

Application	04
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Application Number:	19/01843/FUL
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Application Type:	Full Application.
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Proposal Description:	Erection of dormer bungalow including detached garage with stable block and horse paddock.
At:	Land East Of Foxgloves, Whiphill Lane, Armthorpe

For:	Mr Barry Dale
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Third Party Reps:	2 representations	Parish:	Armthorpe Parish Council
		Ward:	Armthorpe

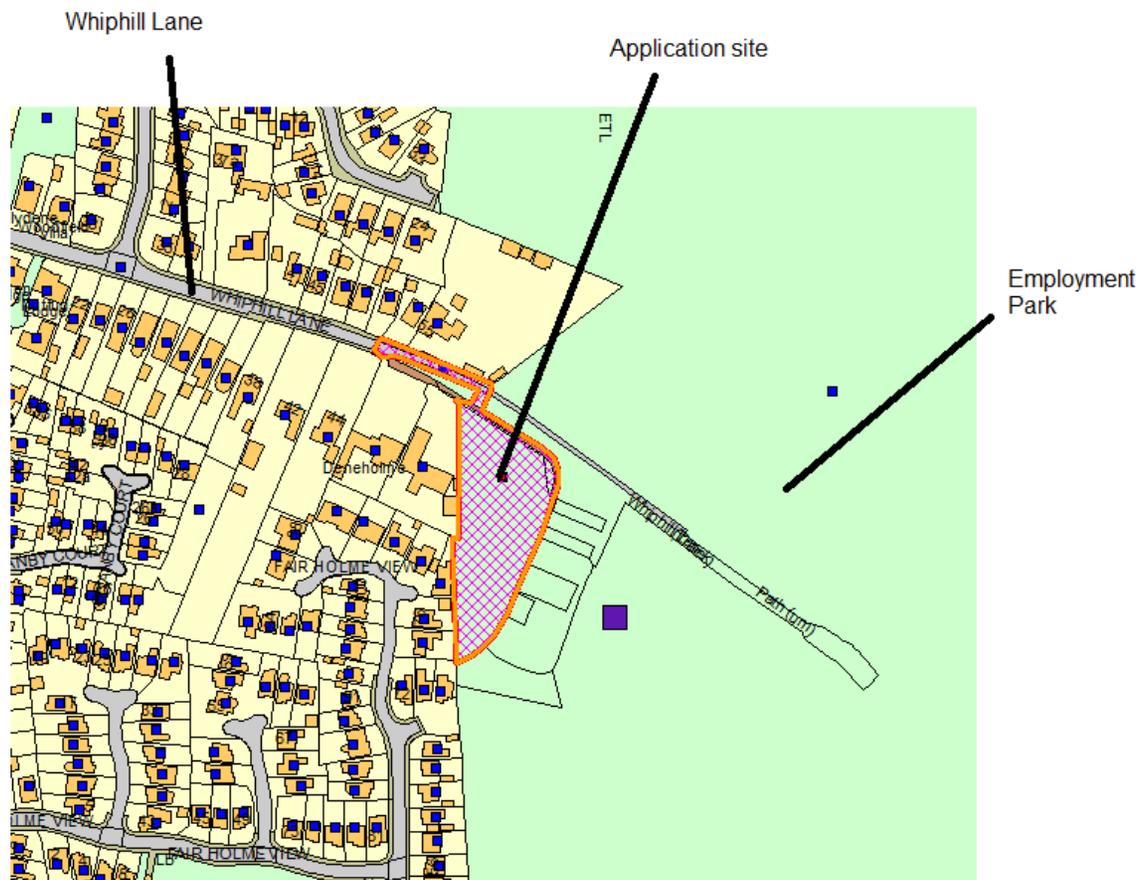
Author of Report:	Dave Richards
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SUMMARY

The application seeks planning permission for the erection of a dormer bungalow, together with the change of use of land to form a horse paddock and the erection of a stable block.

Although advertised as a departure, the principle of residential development is considered to be established by the previous granting of outline planning permission for housing on the land at appeal. Furthermore, the development would not have a detrimental impact on the character and appearance of the countryside. Other technical matters have been addressed as part of the planning application. Therefore, this application is recommended to planning committee for approval, subject to conditions.

RECOMMENDATION: GRANT planning permission subject to conditions.



1.0 Reason for Report

- 1.1 This application is being presented to Members due to the application being a departure from the Development Plan.
- 1.2 Two representations were received during the course of the application, one was addressed via relocating the proposed stable block and the second is addressed in paragraphs 9.18 – 9.22 of the report.

2.0 Proposal

- 2.1 The application seeks planning permission for the erection of a dormer bungalow, together with the change of use of land to a horse paddock and the erection of a stable block. An access would be created from Whiphill Lane to the east and the proposal would include the upgrading of a shared section of the road.
- 2.2 The proposed dwelling would comprise a 1.5 storey house with rooms in the roof space. The approximate width of the dwelling would be 15.9m and the depth of the main part of the house would be 10.1m. A stable block measuring 19.2m in width and 7.3m in depth would be sited in the south eastern part of the site and would be separated by a stock fence and native hedgerow.

3.0 Site Description

- 3.1 The application site currently comprises a parcel of agricultural land, sandwiched between residential estates to the west and the West Moor Employment Park (“employment park”) to the east.
- 3.2 The site can presently be accessed from Whiphill Lane by an informal access, however this is to be widened and resurfaced except where it transitions through trees where the access will be gravelled. Whiphill Lane is a private road and is not maintained by the Council.

4.0 Relevant Planning History

- 4.1 The application and subsequent appeal above outlines the principle of residential development being established on the site.
- 4.2 In considering application reference 10/02436/OUT, the Planning Officer had recommended that the application should be granted, considering that the intentions of the Core Strategy, taken with relevant national guidance, were sufficient to justify the development and outweighed the fact that the site has a countryside designation in the UDP. In essence, the land would be a relatively small proportion of land from the countryside policy area being ‘left over’ once the objections of building the employment park were realised and would be suitable for residential development. Furthermore, it was noted that the site would be relatively sustainable and other planning considerations were taken into consideration as part of the application. A copy of the approved site plan is located in appendix 1 of this report.
- 4.3 Members decided to refuse the application at Planning Committee in March 2011, as it was determined that approval would predetermine the employment park being built out. The reason for refusal is outlined below:

In the opinion of the Local Planning Authority it is considered that the proposal is premature. Planning permission has been granted for the adjacent land as an extension to West Moor Park Employment Site, which if developed would leave this parcel of countryside sandwiched between residential development and employment land. Whilst this is a material consideration, the Local Planning Authority has no certainty or timescale in which this site is to be developed. As such it is considered that the proposal is inappropriate development at this present time as it would result in encroachment of the countryside contrary to Policy ENV 4 of the Doncaster Unitary Development Plan 1998 and Planning Policy Statement 7.

- 4.4 In deciding the subsequent appeal, the Inspector noted that the site represents an extension to the existing built-up area that would not intrude or visually encroach upon the open countryside beyond the urban edge of Armthorpe. In the longer term, the Inspector judged it would be surrounded by built development. The proposal was therefore not considered to lead to the loss of open countryside which outweighed the conflict with saved Policy ENV4 of the UDP and local representations and the views of Armthorpe Parish Council at the time. The appeal was allowed.

- 4.5 The decision related to a greater number of houses that what is proposed and the permission has since expired without being implemented. However, despite this and the decision predating the formal adoption of the Core Strategy and NPPF, it remains of relevance given the UDP is still part of the Development Plan and the overall intentions of the Core Strategy and Policy CS2 have now been realised by expansion of the employment park. In modern terms, the appearance of the site and the master planning for the area has now been realised and reflects the Inspector's reasoning. A copy of the appeal decision is listed in appendix 6 of this report.

5.0 Site Allocation

- 5.1 The site is allocated as located within the Countryside Policy Area as defined by Doncaster's Unitary Development Plan. As a consequence, the following policies are applicable:

National Planning Policy Framework (NPPF) (2019)

- 5.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.3 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, it is argued that the appeal decision quoted above is a significant material consideration in the determination of this application.
- 5.4 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 5.5 Paragraph 109 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.
- 5.6 Paragraph 127 seeks to ensure that planning policies and decisions should, amongst other things, function well and add to the overall quality of the area, is visually attractive, is sympathetic to local character and history and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 5.7 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The Development Plan

- 5.8 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 the case of this application, the development plan consists of the Doncaster Core Strategy, Unitary Development Plan and the Armthorpe Neighbourhood Plan.

Core Strategy 2011 – 2028 (CS) (Adopted 2012)

- 5.9 The Core Strategy replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted.
- 5.10 Policy CS3 relates to development in the Countryside Policy Area. CS3 part c) sets out the conditions with which new development must accord in order to be acceptable in the countryside area.
- 5.11 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. Policy CS14 also recognises that a component of good design is to ensure that new development does not have a negative effect on residential amenity.
- 5.12 Policy CS16 seeks to ensure that proposals protect and enhance the borough's landscape and trees. Proposals should ensure that they are designed to a high quality, include appropriate hard and soft landscaping, and retain and protect appropriate trees and hedgerows.
- 5.13 Policy CS18 seeks to conserve, protect and enhance Doncaster's air, water and land resources.

Saved Unitary Development Plan (UDP) (Saved Policies) (Adopted 1998)

- 5.14 Policy ENV4 of the UDP sets out exceptions for development within the countryside; and sets out conditions with which any exceptional development (falling within categories a – f of Policy ENV4) must accord.
- 5.15 Policy ENV7 permits buildings intended for outdoor recreation and other uses appropriate for a countryside location provided the scale of the building is reasonable and would not prejudice the land use in other respects

Armthorpe Neighbourhood Plan (NP) (Adopted 2018)

- 5.16 Policy ANP2 states that new housing in Armthorpe must ensure that the new homes are well integrated with the existing village and surrounding environment and services. This should include the provision of good connections, good design and providing new facilities where appropriate.

- 5.17 Policy ANP5 states that new housing must be of high quality and designed to reflect local character. It should reflect the standards of Policy CS14 of the Core Strategy and the policy also lists a number of design considerations.

Doncaster Local Plan (Published) (2019)

- 5.18 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.19 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The emerging Local Plan was “Published” for Regulation 19 consultation on 12th August 2019 for 7 weeks, ending on 30 September. The Council is aiming to adopt the Local Plan by the end of 2020. The Local Plan therefore is at a relatively advanced stage of preparation. The document carries limited weight at this stage, although the following emerging policies are applicable:
- 5.20 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.21 Policies 2 and 3 set out the Borough’s focus for new housing in sustainable locations.
- 5.22 Policy 26 deals with development in the countryside
- 5.23 Policy 34 seeks to ensure appropriate landscaping in new developments.
- 5.24 Policies 33 and 34 seeks to ensure that woodland, trees and hedgerows together with the impact on landscape is taken into consideration in planning decision.
- 5.25 Policy 42 seeks to ensure character and local distinctiveness in new developments.
- 5.26 Policy 45 seeks to ensure high standards of residential design.
- 5.27 Policy 46 sets out housing design standards.
- 5.28 Policy 49 seeks a high standard of landscaping in new developments.
- 5.29 Policy 56 deals with the need to mitigate any contamination on site.
- 5.30 Policy 57 requires the need for satisfactory drainage including the use of sustainable drainage solutions.

Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance (ongoing)
- National Planning Design Guidance (2019)

6.0 Representations

6.1 The application has been advertised as a departure to the Development Plan 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
- Site notice
- Advertised in the local press

6.2 I was contacted by one resident who wished to see the location of the proposed stable block moved to further away from residential properties. The stable block was repositioned in accordance with this representation.

6.3 One further representation raised concerns with the impact of traffic on Whiphill Lane, which is unadopted and maintained by local residents. It is proposed that a section of the road is upgraded as betterment for the area. It is not felt that the complete upgrading of Whiphill Lane is considered reasonable or necessary for the provision of one dwelling.

7.0 Parish Council

7.1 No comments were received from Armthorpe Parish Council.

8.0 Relevant Consultations

8.1 **Highway Officer (Development Control)** – No objections. Amended plans took into account a revised highway layout and a localised area of highway improvement on Whiphill Lane.

8.2 **Tree Officer** – No objections. The previous appeal decision effectively condemned the row of oak trees approaching the site. Fortunately, this planning consent was never implemented. The access for this application is far less damaging, in that the area of Whiphill Lane to be made good is to be done not to an adoptable standard, but rather just consolidated. In terms of the access in to the site itself, this can be achieved with a no-dig, load-bearing, porous set up, details of which the agent has already supplied (conditions proposed).

8.3 **Environmental Health Officer (Noise)** – No objections. The latest version of the site plan allays any concerns I may have had regarding odour from the stables as they are now located away from existing residential properties.

- 8.4 **Ecology Officer** – No comments received at the time of writing. Any comments will be presented to planning committee verbally.
- 8.5 **Pollution Control Officer** – No objections. A screening assessment form has been recorded and reviewed, and there is no clear reason for the site to be significantly affected by contamination.
- 8.6 **Yorkshire Water** – No objections.
- 8.7 **Severn Trent Water** – No comments received.

9.0 **Assessment**

9.1 The main issues are:

- Principle
- Character and appearance of the area
- Impact on protected trees
- Neighbour amenity
- Highway safety

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

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

Principle of Development

- 9.3 The proposed development would be contrary to the approach to the location and supply of housing and the protection of the countryside set out in Policy CS2 of the Core Strategy and Policies ENV2 and ENV4 of the UDP. Therefore, it would not be in accordance with the Development Plan in this respect.
- 9.4 In such circumstances, the NPPF indicates that planning permission should not be granted unless material considerations indicate otherwise. In this case, an appeal decision carries significant weight in the overall planning balance and the resultant harm identified by the proposal provides a reasonable justification for the proposed development to be allowed (set out below).
- 9.5 The principle of a paddock for the keeping of horses and the siting of a stable block is acceptable in principle under Policy ENV7 of the UDP.

Sustainability

- 9.6 The NPPF sets out at paragraph 7 that the purpose 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.
- 9.7 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 NPPF is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Amenity

- 9.8 The site lies within a sustainable location with reasonable access to local amenities and public transport.
- 9.9 The property to the west of the proposed dwelling (Foxgloves) is a substantial two-storey dwelling with a number of windows in the front elevation. Although the neighbour will notice the appearance of the dwelling, it would be sited at such an angle as to avoid any significantly overbearing impact. Other neighbours are sufficiently distanced to avoid any impact. The requisite separation distances to adjacent properties, as set out in SPD good practice guidance, have been met.
- 9.10 The access to the site will be upgraded and resurfaced in a functional manner.

9.11 Conclusion on Social Impacts.

- 9.12 The sustainability of the location carries significant weight in accordance with the NPPF which requires Local Planning Authorities to significantly boost the supply of housing and make use of redundant or stalled sites. The amenity of neighbouring land uses are protected by the proposal. There are no demonstrable negative impacts.

ENVIRONMENTAL SUSTAINABILITY

Design and impact on character of area

- 9.13 The site lies outside of the defined settlement boundary and the proposal is therefore development in the countryside. Although residential development is generally resisted in these areas, except where it would accord with the aims of the Core Strategy, in this particular case the proposal would represent an amendment to a settlement boundary where existing boundaries are indefensible. The previous countryside character between the development edge on Fair Holme View and the M18 has been irreversibly altered to that of an isolated pocket of agricultural land serving as a buffer between residential development and the bunding associated with an employment park.

- 9.14 Development of the land would therefore represent a small extension to the existing built-up area that would not intrude or visually encroach upon the open countryside beyond the urban edge of Armthorpe. Due to the well-defined boundaries of the site and its relationship to the surrounding development, the site would appear to be more a part of the residential part of Whiphill Lane and Fair Holme View rather than an area of open countryside.
- 9.15 The appeal decision reinforces the view that the development would comply with Policy CS3. This appeal decision carries significant weight in the overall planning balance.
- 9.16 The design and layout of the property reflects the mixed character of the area. The garden size is sufficient. The materials are shown on the approved plans and reflect the varied palette of materials which are evident in the area.
- 9.17 The relatively small form and overall layout of the stable block in relation to the size of the paddock would be consistent with the requirements of recreational buildings in this location.

Access and Highways Safety

- 9.18 The previous appeal decision was granted with a more comprehensive redevelopment of the access to provide adoptable standards. In this case, negotiations concluded that a small shared section of Whiphill Lane was to be resurfaced, together with localised upgrading of the individual access for the proposed dwelling. The Highway Officer has no objections to the amended plans.
- 9.19 It is noted that a local resident has raised concerns with the impact of traffic on Whiphill Lane, which is un-adopted and maintained by local residents. It is proposed that a section of the road is upgraded as betterment for the area. It is not felt that the complete upgrading of Whiphill Lane is considered reasonable or necessary for the provision of one dwelling.
- 9.20 Off street parking is provided in accordance with good practice guidance. There is ample space to turn within the front garden area for the dwelling to turn and leave in forward gear.
- 9.21 Adequate provision can be made for emergency services to access the site. The South Yorkshire Fire Officer has been consulted on the application and has not objected.
- 9.22 A bin store would be located near the front of the site to allow the occupiers to bring recycling bins to the road edge on Whiphill Lane on collection day. The Waste Recycling team has been consulted on the application and has not objected.

Ecology and Trees

- 9.23 During the course of the application, there was a degree of tension between providing an access which would be legible for a single dwelling while protecting the root protection areas of trees to be retained off site. An amended scheme excludes excavation near the root protection areas of the best trees near the site. The Tree Officer has no objection to this approach.
- 9.24 The proposal includes planting of a new hedgerow to the site boundaries where appropriate. A bat box and bird box is to be installed on the property. The Ecology Officer has been consulted and any comments will be reported verbally to Members.
- 9.25 The proposal does not utilise the best and most versatile agricultural land.

Flooding and Drainage

- 9.26 The site lies within a low flood risk area and the site is not at risk of surface water flooding. Surface water will be directed to soakaway in accordance with the drainage hierarchy. No objections were received from the Water Authority.

9.27 Conclusion on Environmental Issues

- 9.28 The proposal would not be inappropriate development in the open countryside. The impacts in terms of design; trees and ecology; highways safety; flood risk and drainage are all considered to be acceptable. Whilst the proposal would bring agricultural land into residential use, the site is relatively accessible and sustainable.

ECONOMIC SUSTAINABILITY

- 9.29 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.
- 9.30 On a wider level, the provision of one dwelling will make a limited contribution to housing supply and local spending.

9.30 Conclusion on Economy Issues

- 9.31 Whilst the economic benefit of the proposal is of limited benefit, it does not harm the wider economy of the Borough and for that reason weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 The proposal is considered in the context of the presumption in favour of sustainable development. It is acknowledged that the proposed development would not be in accordance with some of the Council's policies concerning the supply of housing, however an appeal decision on the site attracts significant weight as a material consideration. Furthermore, it is considered that the proposal would not harm the character of the countryside and the application would comply with the Development Plan in all other respects.

10.2 Planning conditions have been worded to make the development acceptable and would meet the necessary tests.

11.0 RECOMMENDATION

11.1 Planning Permission **GRANTED** subject to the following conditions.

Conditions / Reasons

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 listed below:

Location plan received 19 November 2019

Gravelled area off site enabling works Sheet 3B Option 2 received 19 November 2019

Block Plan Sheet 3B Rev D received 13 December 2019

Block Plan Sheet 3A Rev D received 19 November 2019

Root Protection Details received 04 November 2019

Sheet 1 Proposed Plans received 01 August 2019

Sheet 2 Proposed Elevations received 01 August 2019

Proposed Detached Stable Block received 11 December 2019

Preliminary Ecological Appraisal (PEA) Survey Report received 30 September 2019

REASON

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

03. No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, ground works, soil moving, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall be prepared by a competent arboriculturist in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction Recommendations and shall include full details of the following:

- o Method for the preparation and final treatment of the ground shown pink on the Approved Plan;

- o Method for the ground preparation, timing of installation and final treatment of the no-dig, load-bearing, porous means of access serving the site in between oaks (T1 and T2);

- o Installation of a tree protection scheme;
- o Siting of materials and plant storage areas and site cabins
- o Specification for tree work

REASON

To protect the roots and rooting environments of the oak trees (T1-T5) in the interests of amenity and in the interests of environmental quality in accordance with Policy CS16 of the Core Strategy. The condition is required to be discharged prior to development commencing so works can proceed in accordance with the approved details to avoid damage.

04. Before the first occupation of the dwelling hereby approved, details of the vehicular access, parking and turning area for the site and how it is surfaced, drained and where necessary marked out shall be approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall remain available for access for the lifetime of the development.

REASON

To ensure adequate parking, delivery and turning provision in the interests of public safety as required by Policy CS14 of the Core Strategy.

05. Before the first occupation of the dwelling hereby approved, details of the bin store shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that there is adequate provision for the storage and collection of waste from the site in accordance with Policy CS14 of the Core Strategy.

06. Before the first occupation of the dwelling, a surface water sustainable drainage system (SuDS) shall be designed and installed on the approved development. The system shall be designed such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. In the event that a SuDS compliant design is not reasonably practical, then the developer shall seek written approval from the local planning authority for an alternative system and shall implement such approved alternative system, both prior to the first occupation of the development.

REASON

To ensure that surface water is discharged to soakaway where possible in accordance with Policy CS4 of the Core Strategy.

07. Prior to the occupation of the dwelling, a bat box and bird box shall be installed on the property to the satisfaction of the local planning authority.

REASON

To ensure the ecological interests of the site are maintained in accordance with Policy CS16 of the Core Strategy.

08. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

09. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the Local Planning Authority (LPA) prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

10. There shall be no burning of horse manure or any other waste material on site.

REASON:

To ensure that nearby residents are not adversely affected from odour and smoke.

Informatives

01. INFORMATIVE
Birds may be nesting in trees and shrubs on the site. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal or disturbance should be timed therefore to avoid the nesting season (March to August inclusive).

02. 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

This Standing Advice is valid from 1st January 2019 until 31st December 2020

03. INFORMATIVE
The applicants attention is drawn to the South Yorkshire Fire and Rescue Service comments which states that the development should comply with Approved Document B5 Access and Facilities for the Fire Service.

Justification

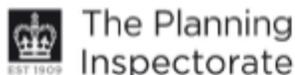
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Highway safety
Residential amenity
Protection of trees

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 6 – Appeal decision (ref. 11/00023/REF)



Appeal Decision

Inquiry held on 10 January 2012

Site visit made on 9 January 2012

by **Andrew Jeyes** BSc DipTP MRTPI

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

Decision date: 25 January 2012

Appeal Ref: APP/F4410/A/11/2160658

Whiphill Lane, Armthorpe, Doncaster, South Yorkshire DN3 3JB

- 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 Blue Anchor Leisure Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 10/02436/OUT, dated 23 August 2010, was refused by notice dated 21 March 2011.
 - The development proposed is 8 No. detached dwellings with 200% parking provision.
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Decision

1. The appeal is allowed and planning permission is granted for 8 No. detached dwellings with 200% parking provision at Whiphill Lane, Armthorpe, Doncaster, South Yorkshire DN3 3JB in accordance with the terms of the application, Ref 10/02436/OUT, dated 23 August 2010, subject to the attached schedule of conditions.

Procedural Matters

2. The Council withdrew their evidence prior to the opening of the Inquiry. The appeal has therefore been considered on the basis of the initial information submitted by the Council, the evidence submitted by the appellant and the representations made by local residents and those of Armthorpe Parish Council indicating the site was within a countryside policy area, as reported to the Council's Planning Committee.

Main Issues

3. The main issues are whether the proposal would meet national and local planning policy in respect of location within the countryside and whether it would be premature in advance of the implementation of the planning permission granted in respect of adjoining land.

Reasoning

4. The proposal is in outline with details of access and layout submitted and with appearance, scale and landscaping reserved for subsequent approval. It proposes eight detached houses with 16 parking spaces served by a cul-de-sac from the end of Whiphill Lane, an existing poorly surfaced road.
5. The site is part of an area of open countryside that abuts existing residential development running along Whiphill Lane and a new housing estate to the west. To the east of the site and extending north lies further open countryside that has outline planning permission¹ granted in December 2009 for an employment park [West Moor Park] extending to 46.2 Ha's. This employment park would infill between the edge of

¹ Council reference 08/02201/OUTA: West Moor Park Employment Park Extension

- existing development and the M18 Motorway to the east with access from an existing employment area to the north. Reserved matters have yet to be submitted.
6. The site is located within an area of open countryside indicated on the Proposals Map of the Doncaster Unitary Development Plan 1998 [UDP], where saved Policy ENV4 indicates that development will not normally be permitted other than for specific purposes. This stance is reflected in current advice in PPS7². The UDP also includes the site in an Area of Special Landscape Value, where saved Policy ENV17 indicates that acceptable development would only be permitted if it would not detract from the visual character of the area.
 7. The Yorkshire and Humber Plan: *Regional Spatial Strategy to 2026* [RSS] indicates that Doncaster is one of the sub-regional towns in South Yorkshire that are to be the focus of most development. The Key Diagram of the Doncaster Council Core Strategy 2011-2026 [CS] submission indicates an urban extension between Armthorpe and the M18 as a Strategic Distribution Employment Location. It was indicated that there were no representations in respect of this proposal for consideration at the CS Hearing and this intention therefore carries considerable weight. Adoption of the CS is anticipated in 2012 with an Allocations DPD³ to be published in 2012 with adoption in 2013.
 8. The West Moor Park permission was on land with the same UDP countryside designation as the appeal site. In considering the outline application for the employment park, the Council considered that the intentions in RSS and the CS, taken with relevant national guidance, were sufficient to justify the development in this location and outweighed the countryside designation in the UDP. The up-to-date policy position, together with the outline planning permission, indicate clearly that the area between the existing urban edge of this part of Armthorpe and the M18 Motorway would not be retained as open countryside. The future intentions are that this area would be developed whether or not the current outline permission is implemented.
 9. On implementation of the West Moor Park permission, the appeal site would be left as a small isolated area of countryside surrounded by development. Guidance in respect of prematurity in *The Planning System: General Principles* indicates that refusal on grounds of prematurity would not normally be justified unless the proposal is so substantial or its cumulative effect so significant that it would prejudice a DPD in the course of preparation. The appeal proposal for eight dwellings, as a minor extension to an existing urban area and within what would be a small isolated piece of open countryside, would not prejudice the forthcoming Allocations DPD.
 10. The site abuts existing housing to the west, has trees and the grounds of *Oaklands* to the north and an area of overgrown previously developed land to the east. Development of the land would thus represent an extension to the existing built-up area that would not intrude or visually encroach upon the open countryside beyond the urban edge of Armthorpe. In the longer term, it would be surrounded by built development. PPS7 indicates that where new housing is required in countryside areas it should be focussed on existing towns. The site is in a sustainable location.
 11. The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this appeal, but it carries limited weight at this stage of the process as it is in draft form and subject to possible change. Existing national planning policy remains and carries substantial weight and, whilst it contains a presumption in favour of sustainable development, the NPPF does not propose any significant change in national policy relative to the issues of this appeal.
 12. Noise has been raised as an issue in representations, but the outline planning permission relating to West Moor Park is subject to a noise condition and this housing

² Planning Policy Statement 7: *Sustainable Development in Rural Areas*

³ Development Plan Document

scheme would not create an unacceptable noise environment for existing local residents. The unmade up part of Whiphill Lane is mostly within the application site and its surfacing could be the subject of a condition. It would provide adequate access arrangements for existing properties. Neither the appeal application nor the West Moor Park permission envisages a vehicular connection between Whiphill Lane and the new employment area. The proposal would not lead to any unacceptable change in living conditions or security for local residents.

13. In conclusion, the proposal is sited on land included within the UDP as open countryside and would normally be protected by saved UDP Policy ENV4. However, this site is part of a larger area that the evolving Core Strategy, building on the principles established within RSS, envisages for development. Outline planning permission has been granted for the major part of this development area for employment use. The proposal would not therefore lead to the loss of open countryside envisioned to be retained in the future. These matters outweigh clearly the conflict with saved UDP Policy ENV4 and for these reasons, and taking account of local representations and the views of Armthorpe Parish Council, the appeal is allowed.
14. The conditions suggested have been considered in accordance with the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. Wording has been adjusted where necessary. These conditions will require the submission of details of appearance, scale and landscaping. The plans to which this decision relates are specified for the avoidance of doubt and in the interests of the proper planning of the area.
15. Conditions are necessary in respect of surface water drainage, including investigating the feasibility of sustainable urban drainage, to prevent contamination of the water environment and in relation to investigating and dealing with any land contamination to ensure satisfactory living conditions for future residents. Details of the make up of the access road are required in the interests of highway safety together with the proviso that the works to Whiphill Lane are implemented prior to commencement of house construction. An ecological enhancement plan is necessary to ensure that any loss of hedgerow is adequately compensated.
16. Conditions are not necessary in respect of landscaping schemes, boundary enclosures or materials as these would be the subject of reserved matter submissions. Nor is a condition required in respect of foul drainage as this is covered by other legislation. A condition related to an amended layout to provide for a resiting of dwellings on Plots 1 and 2 is not necessary to make the proposal acceptable in planning terms.

Andrew Jeyes

INSPECTOR