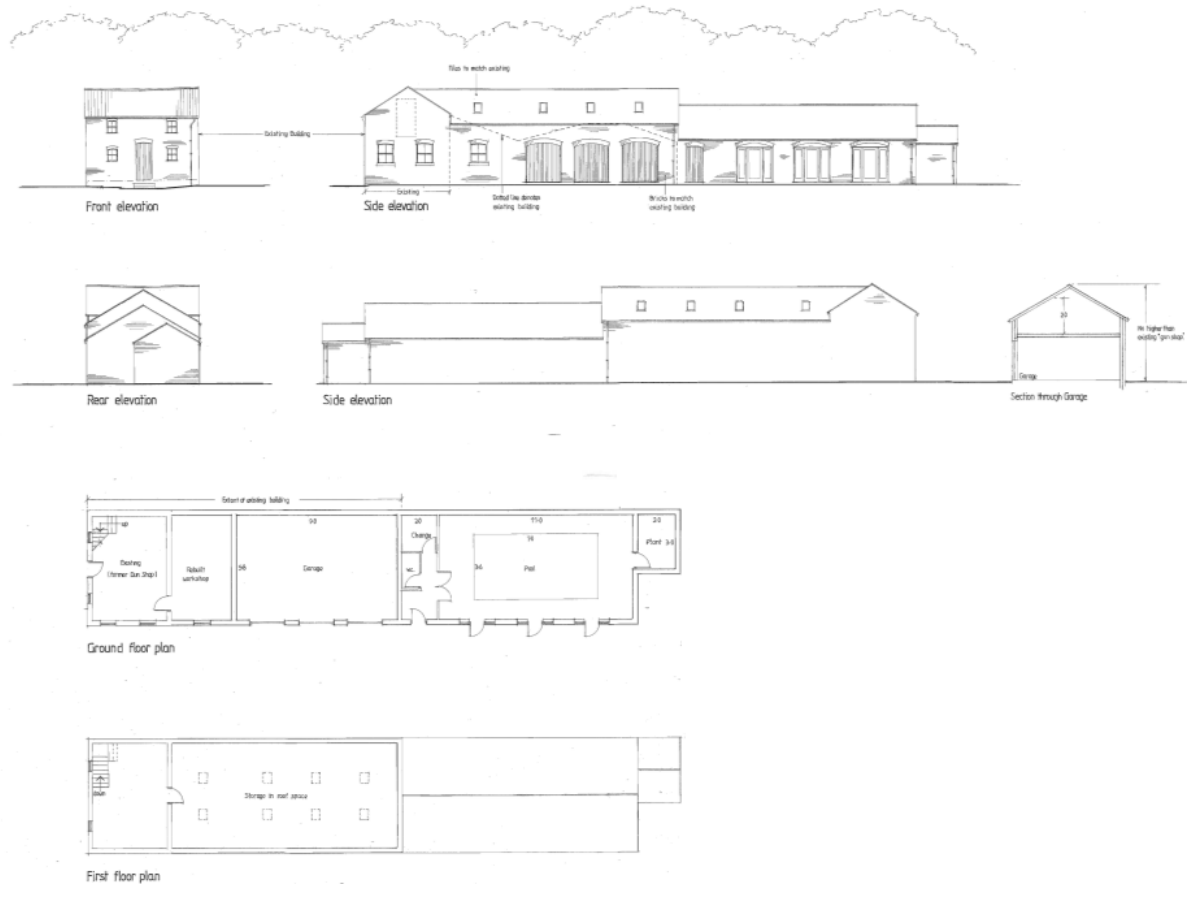


# APPENDIX 1 – Site Plan - Planning Permission 12/00600/FUL

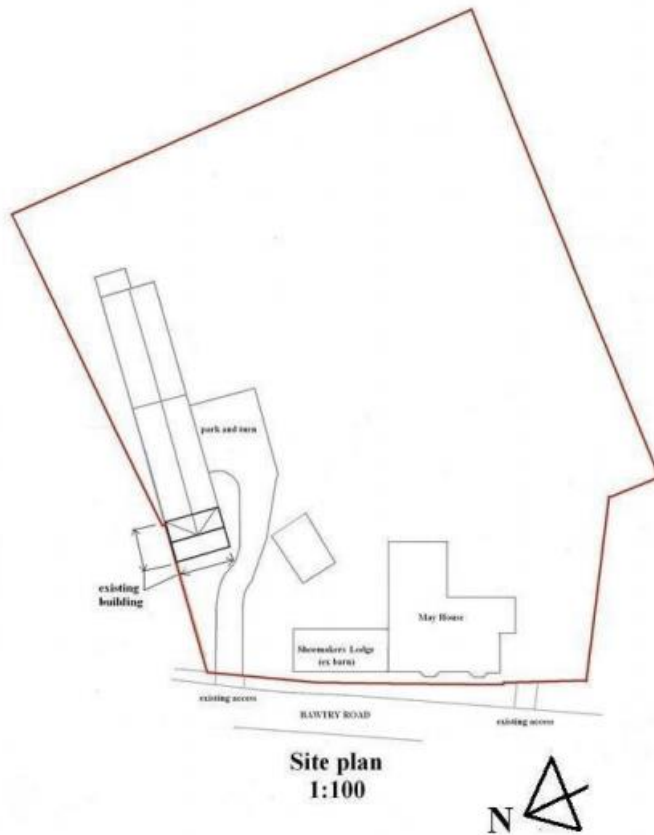


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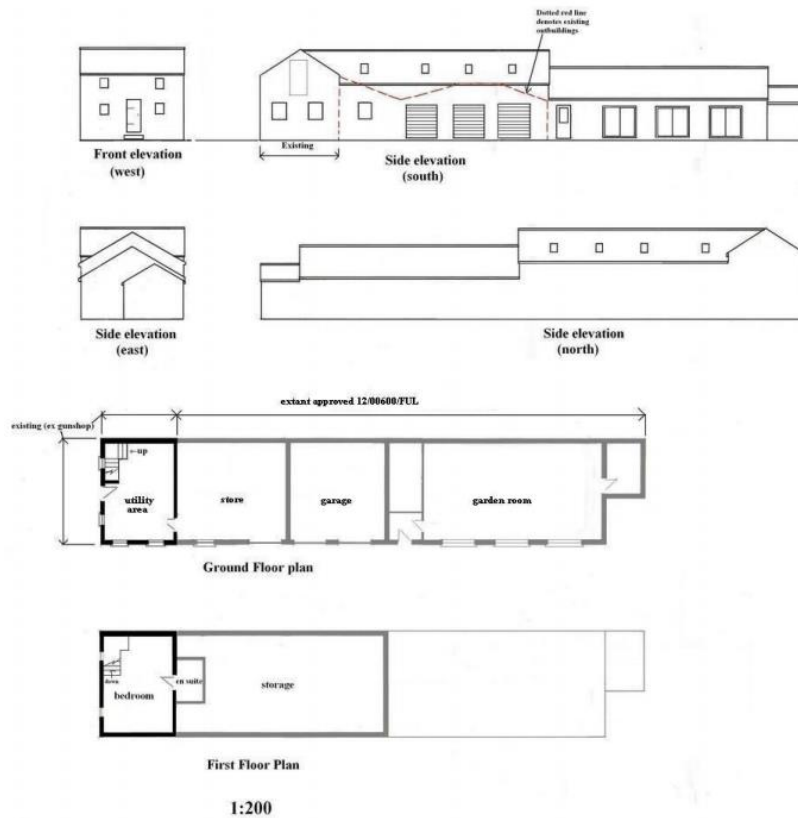
# APPENDIX 2 – Elevations and Floor Plans - Planning Permission 12/00600/FUL



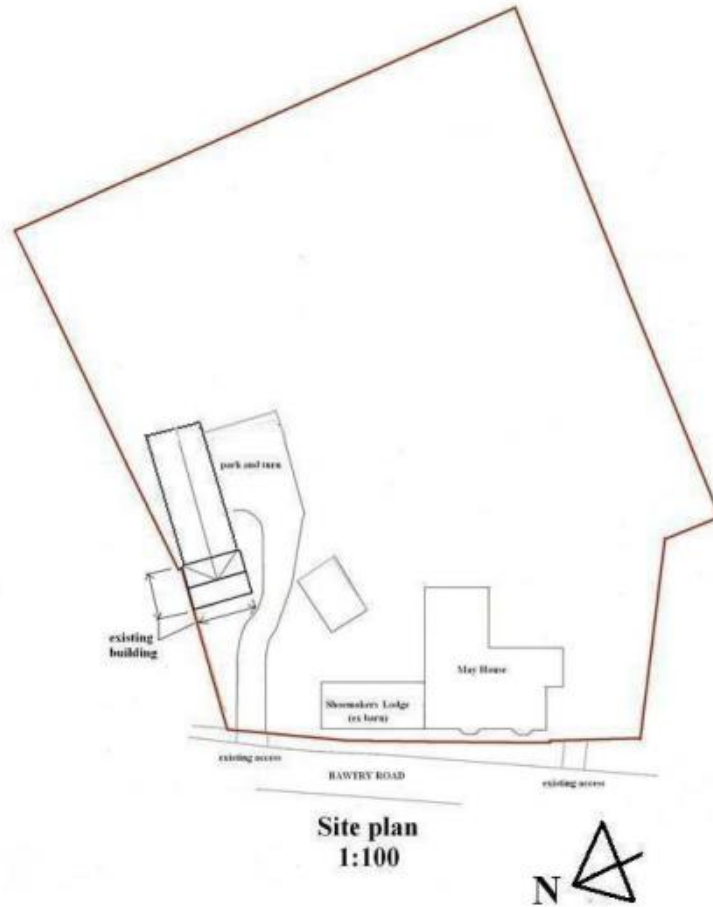
### APPENDIX 3 – Site Plan – Non-Material Amendment 17/00495/MAT



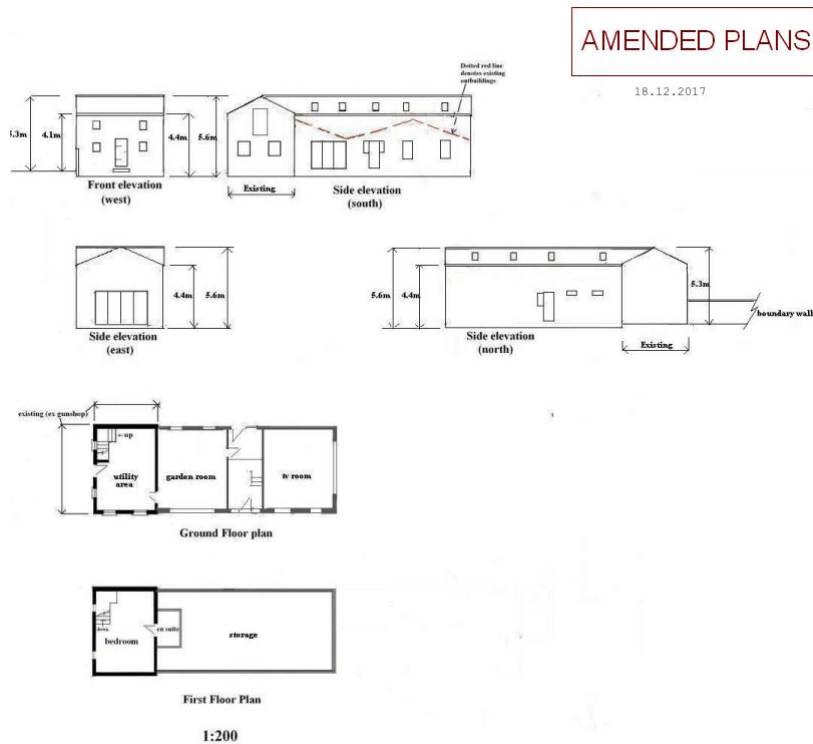
### APPENDIX 4 – Elevations and Floor Plans – Non-Material Amendment 17/00495/MAT



## APPENDIX 5 – Proposed Site Plan



## APPENDIX 6 – Proposed Elevations and Floor Plans



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## Appeal Decision

Site visit made on 4 October 2016

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

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

Decision date: **1 November 2016**

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**Appeal Ref: APP/F4410/W/16/3154552**

**Gun Shop, Bawtry Road, Hatfield Woodhouse DN7 6PQ**

- 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 M F Finlan against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 16/00812/FUL, dated 17 March 2016, was refused by notice dated 16 May 2016.
  - The development proposed is conversion of Gun Shop and erection of extension to form new dwelling.
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### Decision

1. The appeal is dismissed.

### Planning Background

2. In June 2012 planning permission was granted by the local planning authority under reference 12/00600/FUL for '*Conversion of existing barn to living accommodation, erection of part two storey/part ground floor extension to side of existing barn, demolition of part of existing gun shop and erection of part two storey/part single storey extension to form workshop/triple garage/swimming pool/storage area*'. The second part of this description relates to the site the subject of the current appeal.
  3. I understand from the appellant that at the time of the original 2012 planning application the conversion of the barn and associated extension was intended for a relative. However, the circumstances changed and consequently, having already implemented their planning permission, in order to ensure the lawful occupation of the barn as a separate unit of residential accommodation, in 2015 a further planning application was submitted for '*Conversion of barn and erection of extension to form new dwelling*'. Planning permission was subsequently granted under reference 15/01681/FUL on 26 January 2016.
  4. The current appeal relates to the Gun Shop site which is the remainder of the site that was the subject of the 2012 planning permission but was not the subject of planning permission 15/01681/FUL.
  5. The appellant has pointed out that the demolition of part of the existing gun shop and erection of part two storey/part single storey floor extension to form a workshop/triple garage/swimming pool/storage area could be implemented without the need for planning permission on the basis of the planning
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permission granted by the local planning authority under reference 12/00600/FUL in June 2012.

6. The Council is unable to make a clear statement regarding which planning permission has been implemented to convert the barn which is now occupied as a stand-alone residential property known as Shoemaker's Lodge located adjacent to May House. However, the appellant is clear that the implementation of 12/00600/FUL had commenced and was nearing completion when 15/01681/FUL was submitted and that the conversion of the gun shop under the 2012 permission remains extant. In support of this the appellant states in their Design and Access Statement that the conversion of the barn to residential accommodation had already commenced under the 2012 planning permission and was nearing completion at the time of submitting application 15/01681/FUL. Several other references to implementing the 2012 are made in their Statement of Case and Response to the Council's Appeal Statement.
7. It is apparent from the drawings that in design terms the proposed development is almost the same as that which was previously approved under reference 12/00600/FUL. The only external change is that the openings previously proposed as garage doors would be used as large openings to serve the kitchen and living room and form the side entrance to the property.

### **Main Issue**

8. The main issue is whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing and which seek to protect the countryside.

### **Reasons**

9. The appeal site comprises a modest pitched roof brick structure with large single storey attached outbuilding to its rear. It is understood that the building was previously used as a gun shop, although this use ceased some years ago. The land associated with the buildings comprises an open paddock containing some old structures such as a disused chicken enclosure and wooden outbuilding.
10. The site is located adjacent to Shoemakers Lodge, a two storey residential barn conversion which is currently occupied as a stand-alone residential property attached to May House. The residential curtilages of Shoemakers Lodge and May House are situated immediately adjacent to the appeal site. Agricultural fields are situated beyond the hedges which form the remaining boundaries of the site.
11. The site is close to a group of residential properties grouped around the junction of Bawtry Road and Ancient Lane. The village of Hatfield Woodhouse is located a few minutes' walk from the site. It has limited local services, but does have a village hall, social club, church, convenience store and a parade of shops which includes a hot food take away, hair salon and dog grooming studio. There are bus stops very close to the site which provide regular weekday services towards Lindholme and Doncaster. There are less frequent buses at weekends.
12. The site is outside the settlement boundary of Hatfield Woodhouse as shown on the proposals map of the Doncaster Unitary Development Plan Adopted July 1998 (the UDP). It is designated within the Countryside Policy Area (CPA)

according to Saved Policy ENV2 of the UDP which sets out the purposes of the Countryside Policy Area, including safeguarding the countryside from the encroachment and providing an attractive setting for towns and villages. Saved Policy ENV4 of the UDP goes on to state that development in the CPA will not normally be permitted for purposes other than those appropriate to rural areas.

13. Furthermore, according to the Doncaster Council Core Strategy 2011-2028 Adopted May 2012 (CS) the site is within the designated Countryside Protection Policy Area (CPPA). Policy CS3 states that in this area proposals will be supported where they would be appropriate for a countryside location and would protect and enhance the countryside. A key objective of CS3 is to ensure that the countryside is not eroded by significant adjustments to the boundaries of built up areas.
14. Policy CS2 of the CS identifies Hatfield Woodhouse as a larger defined village where quality infill will be permitted and existing village boundaries will only be amended if considered necessary to establish new defensible boundaries.
15. In assessing the current proposal it is important to consider whether the development plan is up to date having regard to the provisions of the National Planning Policy Framework (the Framework). Although the UDP predates the Framework its policies should not be considered out of date simply because of its date of adoption. Due weight should be given to such policies according to their degree of consistency with the Framework. Although the UDP only sought to guide development period up to 2001, Policies CS2 and CS3 of the CS which seek to achieve housing requirements for the period up to 2028 nevertheless use the settlement boundaries as defined under the UDP. Furthermore, the CS clearly reflects the approach to the protection of the countryside in Saved UDP Policies ENV2 and ENV4. Consequently, I consider that the settlement boundaries are relevant to the assessment of the current appeal and that Saved Policies ENV2 and ENV4 are not inconsistent with the Framework.
16. The development of the site would represent residential encroachment into the countryside. No structural survey or other evidence has been submitted to confirm whether the building is sound and is capable of being re-used without extensive rebuilding. The development of the property to form a new dwelling also proposes a large extension which would replace the outbuilding which is currently attached to the original brick built part of the Gun Shop. Furthermore, since the original planning application in 2012 the building may have deteriorated and now be incapable of conversion. In any case, the proposal would constitute new development in the countryside for which I find there would be no clear justification in principle under current development plan policies.
17. There is some natural screening to the front, side and rear of the site which does help to reduce the potential impact of new building on the immediate surroundings. Additional new hedge and tree planting is proposed along the boundary of the site. Furthermore, the immediate surroundings of the site have been materially altered in the past few years with the conversion of the adjacent barn to a new separate residential property. Further alterations are proposed by the current scheme, including the provision of additional car parking spaces and erection of a screen fence.

18. The introduction of such a large residential building in this location would be at odds with the general linear pattern of development in the vicinity and would alter the character of this site and its surroundings to an unacceptable degree. The provision of a separate domestic curtilage, boundary treatments and the potential for there to be additional domestic paraphernalia associated with a separate residential unit would further erode the overall character and appearance and the countryside, which causes further concern.
19. The impact of the loss of openness of the countryside and its rural character would be mitigated somewhat by the landscaping along some of the site's boundaries and its containment by existing adjacent buildings, including May House and Shoemakers Lodge. However, the development by way of the extent of building work required would not preserve the openness of the countryside or the overall reasons for including the land within it.
20. The proposal is not a form of development acceptable under Policies CS2 and CS3 of the CS as it would harm its openness and character.
21. Policy CS2 of the CS indicates that larger defined villages such as Hatfield Woodhouse are relatively unsustainable locations for housing growth. New development should be restricted to infill. However, as this site is outside the settlement boundary and is separated from the boundary by open land and sporadic development it cannot be considered to be infill. The site is relatively close to Hatfield Woodhouse, within ten minutes walking distance from a range of local facilities and services and is served by regular bus services. As such, it is relatively accessible for a site within the countryside. However, it would only make a small contribution to housing supply. There may be some limited economic benefits associated with the construction phase.
22. The Council has indicated that it maintains a five year housing supply. However, the appellant challenges this on the basis of a recent case where the local planning authority resolved to grant planning permission for a development of approximately 400 dwellings with the CPA. However, it appears to me that the circumstances relating to that case are materially different to the current appeal and has limited relevance to the current appeal, including the fact that the land in question was located in a Potential Growth Area. Furthermore, there is no clear statement in the Committee report that the Council does not have a five year supply of housing land. Accordingly, there appears to be no justification for granting planning permission for the housing development under consideration which would be outside settlement boundary.
23. I therefore conclude that the proposal would be contrary to the objectives of local and national planning policies relating to the location of housing and which seek to protect the countryside. Therefore it does not accord with Policies Saved Policies CS2 and CS3 of the CS, Saved Policies ENV2 and ENV4 of the UDP and the Framework.

#### **Other matters**

24. The appeal site has been the subject of previous planning permissions, which would allow the existing Gun Shop to be altered and substantially extended in a similar way to the current proposal. Although the appellant says the permissions have been implemented, the Council expresses some uncertainty

regarding the implementation of 12/00600/FUL, which planning permission was granted in June 2012.

25. The evidence before me regarding the implementation of the 2012 planning permission is not conclusive. However, the appellant insists that the development was commenced and remains extant, and the Council has not provided any firm evidence to the contrary.
26. But even if the appellant is right on that point, I cannot conclude on that basis alone that it is likely that the development will ever be completed by converting and extending the former gun shop as permitted. Indeed, the evidence before me suggests that circumstances and requirements may have changed significantly since the original 2012 planning permission was granted. I reach this view in part as a result of the planning application in 2015 to convert the barn attached to May House as a separate unit of accommodation, including the erection of a part two/part single storey extension to the side of the barn. I observed on site that the barn has been converted but the original garage building remains in place and extension has not been erected. I have no firm evidence of any current need for the building to be extended as permitted.
27. Overall, on the limited information before me, there appears to be at least some prospect that the former gun shop could be converted and extended under an extant permission. However, there can be little certainty that those works would be carried out in the event of this appeal failing. Accordingly, I attach only limited weight to this consideration.
28. The local planning authority has drawn my attention to a recent appeal for Land to the rear of Field Cottage, Main Street, Hatfield Woodhouse, Doncaster (Appeal reference APP/F4410/W/16/3151727). My findings on the current case are consistent with that decision so far as it is relevant.

### **Conclusion**

29. The proposal would conflict with the development plan and the Framework with reference to the location of housing and protection of the countryside. Therefore, planning permission should not be granted unless material circumstances indicate otherwise. In this case the most significant other material consideration is the fall-back position with respect to the implementation of a previous planning permission 12/00600/FUL. However, given my conclusion that the part of that planning permission which relates to the former Gun Shop and associated land is unlikely to be implemented I have given the fall-back position little weight.
30. As such the harm I have identified would not be outweighed by other material planning considerations.
31. For the above reasons and taking account of other matters I conclude that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR