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## Appeal Decision

Site visit made on 21 August 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 7 September 2018

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**Appeal Ref: APP/F4410/W/18/3200659**

**Land adjacent to Pine Lodge, Great North Road, Bawtry, Doncaster DN10 6DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Alan Nettleship against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref: 17/02180/OUT, dated 29 August 2017, was refused by notice dated 20 October 2017.
  - The development proposed is a dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is made in outline form with all detailed matters reserved for future approval.
3. The Council confirms that the site is not within an Area of Special Landscape Value and Policy ENV 17 cited in the decision notice is not therefore relevant.
4. The appeal papers make it clear that the access, layout and landscaping shown on drawing no 16109/01 are for indicative purposes only and do not form part of the formal application.

### Main Issues

5. The main issues in this case are:
  - (i) whether the proposal would be in an accessible location having regard to national and local planning policies which seek to achieve sustainable development; and
  - (ii) the effect of the proposal on the character and appearance of the area.

### Reasons

6. The appeal site comprises a narrow, rectangular parcel of overgrown land with frontage to the busy A638 Great North Road. The site adjoins Bawtry House to the south; a large dwelling in extensive grounds. To the north is The Limes; a bungalow with planning permission for a replacement dwelling on the plot and, to its rear, a single-storey building with permission for conversion to residential use. Open land lies to the east of the site with caravan storage beyond, whilst

woodland and open countryside extends to the west on the opposite side of the A638.

7. Policy CS2 of the *Doncaster Council Core Strategy 2011-2028* (adopted 2012) includes a settlement hierarchy for the location of new housing in the Borough. Bawtry is identified as a 'Conservation Town' where only quality infill within existing settlement boundaries will be supported. The appeal site lies outside the settlement boundary for Bawtry and is within a designated 'Countryside Policy Area' (CPA) under Policy ENV 2 of the UDP<sup>1</sup> where, amongst other things, the countryside will be safeguarded from encroachment. Within the CPA, Policy ENV 4 states that only certain categories of development will be permitted, none of which apply in this case.
8. A similar designation<sup>2</sup> is included in Policy CS3 of the Core Strategy which sets out key considerations for land, including a number of "*generally acceptable*" development proposals "*appropriate in the countryside*" but excluding new dwellings. It also states that proposals outside development allocations will only be supported where, amongst other matters, they protect and enhance the countryside and preserve the openness of the CPPA.
9. Development on the east side of the A638 in the vicinity of the appeal site consists of loose-knit linear housing set on generous plots with dwellings arranged in a staggered and random pattern. There are also a number of commercial uses, including an extensive caravan sales/storage/service operation, a haulage business and a car sales outlet. The surrounding landscape is predominantly rural in character, characterised by scattered farmsteads and dwellings within an agricultural landscape formed by a patchwork of fields enclosed by well-established hedgerows and substantial blocks of woodland.
10. There is some dispute between the main parties as to whether the proposed dwelling would be 'isolated' in the terms set out in the *National Planning Policy Framework* (the Framework) and with reference to a 2018 Court of Appeal<sup>3</sup> judgement.
11. Citing paragraph 55 of the Framework<sup>4</sup>, Lord Justice Lindblom found that "*...the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement*". The judgement goes on to say that whether a proposed new dwelling is 'isolated' or not, and whether in a particular case a group of dwellings constitutes a settlement for the purposes of the policy are deemed to be matters of fact and planning judgement for the decision-maker.
12. In this case I consider the appeal site to be located within a loose-knit collection of dwellings and other land uses and associated buildings set in open countryside. They are physically and visually divorced from Bawtry and do not form a recognisable settlement, village or hamlet. The proposal would not constitute infill development as there would be a significant gap to the immediate north of the site. Accordingly, I find that the site is isolated in the terms described in the Framework.

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<sup>1</sup> *Doncaster Unitary Development Plan* (1998)

<sup>2</sup> 'Countryside Protection Policy Area' (CPPA)

<sup>3</sup> *Braintree District Council v SSCLG, Greyread Ltd & Granville Developments [2018] EWCA Civ 610*

<sup>4</sup> Now paragraph 79 of the revised Framework (July 2018)

13. The commercial centre of Bawtry lies some 2km to the south of the appeal site where a good range of services and facilities are available. The village of Austerfield lies to the east at a similar distance but has only a modest range of services and facilities. Other villages in the area have few services and facilities.
14. In terms of accessibility, there are bus stops outside the site which provide frequent services to Doncaster, Bawtry, Worksop, Retford, Rossington and Gainsborough. The site is therefore well served by public transport.
15. There is a footway between the appeal site and Bawtry, but the A638 is unlit and given the speed and volume of traffic on the route access to the village for those on foot and bicycle is unlikely to be an attractive option, especially during inclement weather.
16. Whilst the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, realistically the occupiers of the new dwelling would be likely to use private vehicles to reach the services and facilities in Bawtry. They would also be heavily dependent upon this mode of transport to access larger settlements such as Doncaster, where there are employment opportunities and a far greater range of services and facilities. In these respects, the proposal conflicts with sustainable transport objectives in the Framework which promote walking, cycling and public transport use in development proposals in order to actively manage patterns of growth.
17. In terms of sustainable development, accessibility is only one matter I need to consider however. It is also necessary to assess the proposal in the context of the need for planning to perform economic, social and environmental roles as described in the Framework.
18. The proposal would make a modest contribution to the local economy during the construction phase in terms of employment and provision of building materials, and thereafter through the use of services and facilities in Bawtry and further afield by the occupiers of the new property.
19. In social terms, and notwithstanding the shortcomings in terms of accessibility to services and facilities, the development would make a modest contribution to the number and range of homes available in the Borough to meet the needs of present and future generations, including the appellant and his wife.
20. In relation to the environmental role, the use of sustainable construction methods and technologies for new housing is now widespread in the UK and does not therefore weigh in favour of the proposal. However, the development would have an adverse impact on the character and appearance of the area which I deal with below.
21. Drawing these findings together, I find on the first issue that the appeal proposal would bring about some economic and social benefits in relation to the three dimensions of sustainable development in the Framework; factors which weigh in favour of the scheme. On the other side of the coin, given the location of the site some distance from local services and facilities the occupiers of the proposed dwelling would be largely reliant upon private cars to reach these facilities, and would be unlikely to enhance or maintain the vitality of the rural community. Accordingly, I am not satisfied that the proposal would amount to

sustainable development as described in the Framework and it would conflict with UDP Policies ENV 2 and ENV 4 and Policy CS2 of the Core Strategy.

22. I now turn to the effect of the proposed development on the character and appearance of the area.
23. In this respect, I consider that the character of an area is not narrowly defined by the immediate surroundings but rather the wider setting around the site. I have described (above) the pattern of development in the vicinity of the appeal site and the wider rural landscape setting. Within this context the proposal would result in the consolidation of a loose-knit ribbon of residential and commercial development in an otherwise predominantly open rural area. It would also diminish the openness of the CPPA which the Core Strategy seeks to safeguard.
24. It is argued that additional landscaping would supplement existing foliage to the site boundaries and thereby assist in integrating the new dwellings with its surroundings. The site is partially screened by hedging which would make the proposed development less prominent and could be retained by planning condition. However, it is not afforded any statutory protection, and notwithstanding its retention by condition the hedging will ultimately die off, thereby increasing the prominence of the dwelling and compounding its visual impact. Furthermore, it would be likely to be several years before any supplementary landscaping would provide the degree of maturity and screening to offset to any degree the harm that I have identified.
25. As such, I conclude that the proposal would unacceptably harm the character and appearance of the area in conflict with UDP Policies ENV 2 and ENV 4 and Policies CS3 and CS14 of the Core Strategy.

### **Other Matters**

26. Reference is made to the scale and intensity of expansion promoted by Doncaster/Sheffield Airport in its Master Plan for the facility and the potentially significant impact compared to the modest effects of the appeal proposal. However, the Council advises that this is a consultation exercise and does not form part of adopted planning policy or Local Plan review. In these circumstances, I consider it has no bearing on the planning merits of the proposal before me.
27. I have had regard to the appeal decision referred to by the appellant<sup>5</sup>. However, the full balance of considerations which informed this decision is not before me. Whilst consistency is clearly desirable, each application has to be considered on its merits, and none of the arguments put forward convince me that this is a sustainable location for a new dwelling.

### **Conclusion**

28. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

*Michael Moffoot*

Inspector

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<sup>5</sup> Inspectorate ref: APP/F4410/W/16/3166003