



# Appeal Decision

Site visit made on 7 February 2023

**by M J Francis BA (Hons) MA MSc MCIfA**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 April 2023**

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**Appeal Ref: APP/F4410/W/22/3308740**

**71 Cadeby Road, Sprotbrough, Doncaster, DN5 7SF**

- 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 Shane Miller against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/00581/FUL, dated 3 March 2022, was refused by notice dated 10 June 2022.
  - The development proposed is described as:
    1. the re-building/re-construction of the former Waiting Room within the parameters of the existing concrete base in accordance with the previously approved plans ref 21/00211/FUL to form a dwelling;
    2. Subterranean development adjacent to the building in accordance with the previously approved plans ref 21/00211/FUL to provide 3 bedrooms, a bathroom and a lounge;
    3. Erection of a glass canopy to the rear of the building along the platform in accordance with the previously approved plans ref 21/00211/FUL;
    4. Erection of a detached outbuilding roadside to form an entrance and games room in accordance with the previously approved plans ref 21/00211/FUL;
    5. Associated engineering works; formation of new highway access, parking area extending over the track; reinstatement of railway tracks and other associated works in accordance with the previously approved plans ref 21/00211/FUL.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Whilst planning permission was granted<sup>1</sup> for the conversion of the waiting room to a dwelling, plus the other proposals as set out in the description, the waiting room, apart from two brick chimneys, has been removed. There is no dispute between the parties that there is no extant planning permission in place.

## Main Issues

3. The main issues are:
  - Whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and the effect of the proposal on the openness of the Green Belt;
  - Whether the proposal provides adequate drainage measures; and

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<sup>1</sup> 21/00211/FUL

- If the development is inappropriate, whether the harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the proposed development.

## **Reasons**

### *Inappropriate development and openness*

4. Policy 1 of the Doncaster Local Plan (DLP), September 2021, seeks to preserve the openness and permanence of Doncaster's Green Belt; and requires national planning policy to be applied including the presumption against inappropriate development except in very special circumstances. Paragraph 149 of the Framework states that the construction of new buildings is inappropriate in the Green Belt. As the waiting room has been removed, the re-building of this, plus the other extensions and proposals would be considered to be a new building in the Green Belt.
5. Paragraph 149 does, however, list several exceptions which can be applied, some of which been cited in this appeal. This includes c) which allows for an extension or alteration to a building. This would not apply in this case as the original building has been removed. Exception d) relates to the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces. However, as the waiting room was previously used as storage, ancillary to No 71 Cadeby Road, and therefore not in the same use, this exception is also not applicable. Consequently, the only exception that can be considered in this appeal is g) for the 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would 'not have a greater impact on the openness of the Green Belt than the existing development'.
6. I saw from my visit that the site included not only the waiting room, but also the platforms, and the former site of the rail track. Whilst the site had been overgrown, it has largely been cleared of vegetation, and these features are clearly identifiable. Like the appeal case at Wellow, Newark, identified by the appellant, therefore, the site can be classified, in the terms of the Framework, as 'previously developed land'.
7. The original building on the site has, however, been removed. Therefore, the rebuilding of the waiting room, plus the large subterranean development with roof garden, erection of detached outbuilding, glass canopy and engineering works, would result in built development, where there is currently none. Whilst this would be in a linear form within the confines of the previous building and adjacent platform areas, it would result in a more extensive development than that previously existed on the site. The proposed development, would, in spatial terms, have an adverse effect on the openness of the Green Belt.
8. Although the proposal is on previously developed land, the appellant contends that as much of the proposal would be underground, it would not result in overdevelopment. However, the construction of the boundary wall, the outbuilding, and the glazed link, plus the reconstructed waiting room, would be visible from the adjoining road, which would cause considerable visual harm to the openness of the Green Belt.

9. The appellant considers that the proposal would protect the Green Belt from inappropriate development in the future. However, changing the site to a domestic dwelling would result in a more intensive form of development than currently exists, with an increase in activity, including vehicle movements in and out of the proposed entrance, and the domestic paraphernalia that would result from the permanent occupation of the site. This would have a harmful effect on the openness of the Green Belt in this location, in visual terms.
10. Whilst the proposal may present no clear conflict with the purposes of the Green Belt, as set out in the Framework, the relevant test in paragraph 149 g) relates to openness. In this regard, the proposal would have a greater impact than the existing development and as such it would not meet any of the Green Belt exceptions and would not accord with Policy 1 of the DLP.

#### *Adequate drainage*

11. Policy 56 of the DLP requires satisfactory information to be provided as to the drainage impacts of wastewater and surface water run-off. An accurate drainage plan showing where the sewage treatment plant would be located has not been provided, and there is a lack of clarity as to where surface water will be disposed of.
12. The appellant contends that as this is a technical element requiring a specialist consultant to carry out investigations on the site, pre-commencement conditions in relation to the drainage system would be appropriate. However, as a clear solution has not been demonstrated, I cannot be satisfied that adequate drainage measures can be provided. Therefore, the proposal would not accord with Policy 56 of the DLP and chapter 14 of the Framework.

#### *Other considerations*

13. The site, including the waiting room and the platforms is listed as a Locally valued (undesigned) heritage asset in the Sprotbrough Neighbourhood Plan (NP), September 2021. The waiting room was considered to be a rare survivor of a small railway structure and apparently the only remaining example of a slate and timber Victorian railway building in the Doncaster area. However, despite the retention and restoration of the heritage asset being cited as a justification for allowing the previous permission, the waiting room has now been removed, with the remaining structure being supported by scaffolding. This presents obvious concerns about the deterioration of the remains, health and safety issues and the overall appearance of the site.
14. Whilst the building was found to have structural issues caused by rotten timber, it has not been demonstrated that there was any meaningful attempt to retain key structural parts of the building. Although I saw that some of the materials from the building are stored on the site, it is not clear how much of the original material can be reused and whether the new building would be an exact copy of the original. In any case, the waiting room would be a replica of what had originally been there. Therefore, despite expressions of support for the proposal, the benefits in terms of the conservation and retention of a heritage asset, as cited in the original planning permission, no longer apply in any meaningful way and so I give this no weight.
15. Although the reconstruction of the waiting room, as part of the railway history of the site, is considered to provide a benefit to the bid for the creation of the

headquarters of the Great British Railways in Doncaster, a clear link to this has not been demonstrated. I therefore give this limited weight.

16. Whilst, regenerating a derelict site would provide some benefits to biodiversity and landscape enhancement, based on the size of the development, this would be relatively small-scale. However, I give moderate weight to these benefits.
17. The proposal would provide some economic benefits in the supply of materials for the development, and the employment of construction workers, but this is only a limited, short-term benefit. Although the appellant considers that the proposal would provide a good-sized, innovatively designed dwelling, the Council currently has more than a 5-year housing land supply and therefore the provision of one new house, however well designed, would be of very small benefit.
18. Although the appellant is prepared to have a pre-commencement condition to provide detailed construction drawings and a material schedule, and conditions in relation to other technical issues, such as drainage, these would only provide mitigation for potential impacts and are therefore neutral in the planning balance.
19. The appellant has referred to an appeal at Prestbury Lodge, Prestbury, relating to replacement buildings and limited infilling in villages within the Green Belt which were assessed against paragraph 145 (now 149) d) and e) of the Framework. I have found that paragraph 149 g) is relevant in this appeal, and the site is not within a village. Therefore, this is not comparable and does not direct me to determine the current appeal in any other way.

### **Green Belt balance**

20. The Framework confirms that the Government attaches great importance to Green Belts. Substantial weight should be given to any harm to the Green Belt, and I have found that the proposal is inappropriate, having a greater impact on openness than the existing development. This substantial harm to the openness of the Green Belt must therefore also receive substantial weight.
21. The Framework confirms that inappropriate development should not be approved except in very special circumstances. It goes on to confirm 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. Given the weight that I have ascribed to them, the totality of other considerations that have been advanced in this case, do not clearly outweigh the harm to the Green Belt and from the lack of a drainage strategy that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

### **Conclusion**

22. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.

23. For the reasons given above, I conclude that the appeal is dismissed.

*M J Francis*

INSPECTOR