



Appeal Decision

Site visit made on 15 November 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/F4410/W/22/3301829

Land to the West of Station Road, Blaxton, Doncaster DN9 3AF

- 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 Modern Edge Development Group Limited against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/00069/OUT, dated 11 January 2022, was refused by notice dated 11 April 2022.
 - The development proposed is Residential development of up to 5 dwellings as entry-level exception site (access and principle only to be considered) (being resubmission of application 20/03082/OUT).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the postcode from the appeal form.
3. The planning application was submitted in outline form seeking approval for access with scale, layout, appearance and landscaping reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to scale, layout, appearance and landscaping.
4. The appeal application follows an earlier refusal of outline planning permission¹ on the same site. This was dismissed at appeal² as the Inspector found conflict with the policies for housing and significant harm to the character and appearance of the area.

Main Issue

5. The main issue is whether the location of the appeal site is acceptable having regard to the development plan policies and the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is an area of open land, partly enclosed by a hedge, that lies adjacent to Station Road, a road linking the settlements of Finningley and Blaxton. The site lies just to the north of Finningley, although is outside of its

¹ Ref 20/03082/OUT.

² Ref APP/F4410/W/21/3278490.

Development Limits as defined by the Doncaster Local Plan (2021) (the Local Plan).

7. Policy 1 of the Local Plan sets out the settlement hierarchy for the Borough. As the appeal site is located outside of the Development Limits of Finningley, it lies within the Countryside Area. Here, Policy 25 of the Local Plan sets out that, in addition to dwellings meeting the essential needs of an existing rural enterprise, proposals for new dwellings in the Countryside Policy Area will be supported in line with national policy for 'entry level' exception sites for housing and rural exception sites for housing.
8. In this regard, The National Planning Policy Framework (the Framework) supports the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should: a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of the Framework; and b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.
9. The appeal proposal seeks to erect up to five dwellings as an entry-level exception site. It is common ground between the parties that the appeal proposal would be adjacent to the Development Limits of Finningley, is smaller than 1 hectare in size, does not exceed 5% of the existing settlement, and is not located within a National Park, Area of Outstanding Natural Beauty or Green Belt. I shall therefore turn to consider the proposal against the local design policies and standards.
10. Policy 41 of the Local Plan sets out that, amongst other things, development proposals should be of a high-quality design that contributes to local distinctiveness; respond positively to their context and setting, respecting and enhancing the character of the locality; and integrate visually and functionally with the immediate and surrounding area. Similarly, Local Plan Policy 44 sets out that new housing proposals will be supported where they are sympathetic to the character of the area in terms of the layout, density, siting, spacing, scale, massing, form, detailing and materials.
11. Whilst the site is adjacent to the Development Limits, the majority of the settlement of Finningley is located to the south of the rail line, including its services and facilities. Development to the north of the railway line is much more limited and is sporadic along Station Road. Whilst I accept that the appeal proposal is in outline form and that the plans are indicative, the proposal would likely result in ribbon development infilling the space between the edge of the settlement and the more isolated bungalow to the north. This would represent a significant extension of the settlement beyond the railway line. As such, the proposed development would not be well related to the existing built form of Finningley.
12. Moreover, the appeal site forms part of an important gap between the settlements of Blaxton and Finningley. This gap forms a significant part of the open countryside providing a visual break between these two settlements. The gap also makes a positive contribution to their setting, particularly that of Finningley.

13. The proposal would intrude significantly into this rural space, extending built development much further into the countryside and diminishing the gap between Blaxton and Finningley. I am mindful of the outline nature of the proposal, and that the appellant considers that compliance with design policies can be addressed at the reserved matters stage. However, the inevitable provision of internal roads, driveways, gardens and the introduction of domestic paraphernalia would urbanise the setting of Finningley, at odds with the open rural character. My assessment here is reinforced by the comments of the previous Inspector.
14. For the above reasons the proposed development would result in significant harm to the character and appearance of the area. The proposal would therefore not be a suitable location for housing. It would conflict with Policies 1 and 25 of the Local Plan on this basis. There would also be conflict with Policies 41 and 44, described above. There would also be conflict with paragraph 72 of the Framework, also outlined above, as well as paragraph 174 which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

15. Both parties have referred to the 2019 Doncaster Housing Needs Survey. The appellant states this document concludes that there is an acute affordable housing need in the Borough and that there is a net shortfall of 209 affordable dwellings each year. The Council highlights an oversupply of affordable homes in Finningley. However, paragraph 72 of the Framework requires local planning authorities to support the development of entry-level exception sites, unless the need for such homes is already being met within the authority's area. The evidence before me does not clearly demonstrate that the need for such homes is already being met.
16. It is not disputed between the main parties that a legal agreement is required to secure the entry-level homes. I see no reason to depart from this standard mechanism. I have been provided with a Heads of Terms which indicates that it 'hopes' to deliver all dwellings as affordable, whilst some of the other text is not particularly clear. Most of the references to other contributions are marked as 'TBC' or 'to be agreed'. Notwithstanding the document's shortcomings, a draft Heads of Terms is not a legal mechanism in itself which could secure this provision.

Planning Balance

17. In the absence of an executed and certified copy of a section 106 planning obligation or a completed Unilateral Undertaking which represents the legal mechanism to secure the delivery of the entry-level affordable housing, the proposal would not meet the requirements of paragraph 72 of the Framework.
18. Nonetheless there would still be some economic benefits to the proposal through the construction and occupation of the proposed dwellings. The proposal would also potentially support services in the nearby villages which are accessible without the private car. The appellant has sought to quantify the economic benefits of the proposal by providing estimates here. However, this section of the statement refers to another Authority area which leads me to doubt these figures. Nevertheless, given that the proposal relates to five dwellings, the benefits in this respect are inherently minor.

19. However, significant negative effects, would arise from the proposal, principally owing to the location of the appeal site and the effect on character and appearance, as identified in the main issue. I ascribe substantial weight to the harm which would arise from the proposed development. I do not consider there to be other material considerations which would be sufficient to justify allowing the appeal.

Conclusion

20. The proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

Paul Martinson

INSPECTOR