



Appeal Decision

Site visit made on 11 January 2021 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/F4410/W/20/3260655

Hill View Farm, Wilsic Lane, Tickhill, Doncaster DN11 9LF

- 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 Simpson (Hydra Park Properties Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/03100/FUL, dated 23 December 2019, was refused by notice dated 27 August 2020.
 - The development proposed is described on the application form as demolition of the existing bungalow and outbuildings to replace with a new build 4 bedroom residential property. The outbuildings are currently used for storage. There is going to be no change of use. We will propose a new access to the site with a new driveway.
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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 as follows:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - ii. The effect of the proposal on the openness of the Green Belt;
 - iii. The effect of the proposal on the character and appearance of the surrounding area; and
 - iv. If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

4. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. Policy ENV13 of the Doncaster Unitary Development Plan (1998) (UDP) sets out more specific criteria for replacement dwellings within the Green Belt. It states that within the Green Belt the replacement of an existing dwelling of permanent construction will only be permitted where the proposal complies with policy ENV3 or ENV 4 and would not a) have a visual impact prejudicial to the character or amenity of the countryside, b) seek to perpetuate a use of land which would seriously conflict with Green Belt/ countryside policy area policies, c) involve replacing a dwelling which is capable of rehabilitation, adaption or extension and d) significantly exceed the size of the original dwelling. The supporting text states that the size of the dwelling should not exceed more than 20% of the volume of the original dwelling (over and above the normal permitted development rights).
6. Section 2.18 of the Doncaster Council Development Guide and Requirements Supplementary Planning Document (2015) (SPD) is also relevant for replacement dwellings in the Green Belt. It states that an appropriately proportioned enlargement is considered to be a floorspace increase of no more than 50% of the original floorspace of the dwelling and does not constitute a 50% increase per planning application. The SPD also states that outbuildings more than 5m from the dwelling are not taken into consideration when assessing the extent to which the size of the replacement dwelling may increase.
7. The Framework doesn't explicitly refer to outbuildings in the context of replacement dwellings. However, in order for an outbuilding to be taken into account it seems reasonable that it should be close enough to the main building to be replaced such that it has a direct visual and functional relationship with it. Consequently, I am satisfied that the approach of the SPD is a reasonable basis on which to proceed.
8. In order to comply with both national and local planning policy an assessment is required to establish whether the replacement dwelling would be larger than the one it replaces. An assessment of whether a building is materially larger can include matters of footprint, volume, width, height and visual perception.
9. The two main parties agree that the existing bungalow has a volume of 565m³. The appellant states that the bungalow has a floor area of 121m² whereas the Council state that it has a floor area of 107.8m². The appellant highlights that the existing bungalow has an eaves height of 2.8m and ridge height of 6m. They have also provided volume and floor area measurements for two outbuildings located to the rear of the bungalow.
10. The appellant considers that there would be a reduction in built form on the site due to the removal of the outbuildings. I observed on my site visit that the outbuildings are situated more than 5m from the dwelling and appear visually separate to the residential curtilage of the bungalow due to the fence to the rear of the dwelling which is not shown on the existing site plan drawing. Therefore, having regard to guidance contained within the SPD, the outbuildings should not be taken into consideration when assessing the extent to which the size of the replacement dwelling may increase.

11. The proposed dwelling would have a floor area of approximately 295m² and volume of 1108m³. It would have an eaves height of approximately 5m and ridge height of 7.8m. The Council state that the replacement dwelling represents a volume increase of 96% and a floor space increase of 174%. I note that the floor space would result in an increase of approximately 143% if the appellants floor space measurement, of the existing bungalow, is used in the calculation.
12. Even if the appellants calculations are correct regarding the bungalow's existing floor space, the replacement dwelling would have a floor space over twice that of the existing bungalow and volume nearly double that of the existing building. Furthermore, the scale and massing of the new dwelling would be significantly more than the existing bungalow due to the two-storey height and increase in width which would result in a substantially larger and bulkier dwelling than the existing single-storey bungalow. Moreover, having regard to Policy ENV13, the appellant confirms that the existing bungalow is capable of extension.
13. Consequently, the development would not comply with the exception outlined in paragraph 145d) of the Framework. The new dwelling would be materially larger than the one it replaces. Accordingly, based on the evidence presented, the proposal would be inappropriate development in the Green Belt having regard to Policies ENV3 and EN13 of the UDP, Policy CS3 of the Doncaster Council Core Strategy 2011-2028 (2012) (CS), along with the SPD and the Framework.
14. The appellant highlights that the existing bungalow benefits from planning permission to increase the height and a permitted development scheme to extend the property to the side and rear as well as adding a further outbuilding¹. However, exception d) requires an assessment of whether the replacement building would be larger than the one it replaces. Given that the property has not yet been extended, I must consider the proposal against the current size of the property. Whether the extant planning permission represents a fall-back position in favour of the grant of planning permission is considered later in my report.

Openness

15. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The existing built development within the site already has an impact upon the openness of the site.
16. The replacement dwelling would be located in a similar location to the existing bungalow, but the main front elevation would sit further back from the highway and the garage would sit no closer to Wilsic Lane than the existing bungalow. The scheme would have a spatial impact upon the openness of the Green Belt given the increase in footprint and introduction of a new access and driveway where there is currently no built development.
17. The scheme would involve removing the outbuildings to the rear of the bungalow. These buildings are visually unobtrusive and currently have limited visual impact upon the openness of the Green Belt because they are single

¹ 19/01528/PD and 19/01558/FUL

storey and well screened from the highway due to the existing built development and hedge. They are also set apart from the dwelling and the gaps between the structures helps to maintain a degree of openness in a visual sense.

18. The proposed development would also have a visual impact upon the openness of the Green Belt because it would result in a significantly larger dwelling. The front boundary hedge partially screens the existing bungalow which limits its visual impact. Given the increase in height, scale, massing and bulk the replacement dwelling would have a greater physical impact and would be more visually prominent compared to the existing bungalow and outbuildings, particularly due to the introduction of a new first floor. The outbuildings would be removed but that would be of minimal benefit in a visual sense, given their discreet location. In contrast to the present gaps between buildings, the bulk and mass of development would be concentrated in a single, much more imposing, structure.
19. For the above reasons, having regard to the scale and massing of the proposed dwelling as well as the siting of the existing bungalow and outbuildings, the development would have a detrimental effect upon the openness of the Green Belt both visually and spatially, albeit that the scale would be limited due to the existing built development within the site. As such, the scheme would conflict with the purposes of Green Belt policy, as stated in the Framework, to keep land permanently open.

Character and Appearance

20. The Council acknowledge that the design of the dwelling in itself is acceptable. However, they are concerned that the design in this location would detract from the character of the countryside by virtue of its modern and grandiose design.
21. The existing bungalow was built as an agricultural worker's dwelling. It is simple in design and is constructed of brick with a red pantile roof. Whilst the bungalow does not have any particular architectural merit it sits modestly within the landscape, screened to some extent by the hedge. Overall it has a neutral impact upon the character and appearance of the area and reflects the character of the original agricultural holding, particularly when viewed alongside the adjacent barn.
22. Development has commenced for the change of use of that barn to form dwellings². This development will alter the character of the area as it will further domesticate the former farmstead. The proposed dwelling would sit closer to the highway than the converted barn. However, the scale and design of the replacement dwelling would be seen in the context of the large converted agricultural building. Nonetheless, based on the evidence presented, the barn conversion would still respect the original form, scale and roof structure of the agricultural building and would maintain the character of an agricultural barn. Whilst the existing bungalow does not reflect the design of the consented barn conversion, it would still sit comfortably alongside it.
23. The appellant considers that the proposal would lead to a visual improvement compared to the consented planning application and permitted development

² 20/00329/PRIOR

schemes. I note that this assessment is reliant on the inclusions of extensions which do not currently exist and thus the appellant's fallback position is discussed in the following section.

24. The materials proposed would to a degree reflect the site's former agricultural use and break up the mass of the building. Nevertheless, the scheme overall would significantly alter the character of the site due to its modern design and scale. Whilst the design in isolation is commendable, it would be visually intrusive and at odds with the rural character and appearance of the area and would unduly contrast with the landscape. The proposed dwelling would draw the eye because it would be a large, two-storey, contemporary building which includes vast expanses of glazing which has little relationship with the agricultural origins of the site which currently reads as a small farmstead. Consequently, the overtly modern design would jar against the rural context and fail to respond sensitively to its setting.
25. The appellant states that the proposed boundary treatment is a hedge. I note that the proposed site plan shows a hedge and fence boundary. Even if the development proposed a hedge boundary, this would not outweigh the harm identified above.
26. For these reasons, I find that the proposed development would be visually harmful to the character and appearance of the surrounding area. Consequently, the scheme would conflict with Policies ENV3, ENV13 of the UDP, Policy CS3 of the CS, along with the SPD and the Framework. These seek, amongst other matters, to ensure new development does not have a harmful visual impact upon the character and appearance of the area.

Other Considerations

27. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Paragraph 144 adds that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. The appellant states that the replacement dwelling would result in a reduction in built form on site and would be smaller than the extant schemes to extend the bungalow under permitted development and planning permission. Furthermore, they consider that the replacement dwelling would provide better living conditions for future occupiers than the enlarged bungalow.
29. The appellant asserts that the fallback positions, including the approved planning application and permitted development scheme, are reasonable, realistic and deliverable. It is clear that the permitted development scheme could be implemented and certain elements of the permitted development alternative could be implemented alongside the planning permission to extend the property. If those proposals were implemented the existing bungalow to be increased substantially in floor area, volume and height, together with the addition of an outbuilding.
30. However, although the bungalow could be extended, based on the evidence presented, I am not convinced that there is a significant probability that the fallback would be constructed should this appeal be dismissed. From the

evidence before me, it appears that one of the main motives of the development is to provide a dwelling which is more in keeping with the design of the adjacent barn conversion. The fallback positions would further exacerbate the difference in design between the bungalow and the barn conversion and would result in a development and internal layout which would appear poorly designed and somewhat contrived.

31. In addition, the permitted development scenario includes the addition of a third outbuilding at the site, which would add to the two existing outbuildings and what appears to be shown as a large garage/ extension to the side of the dwelling. It is unclear why any householder would require such an extensive range of outbuildings and storage space given the size of the plot and the fallback position in that regard appears to be based on a theoretical alternative of what may be possible under permitted development regime as opposed to what is a realistic consideration of what would be constructed.
32. Thus, I am not convinced that the appellant would seek to implement the alternative scenarios that are presented. If the appeal is dismissed it seems equally likely that they may seek permission for a more modest alternative with a more coherent design.
33. In any event, I am not satisfied that impact of the alternative scenarios would be comparable to that of the proposed development in terms of the openness of the Green Belt. I accept that the volume and floor area of the alternative scenarios would be greater than that of the proposed dwelling³. However, Green Belt has a visual and physical dimension.
34. A large amount of the 'permitted development' alterations and the rear dormer would be screened by the existing boundary hedge and built development because the extensions are mainly to the rear and single storey. The height of the proposed dwelling would also be higher than the fallback position and the two-storey front façade would be significantly more imposing than the extended bungalow, even taking account of the permission to raise the ridge height. Furthermore, the outbuildings proposed to be removed are well screened from the highway. In effect, the volume that is off-set by the demolition of the outbuildings would be concentrated into the dwelling which would be a single structure of substantial depth and height. I am not satisfied that is comparable to the proposed alternative where the outbuildings would be dispersed, with gaps between structures.
35. Accordingly, based on the evidence submitted, the fallback position would have less of an impact upon the openness of the Green Belt in visual terms than the proposed development as it would be significantly less conspicuous from the highway. Therefore, whilst I acknowledge that the physical size and spatial impact of the alternative scenarios would be greater than the proposed development, the visual impact would be less. Overall, having regard to the significantly more imposing scale and presence of the proposed dwelling in visual terms, I find that the proposal would have a greater impact on the openness of the Green Belt than the alternative scenarios.
36. Even if the permitted development and planning permission scenario was completed, the visual impact of the dwelling would be less than that proposed due to the fact that the majority of the work would be largely concealed to the

³ As set out at paragraphs 3.4 to 3.7 of the appellant's statement

- rear. From the roadside and the majority of public views the dwelling would still appear relatively modest, when compared to the imposing façade of the proposal.
37. Having regard to the above there is some doubt as to whether the alternative scenarios would actually be carried out in the event the appeal was dismissed. Even if my conclusions on that are incorrect, the effect on openness would be greater in the proposed scheme and the alternative scenario would be less imposing and incongruous in the rural setting. Consequently, the suggested fall-back position is a matter to which I attach limited weight.
38. The appellant has drawn my attention to an appeal decision⁴. In this decision the Inspector found that the fallback position would have no greater impact upon the openness of the Green Belt, would have a harmful impact upon the character and appearance of the area and would provide less satisfactory living conditions for future occupiers. The Inspector concluded that the other considerations in the case clearly outweighed the moderate Green Belt harm and limited other harms and that very special circumstances existed which justified the development.
39. This appeal decision cannot be directly compared to the scheme before me as I have found that the development would result in significant harm to the openness of the Green Belt and would harm the character and appearance of the area. Furthermore, in the allowed appeal, there was a higher probability that the appellant would carry out the fallback position if the appeal was dismissed because they had a quotation for the completion of the extensions, and they had partially completed some of the extensions. As a result, the appeal decision does not amount to a positive factor in favour of the development.

Whether Very Special Circumstances Exist

40. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt. I have concluded that the development constitutes inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt. This is a matter which carries substantial weight. Additional weight is given to the harm to the character and appearance of the surrounding area. As cited above, the proposal conflicts with both national and local planning policy.
41. The Council has referred to an article relating to very special circumstances. A copy of this article has not been provided, and in any event, it does not form part of national or local planning policy and subsequently I have not given it weight in determining whether very special circumstances exist.
42. The advanced considerations relating to the fallback position, including the removal of the outbuildings, are given limited weight. When drawing this together, the advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

⁴ APP/J1535/W/18/3200087

43. For the reasons given above, the proposal would amount to 'inappropriate development' that would cause harm to the openness of the Green Belt and the character and appearance of the surrounding area. There are no very special circumstances to outweigh the harm caused in that respect. The development is contrary to the relevant policies of the UDP, CS and the Framework. There are no material considerations to outweigh the conflict with these policies.
44. For all of those reasons I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

45. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR