



Appeal Decision

Site visit made on 4 February 2020 by Andreea Spataru BA (Hons) MA

Decision by Sarah Housden BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/F4410/W/19/3240217

Hedgegate, Mosscroft Lane, Hatfield, Doncaster DN7 6BD

- 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 J Nichol against the decision of Doncaster Council.
 - The application Ref 19/01114/FUL, dated 3 May 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the sub-division of garden and erection of new dwelling to rear following demolition of workshop (previously withdrawn 18/03110/FUL).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities.

Reasons for the Recommendation

Character and appearance

4. Hedgegate is a detached dwelling, located on the south-eastern side of Mosscroft Lane. Development along this part of Mosscroft Lane comprises a scattering of dwellings and farm buildings, outside the main built up area of Hatfield Woodhouse.
 5. Traditional properties are positioned close to the street frontage and more modern properties are set further back, creating a staggered pattern of development. The undeveloped spaces between them and views of the open countryside beyond contribute to the rural character and appearance of the area. The appeal site comprises a large garden area to the rear of the host property with a substantial lawn and several trees, shrubs and hedges, which
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abuts agricultural fields to the rear and contains a dilapidated workshop. The site adjoins a small group of three dwellings served by Mosscroft Way to the north-east and the rear garden of the neighbouring property 'The Hollies' to the south-west. The proposal seeks to demolish the existing workshop and to construct a detached dwelling in the rear garden of the host property.

6. The proposed dwelling would be located behind the host property and would not have a road frontage, creating a backland form of development. Whilst the proposal would replace the existing workshop, the two buildings are not directly comparable, as the new dwelling would be a taller and bulkier structure than the workshop, with a separate garden curtilage and associated domestic paraphernalia. Thus, given its form and use, the proposed dwelling would be more visually prominent and visible when viewed from the road, compared with the existing workshop. It would further consolidate development in a location where development is scattered and sporadic in character, which would be harmful to the rural character and appearance of the area.
7. I acknowledge that the development would be contained within the existing residential garden and would be partially screened by existing trees and hedgerows. I also note that the appellant would accept a condition to deliver an enhancement to the views across the open countryside by making the best use of the natural area surrounding the garden. However, this would not address the aforementioned issues regarding the siting, form and use of a new dwelling and the harm to the rural character and appearance of the area.
8. Whilst the three dwellings at Mosscroft Way have increased the presence of built development to the north east of the appeal site, they have not harmed the rural character and appearance of the surrounding area and it follows that I do not agree with the appellant's assessment that they have created an urban appearance in this part of Mosscroft Lane. I also note that that scheme involved the removal of a plastics recycling plant and therefore involved a different balance of material considerations compared with the scheme before me. The projection to the rear of 'The Hollies' would have been assessed as an extension to the existing dwelling and against different development plan policies. Accordingly, these considerations do not outweigh my conclusion in relation to the first main issue in this case.
9. I conclude that due to its siting and visual prominence, the proposed dwelling would result in material harm to the rural character and appearance of the area. Therefore, the development would be contrary to Policies CS2, CS3 and C14 (A) of the Doncaster Core Strategy 2011-2028 (CS) and Policies ENV2 and ENV4 of the Doncaster Unitary Development Plan (UDP), which require, amongst other things, that developments reinforce local characteristics and integrate well within the surrounding local area.
10. I note the appellant's point that Policy ENV4 of the UDP is not up to date and only moderate weight should be given to any conflict with this policy in the determination of this appeal. However, paragraph 213 of the National Planning Policy Framework (the Framework) states that existing policies should not be considered out of date simply because they were adopted prior to its publication and that weight should be given to them depending on their consistency with the Framework. The overall aim of Policy ENV4 is to achieve good quality development that respects the character of the countryside, which is consistent with the provision in the Framework to recognise the intrinsic

character and beauty of the countryside. Thus, I afford the policy significant weight in the determination of this appeal.

Location

11. Policy CS2 of the CS states that new housing will be located according to the settlement hierarchy. The appeal site lies outside the settlement boundary for Hatfield Woodhouse, and for the purposes of planning policy it is within the countryside. Policy CS3 of the CS outlines the categories of development appropriate in the countryside, none of which are relevant to the appeal proposal.
12. The appeal site is approximately 1.6 kilometres from the built-up area of Hatfield Woodhouse. The services and facilities located on Bawtry Road are limited, which means that residents would need to travel to larger villages and centres in order to meet their daily needs. There are good links by road to the nearby larger settlements, including Doncaster town centre, and the extent of vehicular trips from the appeal site to reach services and facilities in nearby larger settlements would be relatively short. However, the site is not in the optimum location to maximise the use of walking, cycling and public transport to meet daily needs and residents would be likely to be dependent on the use of a private car.
13. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. Whilst the number of journeys generated by the occupiers of a single dwelling would be relatively small, the proposal would be contrary to the aim of CS Policy CS2 to direct new housing towards the more sustainable settlements.
14. The appellant has drawn my attention to the Council's decision for the travelling showpeople's site at Hatfield Quarry and in particular, the indication in the officer report that there are services and facilities available nearby. However, I have come to my conclusion based on my own assessment of the services and facilities available in the area and their distance from the appeal site.
15. For the above reasons, I conclude that the proposed development would conflict with the aim of CS Policy CS2 to locate development in accordance with the settlement hierarchy and would not provide a suitable location for housing, having regard to access to services and facilities. The development would therefore conflict with the objectives of Policies CS2, CS3 (B) and (C) of the CS and Policies ENV2 and ENV4 of the UDP, which amongst other matters, seek to locate new development in the most sustainable settlements and support proposals where they would be appropriate to a countryside location.

Other matters

16. Due to the structural condition of the existing workshop, I acknowledge that a new built development would be more practical than a conversion of the existing building. I have also considered that the proposal would provide accommodation for the appellants and would enable their family to live in the main house to offer ongoing support. I also acknowledge that maintenance of the garden is becoming more challenging. However, these are personal circumstances which can change over time and the development would remain long after such circumstances have ceased to be relevant. Accordingly, I do not

consider that the personal circumstances in this case are sufficient to outweigh the harm that would be caused to the character and appearance of the area and the conflict with the policies in the development plan which seek to secure a sustainable pattern of development.

17. The local planning authority has referred to two previous appeal decisions on the appeal site, but I have come to my decision based on my assessment of the appeal scheme and the evidence before me. The appellant has also referred to a recent appeal decision at Brockholes Farm, Braunton¹ but in that case, I note that the Inspector concluded that the site appeared to be more a part of the settlement rather than in an area of open countryside and the circumstances are therefore not directly comparable with the case before me. I have taken account of the other planning applications referred to by both parties, but none has altered my conclusions in relation to the main issues in this case.
18. The Council found the proposal acceptable in terms of its effect on the living conditions of future occupiers of the proposed dwelling and of the occupiers of neighbouring properties. I also note that there were no objections on ecological grounds or on highway safety. From all I have seen and read, I have no reasons to disagree. However, these are neutral factors rather than ones that carry weight in favour of the development.

Conclusion and Recommendation

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
20. Drawing matters together, I conclude that none of the other matters outlined above amount to material considerations which would outweigh the harm to the character and appearance of the area and the conflict with the spatial strategy set out in CS Policy CS2. The proposed development would be contrary to the development plan, when read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR

¹ Appeal Ref APP/F4410/W/16/3166003