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Application Number:	21/02119/COU
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Application Type:	Full Planning
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Proposal Description:	Change of use of land to domestic curtilage.
At:	Havercroft Bawtry Road Hatfield Woodhouse DN7 6BT

For:	Mrs Nicola Mitchell
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Third Party Reps:	There have been no representations.	Parish:	Hatfield
		Ward:	Hatfield

Author of Report:	Rebecca Larder
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SUMMARY

The proposal seeks full permission for the change of use of land to domestic curtilage. This proposal is retrospective as the landowner had previously enclosed the land to include it within the residential unit. The site lies within the Countryside Policy Area and is being presented to committee as it represents a departure from the Development Plan.

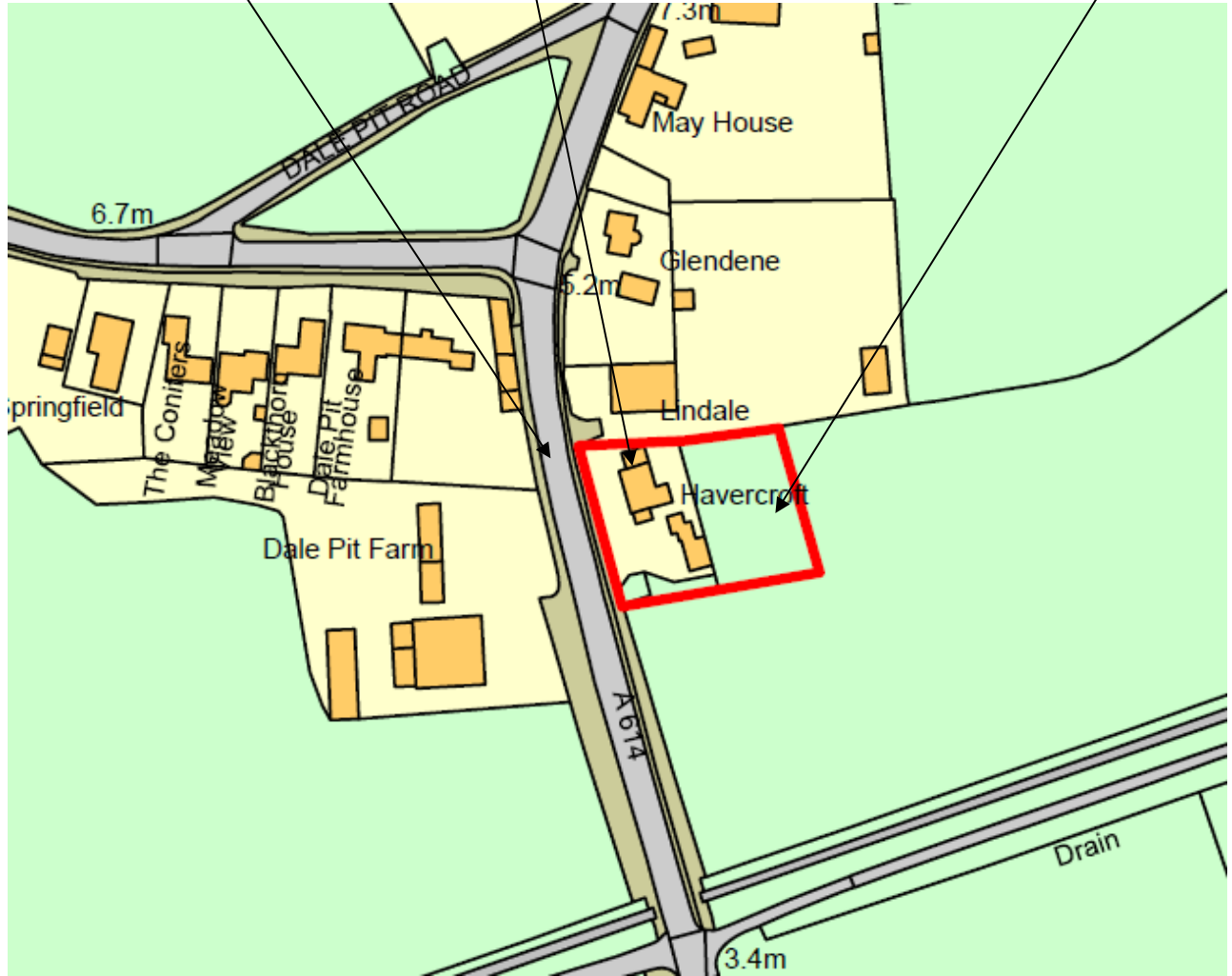
This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to the openness of the countryside or the wider character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions

A614/Bawtry Road

Main dwelling

Application site



1.0 Reason for Report

The application is being presented to committee as it represents a departure from the Development Plan.

2.0 Proposal and Background

- 2.1 This application seeks permission to change the use of land to residential curtilage. Additional land to the rear of the property has been enclosed and used in association with the property at Havercroft over the last 5 years.
- 2.2 A householder application was submitted in March 2021 where by it came apparent that land to the rear of the property had been incorporated within the curtilage although it was not within the approved planning unit. The applicant confirmed the boundary had been altered prior to them buying the property in 2020. Historic images indicate this was done between 2015 and 2021.
- 2.3 Wooden post and rail style fencing has been erected around the land to the very rear in line with the neighbouring properties rear boundary however; the proposal is to enclose only a proportion of this land. It is proposed this fencing is retained to the side and a new native hedge will create the boundary line to the rear. No other operational development is proposed under this application.
- 2.4 There is an existing wooden building on the site, which has previously been used as a stable. This building lies slightly outside the original curtilage therefore is unauthorised. The retention of this building will be considered separately under application 21/00854/FUL which is currently pending consideration.

3.0 Site Description

- 3.1 The site is the last residential plot in the street and opens out onto green fields. The site has been grassed over and enclosed with open post and rail style wooden fencing. The main dwelling is a small bungalow which is built in a light buff brick and has white UPVC windows and doors.
- 3.2 There are a range of different properties within the street scene including cottages, single houses and bungalows. The neighbouring properties to the North of Havercroft generally have larger rear gardens extending further back into the countryside.

4.0 Relevant Planning History

- 4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
21/00854/FUL	Erection of extensions and alterations to the existing bungalow, erection of front boundary wall and retention of existing storage building.	Pending consideration

5.0 Site Allocation

5.1 The site is located within Countryside Policy Area.

5.2 National Planning Policy Framework (NPPF 2021)

5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

5.6 Paragraph 55 - 56 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.7 Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.8 Paragraph 130 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.

5.9 Paragraph 174 states decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside

5.10 Local Plan

5.11 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. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- 5.12 Policy 1 sets out the Borough's settlement hierarchy, seeking to preserve the openness of the Countryside. Doncaster's Countryside Policy Area is defined as that outside of the Green Belt and beyond defined 'Development Limits' as shown on the Policies Map. Proposals for new development in the Countryside Policy Area, including those which support the rural economy, will be supported where in accordance with Policy 25.

Policy 25 states that residential development would be supported where it would not have a visual impact prejudicial to the character of the building or the amenity of the countryside.

Policy 41 states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions, respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

Policy 43 states that development proposals will be supported where they recognise and reinforce the character of local landscapes; are of a high quality design that contributes to local distinctiveness and respond positively to their context, setting and site features.

Policy 44 states that new housing, extensions, alterations and changes of use to housing will be supported where they respond positively to the context and character of existing areas, or the host property, and create high quality residential environments through good design. Developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.

5.13 Other material planning considerations and guidance

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- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of neighbour notification, site notice, council website and press advertisement. The application has been advertised as a departure from the development plan.

- 6.2 No representations were received.

7.0 Relevant Consultations

- 7.1 **National Grid** – No comments received.

- 7.2 **Yorkshire Water** – No objections to make.

- 7.3 **Drainage** – No objections.
- 7.4 **Environment Agency** – no comments received.
- 7.5 **Planning Policy (housing)** – No objections.
- 7.6 **Parish Council** – No comments received.

8.0 **Assessment**

- 8.1 The proposal seeks full planning permission for the change of use of land to residential curtilage

Principle of development

- 8.2 The application site lies within the Countryside Policy Area as defined in the adopted Local Plan. Policy 25 allows for extensions and alterations to existing dwellings, although there is no specific policy in relation to the extension of residential curtilage part 2,G would be most appropriate which states development would be supported where it would not have a visual impact prejudicial to the character of the building or the amenity of the countryside.
- 8.3 Policy 41 states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions, respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale. Whilst the entire site is washed over by Countryside, in this case, the Local Planning Authority consider the harm created by the change of use to be limited and there would be no significant benefit to the Countryside by refusing permission. Whilst the proposal would increase the domestic curtilage, it would not extend beyond the limit of neighbours to the north.

Sustainability

- 8.4 The National Planning Policy Framework (NPPF 2021) 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
- 8.5 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order for sustainable development to be pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 8.6 Policy 44 of the Local Plan seeks to ensure that proposals have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The land in question sits adjacent to the neighbouring garden at Lindale. There are large

trees and hedgerows separating the two gardens as such it is not considered there the proposal would cause harm to residential amenity.

- 8.7 It is proposed that permitted development rights be removed from the site, although this will primarily be to protect the character and openness of the countryside from further built form this will also protect the amenity of the neighbouring properties by controlling future development.

Conclusion on Social Impacts.

- 8.8 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affect by the proposal in accordance with Policy 44 of the Local Plan.

8.9 ENVIRONMENTAL SUSTAINABILITY

Impact upon the openness of the Countryside

- 8.10 Whilst there is no specific policy in relation to the extension of residential gardens within the countryside, the most appropriate policy would be Policy 25 part 2,G, that states development will be supported where it would not have a visual impact prejudicial to the character of the building or the amenity of the countryside.
- 8.11 The Local Plan Policies Map shows the original curtilage as being small in comparison to the adjoining garden to the north of the site. Whilst the whole length of land has been enclosed in line with the neighbouring boundary, the proposed boundary is lesser than this enclosing only half of the additional land therefore mitigating a significant encroachment into the countryside.
- 8.12 The proposal would not harm the countryside as the land does not currently add to its intrinsic nature and beauty as it is currently subdivided off in line with the neighbour. Recognising the intrinsic character and beauty of the countryside is a key consideration in planning decisions (NPPF para 174 (b)). By reducing the length of the garden area, the site will retain a similar character as the original unit and minimise the impact on the openness of the countryside. Given the extent of the neighbouring rear gardens, it would be logical for the property to extend its residential curtilage to a similar degree.
- 8.13 It is proposed that the existing post and rail style fencing will be retained to the side and a native hedge will be added to the rear boundary. The fence is of an agricultural style and will reflect the character of the countryside. Similarly, the proposed hedge would complement the green character of the countryside and reflect other style boundary treatments in the street scene therefore is in accordance with Policy 41 of the Local Plan.
- 8.14 It is proposed permitted development rights are removed to control further development in terms of built form and further protect the openness of the countryside. Removal of permitted development rights will mean that any future built development will automatically require planning permission where the individual merits can be considered.

Conclusion on Environmental Issues

8.15 In summary, it is not considered the proposal would significantly harm the character of the area or openness of the countryside and that the environmental impact of the proposed development is acceptable.

8.16 ECONOMIC SUSTAINABILITY

8.17 It is not considered the proposal would see any economic benefit therefore carries limited weight in favour of the application.

8.18 Conclusion on Economy Issues

8.19 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

8.20 Whilst the economic benefit of the proposal is minimal and afforded only limited weight, 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 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. The Local Planning Authority have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered against the policies in the NPPF taken as a whole. It is considered that subject to the recommended conditions, there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

Planning permission be **GRANTED** subject to the following conditions;

Conditions

01. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority. Permitted development rights for Schedule 2 Part 1 Classes A to E of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) will no longer apply to this property.
REASON
The Local Planning Authority considers that further development could cause detriment to the character and openness of the countryside and

wider area and for this reason would wish to control any future development to comply with policy 25 and 41 of the Doncaster Local Plan.

02. Within 3 months of the date of decision works shall be undertaken to ensure that the boundary treatment is in accordance with the site plan dated 28/09/2021 hereby approved and shall be retained as such unless otherwise agreed in writing with the Local Planning Authority.

REASON

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

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Area of Land to be enclosed.

