

Appeal Decision

Site visit made on 4 October 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2016

Appeal Ref: APP/F4410/W/16/3154552

Gun Shop, Bawtry Road, Hatfield Woodhouse DN7 6PQ

- 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 and Mrs M F Finlan against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/00812/FUL, dated 17 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is conversion of Gun Shop and erection of extension to form new dwelling.
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Decision

1. The appeal is dismissed.

Planning Background

2. In June 2012 planning permission was granted by the local planning authority under reference 12/00600/FUL for '*Conversion of existing barn to living accommodation, erection of part two storey/part ground floor extension to side of existing barn, demolition of part of existing gun shop and erection of part two storey/part single storey extension to form workshop/triple garage/swimming pool/storage area*'. The second part of this description relates to the site the subject of the current appeal.
 3. I understand from the appellant that at the time of the original 2012 planning application the conversion of the barn and associated extension was intended for a relative. However, the circumstances changed and consequently, having already implemented their planning permission, in order to ensure the lawful occupation of the barn as a separate unit of residential accommodation, in 2015 a further planning application was submitted for '*Conversion of barn and erection of extension to form new dwelling*'. Planning permission was subsequently granted under reference 15/01681/FUL on 26 January 2016.
 4. The current appeal relates to the Gun Shop site which is the remainder of the site that was the subject of the 2012 planning permission but was not the subject of planning permission 15/01681/FUL.
 5. The appellant has pointed out that the demolition of part of the existing gun shop and erection of part two storey/part single storey floor extension to form a workshop/triple garage/swimming pool/storage area could be implemented without the need for planning permission on the basis of the planning
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permission granted by the local planning authority under reference 12/00600/FUL in June 2012.

6. The Council is unable to make a clear statement regarding which planning permission has been implemented to convert the barn which is now occupied as a stand-alone residential property known as Shoemaker's Lodge located adjacent to May House. However, the appellant is clear that the implementation of 12/00600/FUL had commenced and was nearing completion when 15/01681/FUL was submitted and that the conversion of the gun shop under the 2012 permission remains extant. In support of this the appellant states in their Design and Access Statement that the conversion of the barn to residential accommodation had already commenced under the 2012 planning permission and was nearing completion at the time of submitting application 15/01681/FUL. Several other references to implementing the 2012 are made in their Statement of Case and Response to the Council's Appeal Statement.
7. It is apparent from the drawings that in design terms the proposed development is almost the same as that which was previously approved under reference 12/00600/FUL. The only external change is that the openings previously proposed as garage doors would be used as large openings to serve the kitchen and living room and form the side entrance to the property.

Main Issue

8. The main issue is whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing and which seek to protect the countryside.

Reasons

9. The appeal site comprises a modest pitched roof brick structure with large single storey attached outbuilding to its rear. It is understood that the building was previously used as a gun shop, although this use ceased some years ago. The land associated with the buildings comprises an open paddock containing some old structures such as a disused chicken enclosure and wooden outbuilding.
10. The site is located adjacent to Shoemakers Lodge, a two storey residential barn conversion which is currently occupied as a stand-alone residential property attached to May House. The residential curtilages of Shoemakers Lodge and May House are situated immediately adjacent to the appeal site. Agricultural fields are situated beyond the hedges which form the remaining boundaries of the site.
11. The site is close to a group of residential properties grouped around the junction of Bawtry Road and Ancient Lane. The village of Hatfield Woodhouse is located a few minutes' walk from the site. It has limited local services, but does have a village hall, social club, church, convenience store and a parade of shops which includes a hot food take away, hair salon and dog grooming studio. There are bus stops very close to the site which provide regular weekday services towards Lindholme and Doncaster. There are less frequent buses at weekends.
12. The site is outside the settlement boundary of Hatfield Woodhouse as shown on the proposals map of the Doncaster Unitary Development Plan Adopted July 1998 (the UDP). It is designated within the Countryside Policy Area (CPA)

according to Saved Policy ENV2 of the UDP which sets out the purposes of the Countryside Policy Area, including safeguarding the countryside from the encroachment and providing an attractive setting for towns and villages. Saved Policy ENV4 of the UDP goes on to state that development in the CPA will not normally be permitted for purposes other than those appropriate to rural areas.

13. Furthermore, according to the Doncaster Council Core Strategy 2011-2028 Adopted May 2012 (CS) the site is within the designated Countryside Protection Policy Area (CPPA). Policy CS3 states that in this area proposals will be supported where they would be appropriate for a countryside location and would protect and enhance the countryside. A key objective of CS3 is to ensure that the countryside is not eroded by significant adjustments to the boundaries of built up areas.
14. Policy CS2 of the CS identifies Hatfield Woodhouse as a larger defined village where quality infill will be permitted and existing village boundaries will only be amended if considered necessary to establish new defensible boundaries.
15. In assessing the current proposal it is important to consider whether the development plan is up to date having regard to the provisions of the National Planning Policy Framework (the Framework). Although the UDP predates the Framework its policies should not be considered out of date simply because of its date of adoption. Due weight should be given to such policies according to their degree of consistency with the Framework. Although the UDP only sought to guide development period up to 2001, Policies CS2 and CS3 of the CS which seek to achieve housing requirements for the period up to 2028 nevertheless use the settlement boundaries as defined under the UDP. Furthermore, the CS clearly reflects the approach to the protection of the countryside in Saved UDP Policies ENV2 and ENV4. Consequently, I consider that the settlement boundaries are relevant to the assessment of the current appeal and that Saved Policies ENV2 and ENV4 are not inconsistent with the Framework.
16. The development of the site would represent residential encroachment into the countryside. No structural survey or other evidence has been submitted to confirm whether the building is sound and is capable of being re-used without extensive rebuilding. The development of the property to form a new dwelling also proposes a large extension which would replace the outbuilding which is currently attached to the original brick built part of the Gun Shop. Furthermore, since the original planning application in 2012 the building may have deteriorated and now be incapable of conversion. In any case, the proposal would constitute new development in the countryside for which I find there would be no clear justification in principle under current development plan policies.
17. There is some natural screening to the front, side and rear of the site which does help to reduce the potential impact of new building on the immediate surroundings. Additional new hedge and tree planting is proposed along the boundary of the site. Furthermore, the immediate surroundings of the site have been materially altered in the past few years with the conversion of the adjacent barn to a new separate residential property. Further alterations are proposed by the current scheme, including the provision of additional car parking spaces and erection of a screen fence.

18. The introduction of such a large residential building in this location would be at odds with the general linear pattern of development in the vicinity and would alter the character of this site and its surroundings to an unacceptable degree. The provision of a separate domestic curtilage, boundary treatments and the potential for there to be additional domestic paraphernalia associated with a separate residential unit would further erode the overall character and appearance and the countryside, which causes further concern.
19. The impact of the loss of openness of the countryside and its rural character would be mitigated somewhat by the landscaping along some of the site's boundaries and its containment by existing adjacent buildings, including May House and Shoemakers Lodge. However, the development by way of the extent of building work required would not preserve the openness of the countryside or the overall reasons for including the land within it.
20. The proposal is not a form of development acceptable under Policies CS2 and CS3 of the CS as it would harm its openness and character.
21. Policy CS2 of the CS indicates that larger defined villages such as Hatfield Woodhouse are relatively unsustainable locations for housing growth. New development should be restricted to infill. However, as this site is outside the settlement boundary and is separated from the boundary by open land and sporadic development it cannot be considered to be infill. The site is relatively close to Hatfield Woodhouse, within ten minutes walking distance from a range of local facilities and services and is served by regular bus services. As such, it is relatively accessible for a site within the countryside. However, it would only make a small contribution to housing supply. There may be some limited economic benefits associated with the construction phase.
22. The Council has indicated that it maintains a five year housing supply. However, the appellant challenges this on the basis of a recent case where the local planning authority resolved to grant planning permission for a development of approximately 400 dwellings with the CPA. However, it appears to me that the circumstances relating to that case are materially different to the current appeal and has limited relevance to the current appeal, including the fact that the land in question was located in a Potential Growth Area. Furthermore, there is no clear statement in the Committee report that the Council does not have a five year supply of housing land. Accordingly, there appears to be no justification for granting planning permission for the housing development under consideration which would be outside settlement boundary.
23. I therefore conclude that the proposal would be contrary to the objectives of local and national planning policies relating to the location of housing and which seek to protect the countryside. Therefore it does not accord with Policies Saved Policies CS2 and CS3 of the CS, Saved Policies ENV2 and ENV4 of the UDP and the Framework.

Other matters

24. The appeal site has been the subject of previous planning permissions, which would allow the existing Gun Shop to be altered and substantially extended in a similar way to the current proposal. Although the appellant says the permissions have been implemented, the Council expresses some uncertainty

regarding the implementation of 12/00600/FUL, which planning permission was granted in June 2012.

25. The evidence before me regarding the implementation of the 2012 planning permission is not conclusive. However, the appellant insists that the development was commenced and remains extant, and the Council has not provided any firm evidence to the contrary.
26. But even if the appellant is right on that point, I cannot conclude on that basis alone that it is likely that the development will ever be completed by converting and extending the former gun shop as permitted. Indeed, the evidence before me suggests that circumstances and requirements may have changed significantly since the original 2012 planning permission was granted. I reach this view in part as a result of the planning application in 2015 to convert the barn attached to May House as a separate unit of accommodation, including the erection of a part two/part single storey extension to the side of the barn. I observed on site that the barn has been converted but the original garage building remains in place and extension has not been erected. I have no firm evidence of any current need for the building to be extended as permitted.
27. Overall, on the limited information before me, there appears to be at least some prospect that the former gun shop could be converted and extended under an extant permission. However, there can be little certainty that those works would be carried out in the event of this appeal failing. Accordingly, I attach only limited weight to this consideration.
28. The local planning authority has drawn my attention to a recent appeal for Land to the rear of Field Cottage, Main Street, Hatfield Woodhouse, Doncaster (Appeal reference APP/F4410/W/16/3151727). My findings on the current case are consistent with that decision so far as it is relevant.

Conclusion

29. The proposal would conflict with the development plan and the Framework with reference to the location of housing and protection of the countryside. Therefore, planning permission should not be granted unless material circumstances indicate otherwise. In this case the most significant other material consideration is the fall-back position with respect to the implementation of a previous planning permission 12/00600/FUL. However, given my conclusion that the part of that planning permission which relates to the former Gun Shop and associated land is unlikely to be implemented I have given the fall-back position little weight.
30. As such the harm I have identified would not be outweighed by other material planning considerations.
31. For the above reasons and taking account of other matters I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR