



## Appeal Decision

Hearing Held on 30 June 2021

Site visit made on 1 July 2021

**by C Coyne BA (Hons) DipTP DipERM MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 6<sup>th</sup> August 2021**

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**Appeal Ref: APP/F4410/W/21/3269629**

**Site to the rear (south) of Manor Farm Public House, Denaby Lane, Old Denaby, Doncaster DN12 4LD**

- 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 Graham Schofield against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 20/01015/OUT, dated 7 April 2020, was refused by notice dated 20 November 2020.
  - The development proposed is outline application for erection of a single dwelling for an agricultural worker (approval being sought for access).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The agreed Statement of Common Ground (SoCG) contains a revised description of the proposed development that is different from that on the application form. Given the parties' agreement to this revision, I have also used this in the banner heading above.
3. The Council's evidence refers to Policy 2 of the emerging Doncaster Local Plan (DLP). At the hearing the Council confirmed that the DLP has undergone examination and subsequent modification with the final Inspector's Report being published. They also confirmed that the relevant part of this policy was not significantly changed. I also note that the part of the policy that is most relevant to the appeal proposal refers directly to the National Planning Policy Framework (The Framework). Therefore, I afford this part Policy 2 of the DLP substantial weight.
4. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. Apart from changes to paragraph numbering and one minor amendment, no major changes have been made to the Framework in relation to national Green Belt policy. As a result, given the nature of the refusal reason, the main issues and the Development Plan policy upon which the refusal reason is based, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal. The relevant updated paragraph numbers have been used in my reasoning below.

### Preliminary Matters and Main Issues

5. Policy ENV 3 of the adopted Doncaster Unitary Development Plan (UDP) aims to prevent inappropriate development in the Green Belt as does the relevant part of

Policy 2 of the DLP. The *National Planning Policy Framework* (the Framework) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. Consequently, given that it aims to resist inappropriate development within it, except in cases where very special circumstances are justified, I consider Policy ENV 3 of the UDP to be broadly consistent with the Framework. The relevant part of Policy 2 of the DLP does not repeat national policy. Instead, it simply states that it will be applied including the presumption against inappropriate development, as a result, I consider this part of Policy 2 to be consistent with the Framework.
7. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 149 of the Framework. The main parties have agreed that the proposal does not fall within any of these exceptions and that as a result the proposal would be inappropriate development within the Green Belt in conflict with the aims of the Framework and Policy ENV 3.
8. The application has been submitted in outline with all matters apart from access being reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the Site Location and Block Plan as an indication of where the dwelling would likely be erected on the site.
9. As set out within the SoCG the main parties agree that the proposal would represent inappropriate development in the Green Belt as defined in Policy ENV 3 and the Framework. I concur with that position. In the light of this the main issues are:
  - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
  - would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## **Reasons**

10. The appeal site is situated at the edge of an open field beyond which is a much larger area of open agricultural land. The appeal site is part of a larger parcel of agricultural land (Manor Farm). On the other side of the open field to which the appeal site belongs there are several large agricultural buildings used for the housing of cattle, sheep, and horses and for the storage of animal feed, farm machinery and vehicles. There are also some paddocks and feeding areas as well as several mobile homes, caravans, storage containers and other equipment and machinery on this wider site.

### *Effect on Openness and Green Belt Purposes*

11. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137. The proposed dwelling would be located within an open area adjacent to the existing cluster of buildings where there is currently no development. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of a dwelling on the appeal site would therefore bring about built development where there is presently none. This would have a discernible adverse visual impact on openness. Consequently, the proposal would not preserve the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt as a whole.

12. Furthermore, given the clear linkage between the undeveloped appeal site and the more open land beyond it, and the fact that it has the characteristics of open countryside, I find that the indicative proposal would lead to a demonstrable loss of openness causing significant harm to the Green Belt.
13. Moreover, at the hearing, both main parties agreed that the indicative proposal would have an impact on the openness of the Green Belt and that it would also represent a clear encroachment into the countryside. I agree with this assessment. Therefore, in principle the erection of a dwelling on the appeal site would lead to encroachment of development into the countryside, which would fail to serve the related Green Belt purpose and therefore it would clearly conflict with the fundamental aim of national Green Belt policy. Consequently, it would also conflict with the aims of Policy ENV 3 and Policy 2 in this regard.

#### *Other Considerations*

14. The appellant and members of his family currently run a farm business comprising a range of enterprises as well as providing services for chicken farms by catching hens once they have reached their target weight. As well as Manor Farm, the appellant owns several other parcels of land which form part of the wider farm holding.
15. These other parcels of land owned by the appellant include: Hooton Lodge, which comprises approximately 35.6 hectares (ha) with the land being used for a combination of grazing, haylage and a camp site; Kilnhurst Hall Farm, comprising approximately 2.8 ha with a range of buildings there that can house up to 30 head of cattle and a large yard area used for the poultry services element of the business; The Croft which comprises a range of buildings used to house up to 100 head of cattle, pigs and for the storage of feed and straw; and four blocks of other local land that collectively amount to around 104 ha. Other local land is also rented by the appellant for livestock grazing and haylage amounting to approximately 182 ha.
16. Manor Farm itself comprises approximately 10.5 ha with the farming activities there including the grazing of sheep and cattle, and the housing of such animals. The livestock buildings at Manor Farm can accommodate over 200 head of cattle. In addition, the lambing for the wider holding's stock of 180 lowland ewes is undertaken at Manor Farm, as well as some calving activity. It is also clear that both main parties agree that the appellant's agricultural business is a profitable one and from the evidence before me I see no reason to disagree.
17. According to the evidence there are also several dwellings located on the other parcels of land owned by the appellant including: 1 at Hooton Lodge; 1 at Kilnhurst Hall Farm; and 4 at The Croft. It also states that three of these dwellings are occupied by family members who do not work on the farm and that the current occupier of one of the dwellings, at The Croft, Christopher Schofield, who does work on the farm, will be relocating to the one proposed at the appeal site. It is explained that this is due to the essential need for there to be a rural worker present there permanently.
18. One reason given by the appellant for the essential need for the proposal is that farm staff have to travel from The Croft to Manor Farm throughout the day with several roundtrips, taking approximately 10 minutes, being undertaken throughout the day and night to check on the welfare of the animals. However, given the relatively short journey time between these two locations I fail to see how these journeys would give rise to an essential need. I therefore afford this consideration little weight.

19. Furthermore, while I acknowledge that several mature cattle, calves, and lambs were lost over the past 12 months, I have no substantive evidence before me to show that these losses were as a direct result of there not being a permanent presence on the appeal site. It is also not clear whether the mature cattle died on the appeal site or not. In any event, given the relatively short distance and travel time between The Croft and Manor Farm, I am not convinced that an essential permanent presence on the site is required for these reasons and afford this consideration little weight.
20. Similarly, given the seasonal nature of activity at Manor Farm relating to calving and lambing this does not support a functional need for a permanent dwelling for an agricultural worker and while it may justify a need for a temporary residential presence on the holding during the calving and lambing seasons, I am not satisfied that the number of livestock and the limited calving/lambing seasons justify a permanent dwelling on the site for animal husbandry reasons.
21. It is also stated that a permanent presence on the site is required to ensure that 'on-heat' heifers are being served by the bull. However, I fail to see why this could not be done by ensuring that the respective animals were housed together for an appropriate period or why this could not also be done during normal daytime farming work hours with the animals being monitored. As a result, I afford this consideration little weight.
22. The appellant has also cited security issues as a reason for a permanent presence on the site and that currently this means that machinery and equipment is routinely shipped back and forth between Manor Farm and the other parcels of land. However, at the hearing the appellant confirmed that no thefts or acts of vandalism had been officially reported in the last 12 months. Furthermore, even though some anecdotal evidence was given at the hearing I have no substantive evidence before me, such as a police report, to demonstrate that a) any thefts have taken place, and b) all enhancements to current security and other potential surveillance and monitoring options have been fully explored.
23. Therefore, I am not satisfied that the appellant has adequately explored alternatives to living on site permanently to secure the business. Consequently, in the absence of clear and substantiated evidence that a wide range of security enhancements have been considered, the issue of security adds limited weight in support of a permanent dwelling on the site.
24. In addition, the Council have stated that there are properties to rent available locally that could meet the need for an agricultural worker that would be within a short distance of the appeal site, estimating the weekly rent to be around £83. I also have no substantive or convincing evidence before me to show that the appellant has explored such reasonable alternative options for local accommodation that would be located close to Manor Farm. As a result, I afford the issue of there being a lack of suitable accommodation locally very little weight.
25. Therefore, and taking into account the various elements of the appellant's business I find that while there is a desire for the appellant to provide permanent residential accommodation on the appeal site to support the livestock element of the business, no essential need for permanent residential accommodation for a rural worker has been demonstrated. As such, when taken in the round, this other consideration does not weigh in favour of the proposal.
26. In support of the proposal the appellant has also cited the fact that two of the dwellings at The Croft, including Millstone House, occupied by a farm worker, are within the safeguarded area for the proposed route of the High Speed Two rail line

Phase 2b: West Midlands to Leeds (HS2). However, according to the evidence, at this moment in time this leg of the route has not yet been legislated for meaning that it will likely be some time before any properties on this potential route would need to be disposed of through a compulsory purchase mechanism. As a result, I afford this consideration little weight.

#### *Any Other Harm*

27. As set out within the SoCG both main parties agree that the indicative proposal would be an isolated dwelling in the countryside. Paragraph 80 of the Framework states that planning decisions should avoid the development of an isolated home in the countryside unless it meets certain specified exception tests.
28. The Braintree Judgement<sup>1</sup> has held that the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. It has also held that the issue of ‘isolated’ in this regard must always be a matter of fact and planning judgment. In this case, it is not simply about a consideration of proximity to services and facilities, but also about whether the proposed dwelling would be physically separate or remote from a settlement.
29. There is a clear gap between the appeal site and the settlement of Old Denaby even though it would be relatively close to the rear of The Manor public house. As a result, even though Old Denaby could be reached from the appeal site by walking, cycling or private car, in my judgement due to its location the proposed dwelling would as a matter of fact and degree be physically separate from a settlement.
30. Consequently, and being mindful of paragraph 105 of the Framework, I see no reason to disagree with the main parties that the proposed dwelling would be in an isolated rural location. Accordingly, given my findings above that no essential need for a rural worker has been demonstrated, the indicative proposal would also conflict with paragraph 80 a) of the Framework which weighs against the appeal scheme.

#### **Planning Balance and Conclusion**

31. Paragraph 148 of the Framework makes it clear that substantial weight should be given to any harm to the Green Belt. It establishes that the very special circumstances needed to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
32. The indicative proposal would be inappropriate development in the Green Belt and cause harm to the openness of the Green Belt. It would therefore cause substantial harm to the Green Belt. It would also cause other harm due to its isolated location in conflict with the aims of the Framework. These identified harms weigh significantly against the proposed development.
33. The indicative plans also demonstrate that the proposed dwelling would have adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Further, even if I were to completely disregard the indicative plans for the purposes of considering the effect of the proposal on Green Belt, I would conclude that I had insufficient information before me to reach a decision that the development would not be inappropriate development in the Green Belt. Either way, these are matters to which I afford substantial weight in the planning balance.

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<sup>1</sup> Braintree District Council v SSCLG Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

34. In relation to other considerations put forward that weigh in favour of the appeal scheme, I have afforded these limited, very limited or no weight. Consequently, the benefits either individually or cumulatively of the proposal do not outweigh the substantial harm to the Green Belt and the other harm which I have identified. The very special circumstances necessary to justify the development do not therefore exist.
35. Accordingly, the indicative proposal would conflict with Policies ENV 3 and ENV 5 of the UDP and Policy 2 of the DLP. It would also therefore conflict with the development plan when read as a whole and paragraphs 80 a), and 147 of the Framework. Given the strategic nature of policies CS2 and CS3 of the UDP I consider them to be not entirely relevant to the determination of this appeal. Similarly given that it aims to control development in the countryside that is not within the Green Belt I also consider policy ENV 2 of the UDP not to be entirely relevant in this case.
36. For these reasons, and having regard to all relevant matters, I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Anthony Atkinson MRICS FAAV, Rural Planning Director at Acorus Rural Property Services Ltd.

Graham Schofield Snr – Appellant

Gary Schofield – Nephew of Appellant

Graham (Charlie) Schofield Jnr – Son of Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mark Ramsay, MSc, Senior Planning Officer.

Andrew Coombe MRICS FAAV, Agricultural Consultant at Sanham Agricultural Planning Limited.

### INTERESTED PARTIES:

Andy Fisher, Chair of Denaby Parish Council.

Brian Beckett, Local Resident.