



Appeal Decision

Site visit made on 21 November 2023

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/F4410/W/23/3318664

Field House, 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 Mr and Mrs Kevin and Julie Honcharenko against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/01895/OUT, dated 5 August 2022, was refused by notice dated 10 February 2023.
 - The development proposed is outline planning application for the development of up to 4 residential dwellings, with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address above is taken from the application form, albeit the site is ore proximate to the settlement of Finningley than to Blaxton.

Main Issues

3. The main issues are:
 - whether the proposed development is in a suitable location for housing, having regard to the settlement strategy; and
 - the effect of the proposed development on the character and appearance of the countryside.

Reasons

Suitable Location for Housing

4. The site is bound by fields to the north and west, a railway line to the south, and the rear of Station Road dwellings to the east. It comprises a large detached dwelling and garage, within a large garden. The proposal is for up to 4 dwellings off the access drive of the existing dwelling.
5. Policy 1 of the Doncaster Local Plan (LP) (2021) sets the settlement hierarchy, and identifies that development limits have been drawn around the various settlements. The site lies adjacent to but outside of the development limit of Finningley, which is designated as one of the 'Service Towns and Villages'.
6. Part (5) of Policy 1 and the Policies Map identify areas outside of the defined development limits as a 'Countryside Policy Area' (CPA), which therefore applies to the appeal site. Proposals for new development in the CPA will be supported where in accordance with Policy 25.

7. The remainder of Policy 1(5), including the criteria, only applies if the Council is unable to demonstrate a 5 year housing land supply (5YHLS). The appellants suggest that the vast majority of the LP housing allocations are major sites likely to take some time until delivery, but I have no detailed evidence on this basis. As the parties agree there is at least a 5YHLS, with the Council identifying a supply of over 11 years, I therefore find it clear that the second part of Policy 1(5) is not applicable. This policy must be read as a whole, and so I do not discount as only a small element this 5YHLS requirement.
8. Policy 25 sets various criteria for CPA proposals. Only Part (3) relates to new dwellings, which would only be supported if they are provided for various essential needs, exception sites, and isolated homes of exceptional design quality. As the parties agree that the proposal would not relate to any of these housing types, it would not comply with Policy 25.
9. Although the Policy 25 justification text refers to the need to avoid new isolated homes in the countryside, the policy wording itself takes precedence. This does not specify that the policy only applies to proposed isolated homes, or does not apply to locations adjacent to the development limits. It is appropriate to assess the proposal against Policy 25.
10. As the proposal would conflict with Policy 25, it follows that it would also conflict with Policy 1. Overall therefore, the proposed development is not in a suitable location for housing, having regard to the local settlement strategy, and so would conflict with the LP Policies 1 and 25.

Character and Appearance

11. The reason for refusal refers to harm to the intrinsic character and beauty of the countryside, and to the rural setting of Blaxton. Although this wording reflects criterion (D) of the LP Policy 1, which I have identified does not apply, it also reflects the National Planning Policy Framework ('the Framework') (2023) paragraph 174(b). It is appropriate to consider the general impact of the proposal on the character and appearance of the countryside. I take the Council's description of 'Blaxton' in this regard to refer to this general area of countryside, similar to its use within the address.
12. Amongst other matters, the LP Policy 41 requires proposals to respect and enhance character and local distinctiveness, including of local landscapes, and for proposals to respond positively to their context, setting, and existing site features. They should also integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale. Some form of indicative new massing on the site can therefore be considered against Policy 41, despite the matters which are reserved.
13. The proposed dwellings would have built form and development to 3 sides. However, there is a clear separation in character and density between the site and the urban form of the dwellings to the east and south, including due to the strong boundaries. To the north, the existing dwelling and garage is a protrusion behind this main pattern of development along Station Road. Although it can be glimpsed from Station Road, its large bulk and spacious layout is very different to the adjacent dwellings. Along with its garden, its village fringe location does not make it visually a part of the built up area, but forms part of the countryside setting of that built up area.

14. Furthermore, there is no strong boundary between the site and the fields to its west. Although significant screening and separation could be introduced as part of the proposal, this does not alter that at present, the site has the characteristic and function of a clearly very open garden with a strong rural aspect. As such, it contributes to the intrinsic character of the countryside, allowing for wide views across it.
15. Notwithstanding the proposal's small scale of 1 to 4 dwellings, including in relation to the size of Finningley as a whole, and including any height or size limitation, it would therefore encroach into this setting. It would not visually integrate within the local countryside character. Alongside the new dwellings there would also be additional domestic paraphernalia, hardstanding, boundary treatments, and parked cars, all of which would urbanise the open landscape.
16. Overall therefore, I find the proposed development would cause harm to the character and appearance of the countryside, and would conflict with the LP Policy 41. It would also conflict with paragraph 174(b) of the Framework, and also paragraph 130 whereby developments must add to the overall quality of the area, and be sympathetic to local character including the surrounding landscape setting. I note that although the Council has also referred to the LP Policy 44, this relates to detailed design, and is therefore not directly relevant as all matters are reserved at this stage.

Other Matters

17. The Council suggests the site is not previously developed land (PDL) because it is within the built-up area, and the Framework definition specifically excludes land in built-up areas such as residential gardens. I take account of the High Court judgement in *Dartford Borough Council vs Secretary of State for Communities and Local Government* ([2017] EWCA Civ 141). Although that case was within the Green Belt, the relevant part of the judgement concluded that residential gardens outside of designated built up areas are classified as PDL. As the site is outside of the development limit boundary, I therefore find the site to be PDL.
18. The LP Spatial Strategy identifies that development in rural areas should make the most effective use of PDL, but PDL is not referenced within the LP policies except for sites for Gypsies, Travellers, and Travelling Show People. However, I disagree with the appellants' assertion that the Framework paragraph 11(d) presumption in favour of sustainable development should therefore be applied. As identified above, I find the LP policies to be relevant for the purposes of determining the principle of development within and outside the development limits.
19. However, in accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration which may provide additional policy guidance or support. Paragraphs 111, 119, and 120 provide general support for the re-use of PDL, encouraging the effective use of land in meeting the need for homes, and support for the development of under-utilised land and buildings. Although also highlighted by the appellants, the PDL reference at paragraph 85 relates to meeting local business and community needs of the rural economy, rather than for new dwellings.

20. Alongside this support, I also take account of the Framework PDL definition, which identifies that it should not be assumed that the whole of the curtilage of the developed land should be developed. As a residential garden which has not previously contained any built form, I find this to be a relevant consideration. Overall, the Framework provides limited support for the site's development solely on the basis of it being PDL, to which I give limited weight.
21. A further material consideration is that neither the 5YHLS nor the housing target in the LP acts as a ceiling to additional dwellings. The proposal would result in up to 4 additional dwellings on the edge of a service village. The Framework seeks to significantly boost the supply of homes, and so additional housing in this location is a benefit of the proposal. The resulting social and economic benefits would be the additional market housing in a relatively sustainable location, the new occupiers increasing local expenditure and demand for local services, and the economic benefits from construction. These benefits for 4 dwellings would be modest, and I give them moderate weight.
22. There may also be potential environmental benefits such as increased biodiversity, and sustainable methods of construction and eco style housing. These are not specific or certain at this stage due to the proposal being only in outline, but I have taken them into account in principle, and give them limited weight.
23. The evidence references a site at Old Cantley, where the Council's planning officers accepted a departure from the development plan including against Policy 25, albeit the proposal was ultimately refused by Committee and dismissed on appeal¹. The description of that site's positioning is sufficiently different to that before me such that I do not find it to be determinative.

Conclusion

24. The provision of up to 4 dwellings would provide various modest benefits, and the Framework also provides limited support to the development of the site as PDL. However, the Framework is also clear that good design is a key aspect of sustainable development. I have found that the proposal would cause harm to the character and appearance of the countryside. It would also harm the Borough's development strategy by providing new development in a countryside location, and there is a substantial existing housing supply.
25. Overall therefore, the proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR

¹ APP/F4410/W/22/3302327