



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: 6 September 2018

Appeal Ref: APP/F4410/W/18/3201403

The Limes, Doncaster 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 Paul Jackson (BBS Doncaster Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 18/00308/OUT, dated 7 February 2017, was refused by notice dated 26 March 2018.
 - The development proposed is described as 'outline planning application with all matters reserved for the erection of a new dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline form with all detailed matters reserved for future approval.

Application for Costs

3. An application for costs was made by Mr Paul Jackson against Doncaster Metropolitan Borough Council. This application is the subject of a separate decision.

Main Issues

4. 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

5. The appeal site comprises a rectangular parcel of open land with frontage to the busy A638 Great North Road¹. The site adjoins The Limes; a bungalow with planning permission for a replacement dwelling on the plot, and there is a single-storey building to the rear with permission for conversion to residential use. An overgrown parcel of land adjoins the southern boundary of the site and

¹ Also referred to as Doncaster Road

- open woodland and countryside extends to the west on the other side of the main road.
6. 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 UDP² 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.
 7. A similar designation³ 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.
 8. 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.
 9. There is some dispute between the main parties as to whether the appeal site and surrounding area comprises a settlement and if the proposed dwelling would be 'isolated' in the terms set out in the *National Planning Policy Framework* (the Framework) and with reference to High Court⁴ and Court of Appeal⁵ judgements.
 10. Citing paragraph 55 of the Framework⁶, 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.
 11. In this case I consider the appeal site to be located within an irregular 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 it does not involve the filling in of a small gap in an otherwise built-up frontage. Accordingly, I find that the site does not

² *Doncaster Unitary Development Plan* (1998)

³ 'Countryside Protection Policy Area' (CPPA)

⁴ *Braintree District Council v SSCLG, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743

⁵ *Braintree District Council v SSCLG, Greyread Ltd & Granville Developments* [2018] EWCA Civ 610

⁶ As amended by paragraph 79 of the revised Framework (July 2018)

- comprise part of a settlement and is isolated in the terms described in the Framework.
12. The appellant submits that by supporting local services and facilities the proposal would contribute towards and improve the local economy and the sustainable development policy objective of enhancing or maintaining the vitality of rural communities in the Framework and the *Planning Practice Guidance*.
 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, whilst other villages in the area have few.
 14. In terms of accessibility, there are bus stops outside the site which provide frequent services to Doncaster, Bawtry, Worksop, Retford and Gainsborough, where there are train stations and bus services to wider destinations. The site is therefore well served by public transport.
 15. There is a footway between the appeal site and Bawtry, but the A638 is generally 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. Reference is also made to a Court of Appeal judgement⁷ which found that residential gardens outside "built-up areas" are brownfield or previously developed land. Paragraph 84 of the Framework encourages the use of previously developed land and sites that are well related to existing settlements. It may well be that the appeal site comprises previously developed land, but I do not consider that the site is well related to existing settlements such that the Framework provisions can be applied in this case.
 18. 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.
 19. 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.

⁷ Dartford Borough Council v SSLG (CO/4129/2015)

20. In social terms, the development would make a very modest contribution to the number and range of homes available in the Borough to meet the needs of present and future generations, notwithstanding the shortcomings in terms of accessibility to services and facilities I have referred to.
21. In relation to the environmental role, the development would have an adverse impact on the character and appearance of the area which I deal with below.
22. 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 in a meaningful way. 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.
23. I now turn to the effect of the proposed development on the character and appearance of the area.
24. 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. Policy CS2 of the Core Strategy provides for the preservation and enhancement of the distinctive local character of the natural environment. 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 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.
25. It is argued that the site is well screened by hedging, trees and other foliage which would render the proposed development less prominent and could be retained by planning condition. However, these features are not afforded any statutory protection, and notwithstanding their retention by condition they will ultimately die off, thereby increasing the prominence of the dwelling and compounding its visual impact.
26. 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 Policy CS3 of the Core Strategy.

Other Matters

27. Reference is made in support of the proposal to 'defined settlements' in the Core Strategy which have limited services and where infill development is permitted in policy terms. However, it is for the Local Plan Review to determine whether development on this section of the A638 of which the appeal site forms part should be included within this group.
28. I have had regard to the appeal decisions referred to by the appellant. However, the full balance of considerations which informed these decisions are not before me, and 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

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

Michael Moffoot

Inspector