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## Appeal Decision

Hearing Held on 24 November 2020

Site visit made on 25 November 2020

**by A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 December 2020**

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**Appeal Ref: APP/F4410/W/20/3245705**

**Rivendell (and land to the rear), Bloomhill Road, Moorends,  
Doncaster DN8 4SS**

- 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 Lomas of DLP Planning Limited against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 18/02496/OUTM, dated 8 October 2018, was refused by notice dated 28 August 2019.
  - The development proposed is residential development.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have amended the address in the banner heading above, so that it more accurately describes the appeal site.
3. The appeal development is in outline, seeking detailed approval of Access only, with Layout, Scale, Appearance and Landscaping reserved matters. At the Hearing the appellant confirmed that drawing number YK5285-1M-001 Rev A shows the details of the Access arrangements for which detailed approval is sought. It was also confirmed at the Hearing that the Indicative Site Layout drawing number 16/15-01 Rev C does not represent the intended layout.
4. The appeal proposal is a re-submission of a scheme previously refused planning permission by the Council on the same site. The Council has confirmed that the appeal scheme is identical to the previously refused proposal, including with regard to the Access arrangements. Whilst the Council has undertaken some fresh consultations, including with the Environment Agency (EA) in relation to an updated Flood Risk Assessment (FRA<sup>1</sup>), in many cases it has relied upon the consultation responses submitted on the previously refused scheme.
5. This is somewhat unusual practice. Nevertheless, the Council has advised me that all of the statutory requirements, set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended, were complied with, in respect of consultations for the application that is the subject of this appeal. This is not a matter of dispute between the parties.

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<sup>1</sup> w10344-180213-FRA and Drainage Strategy.

6. The Procedural Guide Planning Appeals – England, November 2020 (the Procedural Guide) is published on the Government’s website<sup>2</sup>. In this case, a significant amount of evidence was submitted outside the clearly defined timescales contained in the Procedural Guide, by the Council, the appellant and various interested parties.
7. With reference to Annexe E of the Procedural Guide, I refused to accept some of this late evidence, including because I was not satisfied that it was directly relevant or necessary to my Decision.
8. However, some of the missing evidence was fundamental to the determination of the appeal and was information that I had requested be provided<sup>3</sup>. With reference to the Procedural Guide and following discussions with the main parties, I am satisfied that this information was not submitted originally due to human-error, that no one has been disadvantaged as a result and that it can therefore, exceptionally, be allowed as late evidence.
9. A draft Section 106 Planning Agreement, together with a CIL Compliance Statement from the Council, was submitted prior to the Hearing, with a signed and certified copy, dated 24 November, submitted during the Hearing itself.
10. However, during the Hearing it became apparent that a number of outstanding matters remained, including with regard to the S106 Agreement. Again, with reference to the Procedural Guide, I allowed a short period of time after the Hearing was closed for these matters to be addressed, including the submission of an updated S106 Agreement, dated 27 November 2020. It is to this updated S106 Agreement that I have had regard in determining this appeal.

### **Main Issues**

11. The main issues are the effect of the proposed development on:
  - the safety and capacity of the local highway network
  - local facilities and infrastructure
  - the character and appearance of the area
  - housing provision and renewal in the area
  - drainage and flood risk

### **Reasons**

12. The proposed development would be located in a generally rectangular-shaped grass field, to the rear of some dwellings on the northern side of Bloomhill Road, one of which is *Rivendell*. Vehicular and pedestrian access to the field would be via the side garden of *Rivendell*, to the east of the dwelling, from Bloomhill Road.

#### *Safety and capacity of the local highway network*

13. The appellant’s TS<sup>4</sup> and the consultation responses from the Highway Authority and the Council’s Transportation team were all originally submitted as part of the previous development proposal on the appeal site.

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<sup>2</sup> <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

<sup>3</sup> Updated FRA; Transport Statement (TS) including Access plan (YK5285-1M-001 Rev A); and, Landscape and Visual Appraisal (LVA).

<sup>4</sup> By Matrix and dated October 2017.

14. Anecdotal evidence of congestion on Bloomhill Road was presented to the Hearing, including traffic linked to the church on Bloomhill Road and by the junction with Marshland Road, the principal street in Moorends, which connects the settlement with Thorne to the south.
15. As part of the proposed development, the carriageway of Bloomhill Road would be widened in the vicinity of the appeal site, extending over the grass verge on the northern side of the road, towards the junction with Ferndale Drive to the east. This matter could be satisfactorily controlled by means of a condition, with visibility splays for the proposed two-way access road into the site to be provided within the highway of Bloomhill Road.
16. The proposed access road would be of a residential scale, with part of the carriageway indented. There would be footpaths on both sides of the carriageway, one of which would join a new footpath to be provided on the northern side of Bloomhill Road, linking the proposed development to Moorends.
17. The Council had no objection to the proposal in terms of its impact upon the local highway network and from the evidence I am satisfied with the proposed Access arrangements, subject to a suitably worded condition to control the widening of Bloomhill Road.
18. Whilst the proposed development would entail significant construction traffic travelling along Bloomhill Road and within the site, any disturbance to nearby residents would be short-term and could be addressed by a suitably worded condition.
19. For these reasons the proposed development would not adversely affect the safety or capacity of the local highway network. It would not, therefore, conflict with Policy CS9 (Providing Travel Choice) of the Doncaster Core Strategy 2011 (DCS) and the National Planning Policy Framework 2019 (the Framework), in this regard.

#### *Local facilities and infrastructure*

20. The proposed development would provide up to 59 dwellings, many of which would be suitable for families. Assuming that all 59 dwellings were to be constructed, there would be sufficient capacity at the local Primary School to accommodate the expected numbers of children of this age-group who would reside at the proposed development.
21. However, the Council considers that with a 5% contingency for available places, there would be insufficient places available at the local Secondary School, Trinity Academy, to meet the needs of the proposed development. The Council calculates that a total of 9 additional places would be required to ensure that sufficient capacity exists.
22. The Council has provided a formula for how they have reached such a conclusion and the actual cost of the additional secondary school places to be provided. Were fewer than 59 dwellings to be constructed, there could be a corresponding reduction in the number of places required. The S106 Agreement provides for an Education Commuted Sum to be paid by the developer on this basis.

23. The proposed family homes would also mean that there would be an increased demand for outdoor public space. For developments of more than 20 dwellings, Policy RL4 (Local public open space provision) of the Doncaster Unitary Development Plan 1998 (DUDP) requires that 10-15% of the site area should be public open space. The S106 Agreement provides for at least 10% of the site to be public open space for recreational use, including the provision of children's play equipment. Such details could be addressed at reserved matters stage.
24. I am satisfied that these elements of the S106 Agreement would be necessary to make the development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to it<sup>5</sup>.
25. However, the proposed development would be a short distance from a railway embankment to the west. There is an unmanned pedestrian crossing of the two-way tracks atop the embankment here, leading from Bloomhill Road to Mount Pleasant.
26. Network Rail objected to the proposed development on the basis that it would increase use of the pedestrian crossing, including potentially by children from the proposed family homes. Various improvement works are identified in an email to the Council dated 25 March 2019 to mitigate the risks associated with increased use of the crossing. These would be funded by the developer to an estimated cost of some £15,000.
27. Whilst there was some further correspondence between the developer and the Council, there is no evidence that indicates that this issue had been resolved when planning permission was refused. The concerns raised by Network Rail are substantive. I put this to both main parties at the Hearing and invited them to consider this matter further and to respond within a short time of the Hearing closing.
28. As a consequence of this the S106 Agreement was updated so as to include a covenant from the owner to pay the Council a sum of £15,000 (the Network Rail Commuted Sum (NRCS)) prior to first occupation of the proposed development, with the NRCS to be used to upgrade the pedestrian crossing; the Council covenants to pay the NRCS to Network Rail upon demand.
29. However, Network Rail are not a party to the S106 Agreement. Regardless of the covenants in the S106 Agreement regarding payments, there is no mechanism within it to ensure that the specified works would be completed prior to the first occupation of the proposed development. Consequently, I am not satisfied that the proposed development would not be occupied whilst an inadequate crossing existed, with a consequent and unacceptable risk to those occupiers.
30. I note Network Rail's email to the Council of 26 November 2020. Irrespective of the time constraints faced by the parties, it is not a binding legal agreement and does not address the completion of the works. It does not cause me to reach a different conclusion in this regard.

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<sup>5</sup> Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 56 of the Framework.

31. For these reasons the proposed development would have an adverse impact on local facilities and infrastructure and would conflict with the Framework, in this regard.

*Character and appearance*

32. The entrance to the appeal site from Bloomhill Road is formed by an area of domestic garden, between the single-storey, pitched-roof dwelling, *Rivendell*, and the similarly scaled and designed dwelling to its east. The roughly rectangular grass field that comprises the majority of the appeal site is bounded to the south by the fences of the rear gardens of dwellings on Bloomhill Road. A metal fence by the Mount Pleasant residential caravan park forms the southern part of the eastern boundary of the site, with the fences of the rear gardens of dormer bungalows on Darlington Grove completing the eastern boundary.
33. The northern and western boundaries of the field are formed by hedgerows and small trees, which allow limited views of the rough grazing fields, hedgerows and trees beyond. The site is generally flat, with some depressions, and a slightly raised elevation towards the north, next to a drainage ditch just beyond the boundary hedge. In the southwestern corner is a small fenced enclosure that is used as a chicken run.
34. The terrain of the land in and around Moorends is characteristically flat. The dwellings along the northern side of Bloomhill Road extend towards the raised railway embankment and vary in size and design, from single storey properties such as *Rivendell* to larger 2-storey dwellings to its west. To the east is the caravan park, where the dwellings are typically around 2.5m in height.
35. The field to the rear of *Rivendell* has the character and appearance of countryside, which extends both northwards and westwards beyond its boundaries. Whilst the appeal site itself is largely screened from view by the buildings along Bloomhill Road, there are views of trees beyond the appeal site from here and from other nearby public vantage points, including within the adjacent caravan park and from Darlington Grove.
36. No substantive details of the Scale, Appearance, Layout or Landscaping for the proposed development are in the submitted evidence. However, in order to address the EA's objection to the previous proposal on the appeal site, a finished floor level (FFL) of 3.5m AOD would be required for the new dwellings. This would be some 1.5m–2.0m above the existing ground levels of the site, and similarly higher than the ground upon which the surrounding properties on Bloomhill Road, Darlington Grove and within the caravan park are constructed. At the Hearing the appellant confirmed that the FFLs of the proposed dwellings would be 3.5m AOD.
37. The development of housing on what is currently part of the countryside would manifestly change its character and appearance significantly. The planning application for the proposed development was accompanied by an LVA<sup>6</sup>, which concluded that the proposed development would represent adverse visual change, which would be most noticeable during the construction phase.
38. The LVA states that whilst the proposal would be largely screened from public views, the change impact from Viewpoint 4, by the entrance on Bloomhill Road,

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<sup>6</sup> By Geoplan and dated October 2017.

would be *major/moderate* during construction and *moderate* longer term. However, the LVA did not consider the 3.5m AOD FFLs required by the EA, and which would significantly increase the prominence of the proposed dwellings. The change impact of the proposal would, therefore, be likely to be considerably more severe than stated in the LVA.

39. The appellant suggested that the proposed dwellings could be dormer bungalows, so as to provide first floor refuge space in the event of a flood, whilst limiting visual impact. However, even if the proposed dwellings were dormer bungalows, the 3.5m AOD FFLs would substantially increase their visual prominence relative to the existing properties on Bloomhill Road, Darlington Grove and particularly the caravan park. Whilst in longer distance views, such as from Marshland Road to the south, the dwellings would be less obtrusive, from nearer to the appeal site they would be conspicuous and visually awkward next to the existing buildings and fields.
40. Notwithstanding the reserved matters for the appeal proposal, for these reasons the proposed development would adversely affect the character and appearance of the area. It would, therefore, conflict with Policy ENV53 of the DUDP and with the Framework in this regard.

#### *Housing provision and renewal*

41. Since 2012 the Government has been seeking to significantly boost the supply of housing nationally. Through the plan-led system of development, new housing should be directed towards sustainable locations. The Framework advises, amongst other things, that as much use as possible should be made of previously developed land; that the intrinsic character and beauty of the countryside should be recognised and that development should be directed away from areas at the highest risk of flooding.
42. The appeal site is located in land that is identified as the Countryside Policy Area (CPA) in the DUDP and so outside the settlement of Moorends. The dwellings to the west of the caravan park, on the northern side of Bloomhill Road, are also included within the CPA. Whilst I am satisfied that these dwellings are now a physical part of Moorends, the fields to their rear are not and are characteristic of the countryside.
43. The field to the rear of *Rivendell* that forms the majority of the appeal site is bounded by residential properties to the south and east, with the railway embankment located further to the west and a children's playground and further dwellings to the north. However, the intervening spaces to the north and west of the field are similar grass fields and hedgerows. As such, I would not describe the appeal site as an infill development site.
44. I note the two appeal decisions referenced by the appellant and the views of the Inspector and the Secretary of State in relation to Policy ENV4 of the DUDP, which set out the Council's approach to development within the CPA, in those cases.
45. Each proposal should be considered on its own merits. However, I am satisfied that the approach to development in the countryside set out in Policy ENV4 is inconsistent with the Framework, and whilst the proposal would conflict with this Policy, I give this conflict only limited weight.

46. The appeal site may also be within land identified as the Countryside Protection Policy Area (CPPA) in the DCS. However, the indicative nature of the Key Diagram means it is not possible to say with certainty that this is the case<sup>7</sup>. Nevertheless, from the evidence and my observations on site, I am satisfied that it is located within the CPPA.
47. Policy CS3 (Countryside) of the DCS would therefore apply to the appeal site, and with reference to the proposal, supports new urban extension allocations, provided they are necessary to deliver the Growth and Regeneration Strategy (GRS), found under the eponymously titled Policy CS2. However, no allocations for new urban extensions have been identified, so Policy CS3 is silent in this regard. It is also somewhat inconsistent with the Framework in terms of non-allocated land. The appeal proposal would conflict with Policy CS3, but again, I give this conflict only limited weight.
48. Policy CS2 (Growth and Regeneration Strategy) of the DCS sets out the Council's GRS, which includes a settlement hierarchy that apportions new housing, alongside a narrative to the overall approach for each tier within the hierarchy. There is no compelling evidence that the tiers within the settlement hierarchy or the overall approach to development are inconsistent with the principles of sustainable development contained in the Framework.
49. The housing figures referenced pre-date the Framework and it is not clear that they are consistent with it. However, the referenced housing figures are clearly labelled as 'indicative' and so there is some inherent flexibility to them in terms of over/under delivery.
50. Market-led housing growth in the Renewal Towns<sup>8</sup> tier is not a priority under Policy CS2, but neither is it prohibited. To deliver the indicative housing allocation for the four Renewal Towns some market led-growth is likely to be necessary.
51. The proposed development would deliver up to 59 new homes, which is a scale of housing that is consistent with the indicative allocation across the Renewal Towns contained in the GRS. Furthermore, the proximity of the shops and other facilities in Moorends, means that they would be accessible to the occupiers of these homes, and so would be likely to attract their patronage and thereby contribute towards the renewal of Moorends, to some extent.
52. However, the supporting text that underpins Policy CS2, including the overall approach to the four Renewal Towns, has a strong focus on sustainability. The flexibility in the scale and distribution of new housing across the four Renewal Towns is to allow sustainability considerations to be assessed<sup>9</sup>.
53. The appeal site has a generally low ecological status and is not publicly accessible, although it has some intrinsic value as part of the countryside. It is located on the edge of Moorends, close to the shops and facilities to be found there, and reasonably accessible to the higher order centre at Thorne to the south. However, irrespective of flood defences or the updated FRA, its location within an area at a high risk of flooding means that it is not a sustainable location for new housing.

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<sup>7</sup> A Site Allocations Plan, which would have provided clarity in this regard was withdrawn by the Council during examination, and such matters are now to be addressed in the forthcoming Doncaster Local Plan (DLP).

<sup>8</sup> Denaby; Edlington; Carcroft/Skellow; and, Moorends.

<sup>9</sup> Paragraph 3.30 of the supporting text to Policy CS2 in the DCS.

54. Whilst Flood Risk is addressed more fully in the subsequent section, I am not satisfied that there are no alternative sites in or next to the other Renewal Towns, which would be at a lower risk of flooding and so in a more sustainable location. Consequently, I find the proposal would conflict with Policy CS2 overall and I give this conflict weight.
55. Policy CS10 (Housing Requirement, Land Supply and Phasing) of the DCS sets out the approach for new housing allocations linked to the GRS. However, no allocations for new urban extensions have been identified, so Policy CS10 is silent with regard to the appeal proposal.
56. Moving forward, it is likely that the scale and spatial distribution of new development will be addressed largely by the DLP, which is currently undergoing examination and once adopted would replace the DUDP and the DCS. I am not familiar with the DLP preparation process or with much of the evidence that would inform the DLP, including a 2019 Housing Needs Study referenced by the appellant<sup>10</sup>. Nevertheless, I have considered the emerging policies<sup>11</sup> alongside the saved/adopted policies<sup>12</sup> of the DUDP and DCS respectively.
57. The draft DLP contains policies concerning the spatial strategy and settlement hierarchy (Policy 2); the level and distribution of growth (Policy 3); the necessary range of housing (Policy 8); drainage (Policy 57) and flood risk management (Policy 58) that are updated and somewhat different to those in the existing development plan. Nevertheless, they are generally consistent with the approach contained in the extant parts of the DUDP/DCS in relation to the appeal proposal.
58. I am not familiar with the DLP examination process, which is separate to my determination of this appeal, or the number and content of any outstanding objections to the DLP. Notwithstanding the late stage in its preparation process and its consistency with the Framework, I therefore give only limited weight to these draft policies in my decision.
59. I have also had regard to the emerging Thorne and Moorends Neighbourhood Plan (TMNP), which was published for consultation on 31 October 2016. It is not clear what progress has been made since this consultation, or whether there are outstanding objections to the policies, some of which conflict with the Framework. I therefore give Policy H2 (development of non-neighbourhood plan allocated housing sites) in the draft TMNP very limited and non-determinative weight; I give Policy H3 only very limited weight.
60. It is common ground between the main parties that Doncaster Borough can demonstrate a deliverable housing land supply (DHLS) of around 11 years. Furthermore, with reference to the Government's 2019 Housing Delivery Test (HDT) figures<sup>13</sup> Doncaster Borough has delivered 3,584 new homes between 2016/17 and 2018/19, 209% of its housing requirement for this period. Anecdotal reference was also made at the Hearing to a recent approval for around 260 additional homes, by Alexander Street in nearby Thorne.

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<sup>10</sup> In any event, the study is not part of the submitted evidence and so I can have only very limited regard to it.

<sup>11</sup> Paragraph 48 of the Framework

<sup>12</sup> Paragraph 213 of the Framework

<sup>13</sup> <https://www.gov.uk/government/publications/housing-delivery-test-2019-measurement>

61. This demonstrates that the current development plan has not prevented the delivery of a significant quantity of new housing within Doncaster Borough over recent years, and there is currently a good supply of deliverable housing land for future development.
62. With reference to the Renewal Towns, 1,132 new dwellings had been completed or had planning permission in April 2019, representing over 68% of the 1,660 indicative housing allocation within the GRS, at just under halfway through the DCS plan period.
63. The GRS does not allocate dwellings to any of the four Renewal Towns individually, rather they are to be delivered across the four settlements according to site sustainability criteria. Despite the strong focus on development in one settlement so far, Edlington, and with comparatively little development in the other three, including Moorends, the identified housing supply/delivery to date is not, therefore, inconsistent with the GRS.
64. The DCS GRS Map legend is somewhat confusing with regard to the spatial focus of new housing within the four Renewal Towns, indicating that they could each accommodate up to 400 new homes on average. Nevertheless, the wording of the Policy itself is clear that there is no allocation for individual Renewal Towns, which is also evident from the 951 new homes constructed or approved in Edlington as of April 2019.
65. I am satisfied from the evidence that there is a need for affordable housing throughout Doncaster Borough and that the provision of affordable housing, which would be controlled through a S106 Agreement, would be necessary to make the proposed development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to it.
66. The appeal proposal would provide 26% of new dwellings as affordable housing. This would accord with Policy CS12 (Housing Mix and Affordable Housing) of the DCS, which is consistent with the Framework. However, affordable housing provision is subject to a viability appraisal, which has not yet been undertaken. I cannot, therefore, be certain of the number of affordable homes that would be provided and it is not inconceivable that none would be. Consequently, I can give the benefits of the proposed affordable housing only limited weight.
67. Whilst the proposal would have some renewal benefits for Moorends, the full extent of these is not known. Notwithstanding the limited supply of developable land in Moorends, the delivery of new homes in an unsustainable location would be detrimental to overall housing provision, particularly in light of the substantial delivery of new homes in the Renewal Towns and across Doncaster Borough in recent years, and with around 11 years DHLS.
68. For these reasons the proposed development would adversely affect housing provision in the area. It would conflict with Policy ENV4 of the DUDP, Policies CS2 and CS3 of the DCS, draft Policies 2 and 3 of the DLP, and with the Framework in this regard.

*Drainage and flood risk*

69. All of Moorends and much of the surrounding countryside, including the appeal site, is located in Flood Zone 3, and is currently protected by flood defences,

which prevented the site from flooding during the two most recent severe events in 2007 and 2019. Nevertheless, the development of housing in Flood Zone 3 requires the Sequential Test to be passed and subsequently the Exception Test<sup>14</sup>.

70. The Sequential Test aims to steer new development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding<sup>15</sup>.
71. The appellant's updated FRA states that there are no sites at a lower risk of flooding in Moorends and so the Sequential Test is passed. The Council, with reference to the advice of its Flood Risk officer and consistency of approach with other recent applications in the area, accepted that the area of search for alternative sites should be limited to Moorends.
72. Policy CS4 (Flooding and Drainage) of the DCS affirms that development will be directed to areas of lowest flood risk within the overall framework of the GRS. It was common ground between the parties at the Hearing that Policy CS4 was consistent with the Framework. However, I find part C) to conflict with the sequential approach, and so I give this aspect very limited weight.
73. Moorends is one of four Renewal Towns that have an indicative allocation of up to 1,660 new homes in the GRS, around 9% of the total housing requirement for the Borough over the plan period. The GRS clearly states that the indicative housing allocation is across the four Renewal Towns and so individual towns do not receive a specific allocation.
74. Consequently, the area of search for reasonably available sites appropriate for housing but at a lower risk of flooding than Flood Zone 3 should have considered all four Renewal Towns, rather than just Moorends.
75. The settlement hierarchy in the draft DLP is somewhat different, with Thorne and Moorends identified as a Main Town. However, the same principle of considering alternative sites at a lower risk of flooding in Thorne would apply.
76. As no such searches have been undertaken, I am not satisfied that the Sequential Test has been passed. Notwithstanding the absence of alternative sites at lower flood risk in or around Moorends, there may be sites at a lower risk of flooding in or next to the other three Renewal Towns, or in Thorne, that would be sequentially preferred to the appeal site.
77. Consequently, the Exception Test is not triggered. As such, any wider sustainability benefits of the proposal for Moorends, or that the updated FRA has demonstrated to the satisfaction of both the Council and the EA that the housing development could be made safe for its lifetime and without increasing flood risk elsewhere, are not significant in this regard.
78. I also note that the appeal site was identified as a potential development site as part of the DLP preparation process but was rejected because it failed the Sequential Test in terms of flood risk.

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<sup>14</sup> Planning Practice Guidance (PPG) – Flood Risk and Coastal Change: Paragraph: 019 Reference ID: 7-019-20140306 Revision date: 06 03 2014

<sup>15</sup> Paragraph 158 of the Framework.

79. For these reasons the proposed development would be detrimental to flood risk in the area. It would, therefore, conflict with Policy CS4 of the DCS, with draft Policy 58 of the DLP, and with the Framework in this regard.

### **Other Matters**

80. The appellant refers to concerns regarding the inconsistent application of development plan policies for four proposals in the CPA. I am not fully familiar with all of these schemes and I also note the Council's comments in relation to them. Each proposal should be considered on its individual merits, which is what I have done in this case. The appellant's concerns do not cause me to reach a different conclusion with regard to the harm that this proposal would cause.

### **Conclusion**

81. Some of the policies in the development plan relevant to the determination of the proposal were considered to be out of date. However, even if I were to conclude that the most important policies for determining the application were out of date, the failure of the proposal to pass the Sequential Test for flood risk, at paragraph 158 of the Framework, is a clear reason for refusing planning permission. Consequently, the proposal would not constitute sustainable development with regard to paragraph 11 d i) of the Framework and the tilted balance is not engaged.

82. The proposed development would have an acceptable impact on the safety and capacity of the local highway network and there would be a limited affordable housing benefit. However, the adverse impact of the proposal on local infrastructure, specifically the pedestrian crossing of the railway line; on the character and appearance of the area; on sustainable housing provision; and, on flood risk would outweigh this.

83. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

*Andrew Parkin*

INSPECTOR

## **APPEARANCES - 24 November 2020**

### FOR THE APPELLANT:

- Mr Jim Lomas BA Hons Town Planning MRTPI
- Mr Joe Blackham (Local Councillor and Landowner)

### FOR THE LOCAL PLANNING AUTHORITY:

- Mr Mel Roberts MA Town and Regional Planning, PgDip Urban Design, MRTPI

### THIRD PARTIES:

- Mr G M Jameson, friend of the landowner
- Mrs Gillian Mason, local resident
- Mr Derek Fell, local resident
- Mr John Waistnage, local resident
- Mr Michael Carver & Mrs Joanne Carver, local residents
- Mr Melvin Wake, Editor, Thorne Times

## **DOCUMENTS SUBMITTED WHILE THE HEARING SAT**

A signed and certified copy of a S106 Planning Agreement, dated 24 November 2020  
2019 Housing Delivery Test figures for Doncaster

## **DOCUMENTS SUBMITTED AFTER THE HEARING HAD CLOSED**

An updated/corrected copy of a S106 Planning Agreement, dated 27 November 2020

A letter from the appellant dated 27 November 2020 (Ref: JL/YK5285.4P)  
concerning:

- The updated/corrected S106 Agreement
- A suggested Grampian condition for road widening on Bloomhill Road
- Confirmation of the correct title of the updated FRA that the EA considered in lifting its objection to the appeal proposal
- An email from Network Rail to the Council dated 26 November 2020