
Appeal Decision

Site visit made on 28 November 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/F4410/W/16/3155192

New Mill Field Road, Hatfield, Doncaster

- 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 J Holt against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 15/01762/OUT, dated 15 July 2015, was refused by notice dated 25 April 2016.
 - The development proposed is the erection of nine detached dwellings and garages including new accesses.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the address of the appeal site from the Council's decision notice which is also within the appellant's appeal form as this is more complete than that on the planning application form.
3. The application is in outline; with all matters except for access reserved for future consideration. A layout plan has been submitted and I will treat this as indicative only.
4. The Council advise that an updated ecology report has been assessed subsequent to the determination of the planning application the subject of this appeal. They confirm that subject to the imposition of conditions the contents of the updated report is sufficient for them to withdraw their objections to the proposal in relation to biodiversity.

Main Issues

5. The main issues are:
 - i) whether the development would be consistent with local and national policies relating to its countryside location
 - ii) the effect of the proposal on the character and appearance of the area.
-

Reasons

Suitable site for housing

6. The appeal site is located within the Countryside Policy Area (the CPA) as designated within the Doncaster Unitary Development Plan 1998 (the UDP). Saved Policy ENV2 states that the purposes of the CPA are amongst other things to protect the countryside from encroachment and prevent the coalescence of settlements. Saved Policy ENV4 of the UDP seeks to prevent housing within the CPA other than limited infill, replacement or agricultural dwellings or the reuse of existing buildings.
7. The appellant queries whether Policies within the UDP can be considered up to date given their age and the comments within the Inspectors letter dated 3rd June 2014 regarding the Examination in Public of the Council's Sites and Policies Development Plan Document which was subsequently withdrawn. The comments relate to the lack of assessment of the CPA for any special qualities to justify it having any special status over and above open countryside. Furthermore, the Inspector considered that the Council had not given proper consideration of developing the countryside and Green Belt before allocating sites in Flood Risk Areas.
8. The National Planning Policy Framework (the Framework) seeks to protect and enhance the natural environment, recognising the intrinsic character and beauty of the countryside and avoid isolated homes in the countryside unless there are special circumstances. Furthermore, the more recently adopted Policy CS3 of the Doncaster Council Core Strategy (2011-2028) 2012 (the CS) repeats the protection of the CPA although calls it the Countryside Protection Policy Area (the CPPA) and the restriction of development within it. Irrespective of the name given to the countryside therefore I consider that the broad thrust of the saved Policies ENV2 and ENV4 to protect it from inappropriate development are in accordance with the Framework and therefore can be given some weight. The proposal would not comply with any of the exceptions within saved Policy ENV4 and therefore would be contrary to that Policy and Policy CS3 of the CS.
9. However, the site is located adjacent to the settlement boundary of Hatfield. Hatfield is included within Policy CS2 as a Potential Growth Town with an allocation of 1200 dwellings. These are settlements that are in need of physical and economic regeneration. Policy CS10 contains a hierarchy of housing allocation with priority given to brownfield sites followed by well-located urban sites and then sustainable urban extension sites (SUE).
10. Policy CS10 therefore does not rule out the possibility of development on sustainable urban extension sites. The explanatory text to Policy CS3 states that urban extensions on land previously designated as CPA will be required to meet the boroughs housing and employment requirement. This is reinforced in the Council's reports on applications 15/00806/OUTM, 14/01789/OUTM, 14/0296/OUTM, all of which recommend granting planning permission for large numbers of houses on land within the CPA.
11. The appeal site is located adjacent to the settlement boundary of Hatfield and is within walking distance of shops and facilities within the town. Although there is no footway outside the appeal site it is only a very short distance to the main road providing access to a good range of local facilities. Furthermore

the appeal site is located only about 150 metres from a bus stop which is served by a regular service providing access to nearby settlements. As a result therefore the appeal site is located in an accessible location.

12. The Council, however do not consider the site to be a SUE such as to comply with the requirements of Policies CS2 and CS10. I have been unable to find any criteria that the Council uses to define a SUE. From the evidence in front of me it appears to relate to the size of the proposal, its ability to deliver jobs and infrastructure tied to housing renewal and improvements to services within the Potential Growth Town Settlement of Hatfield Stainforth and Dunsville along with the provision of defensible boundaries. Furthermore, I am aware that there are a number of unused UDP housing allocations which are urban extension sites in sustainable locations that support the Growth and Regeneration Strategy. However the appeal site does not fall within the latter category.
13. The appeal site would be bound by the M18 to the south. While there is open countryside to the north the presence of New Mill Field Road from which the site would be accessed provides a defensible boundary. Its link to the urban area of Hatfield is constrained by existing housing. As a result therefore the development of the appeal site would result in an area of housing with defensible boundaries with respect to an SUE.
14. Never-the-less Policy CS2 requires that housing growth is supported subject to the co-ordinated delivery of jobs and infrastructure tied to housing renewal and improvements to services. The proposal is for nine dwellings and as a result of the low number of houses, the ability to deliver jobs and infrastructure is likely to be limited. The application report prepared by the Council states that the appellant would be prepared to contribute a total of £45,000 towards the cost of delivering jobs and infrastructure.
15. However, I have no means in front of me such as a S106 agreement to secure the provision of such a sum. Furthermore, I have no evidence to suggest what level of contribution would be appropriate and what the money would be spent on. I cannot be sure therefore that it would be delivered in coordination with regeneration initiatives and in this respect therefore I do not consider that the development would be in accordance with Policy CS2.
16. I appreciate the comments of the appellant regarding whether the payment of a financial contribution is sufficient justification to overcome the normal objection to development in the countryside. However I have not been party to S106 agreements in association with other applications that have been granted within the CPA. In particular I am not aware of phasing arrangements and the amount of housing that can be delivered before payments must be made. Nor am I aware as to the purpose of the payment other than regeneration initiatives. I am not in a position to comment therefore as to whether the benefits outweighed the harm to the countryside in these cases and whether they are comparable to the appeal in front of me now.
17. It seems to me therefore that while the appeal proposal would have defensible boundaries it would not be of a size, or have the ability to ensure the co-ordinated delivery of housing, jobs and infrastructure that would be required to be considered as a SUE. The proposal would not therefore comply with Policy CS2 or CS10 in this respect.

18. I have also given some consideration as to whether the proposal would justify minor amendment to the settlement boundary as contained within criteria of Policy CS3. However I observed on site that the settlement edge of Hatfield had a very clear delineation marked by Backfield Lane and Old Epworth Road West beyond which was predominantly open countryside with sporadic development. As a result therefore the existing settlement boundary is defensible and the proposal would not justify a minor amendment to the settlement boundary.
19. In the case of Hatfield much of the regeneration is centred around the DN7 initiative which involves jobs and infrastructure including Hatfield Power Park and power station and M18 link road, improvements to existing housing areas and local retail centre, refurbishment of the railway station and the creation of a rail/bus/park and ride interchange, sustainable flood risk mitigation and the provision of 3100 houses. The appellant considers that the project will not contribute to vitality and viability due to its distance from Hatfield and that it proposes its own centre. However, I have seen nothing to substantiate this claim, and the DN7 initiative is well supported through a recently adopted CS. The planning application for the development has recently been approved subject to the signing of a S106 agreement.
20. The developer for DN7 estimates the build out rate for the development to be about 90 dwellings per annum. As the S106 agreement has not yet been signed then it is unlikely that the first housing would be completed in the near future. According to the Council the likely lead in time for the delivery of the link road and other infrastructure, together with the estimated build rate means it is unlikely that this development in isolation would account for 1200 dwellings within the plan period.
21. While the appellant asserts that there is inadequate land to meet the housing target for the Potential Growth Town, the Council advise that recent planning permissions have been approved on three sites within the vicinity of Hatfield for about 720 houses. These schemes included S106 agreements with contributions towards the DN7 initiative to facilitate the co-ordinated delivery of jobs and infrastructure.
22. Following work on the Housing and Economic Land Availability Assessment through a stakeholder group with six members of the Home Builders Federation the Council consider that a realistic average build out rate for Doncaster is 35 dwellings per annum for each outlet. They also conclude that the DN7 initiative could realistically support two outlets. On this basis the four approvals together would deliver the allocation for the Potential Growth Town within the plan period.
23. The appellant states that one of the permissions referred to by the Council is a Housing Renewal Site and therefore 152 of the houses are not new but replace existing. Furthermore they are not in locations that people consider are desirable to live. Moreover the houses that would be delivered on the appeal site will be expensive detached dwellings aimed at a different market than those already approved.
24. However, I have seen no evidence to suggest that people would not be attracted to the new housing within the DN7 initiative, particularly given that the aim of the project is to create jobs and significant infrastructure at the same time as the new housing. Indeed the exact detail of the housing has not

- yet been agreed. Even without the 152 replacement dwellings the anticipated build out rates of the approved developments should ensure that the required number of dwellings would be constructed within the plan period.
25. While the S106 agreement has yet to be signed on the DN7 application I have seen no substantive evidence to suggest that it would not be signed within a reasonable timescale to allow development to commence.
26. The Council refer to a recent appeal decision APP/F4410/W/16/3151727 where the Inspector found that there was no evidence to suggest that the Council did not have an up to date 5 year supply of housing and as a result it was reasonable to conclude that the relevant policies for the supply of housing were up to date.
27. The appellant asserts that reliance cannot be placed on this decision and suggests that some housing allocations are at risk of flooding unlike the appeal site which is in Flood Zone 1. He considers therefore that they will need to re-assessed and may be de-allocated which will reduce the housing land available. As I understand it housing allocations are within the UDP and the Council acknowledge within the explanatory text of Policy CS10 that some will need to be de-allocated due to their location in Flood Zones 2 and 3. Despite this the Council still consider that they have a five year supply of housing land and I have seen no substantive evidence to the contrary.
28. Therefore even if I were to consider the site to be a SUE, whether it was referred to as a SUE or an urban extension site it would still represent development on CPA which would in accordance with Policy CS3 have the lowest priority for release for housing. I have not been given sufficient evidence to demonstrate that there are no brownfield sites or other well located urban sites available for development. Furthermore, the adequacy of the Council's five year housing land supply together with the number of houses with planning permission or about to receive planning permission to contribute to the allocation for the Potential Growth Town leads me to conclude that there is no immediate need to release additional sites to ensure an adequate supply of deliverable housing sites, including those outside of the settlement boundaries such as the appeal site.
29. For the reasons above therefore I conclude that the proposal would not be consistent with local and national policies relating to its countryside location. It would therefore be contrary to Policies CS2, CS3 and CS10 of the CS and saved Policies ENV2 and ENV4 of the UDP.

Character and appearance

30. The appeal site is bounded by the M18 to the east and New Mill Road to the west. There is a high hedge along the boundary with New Mill Road together with wide grass verges. Opposite the site to the west is open countryside also bound by a high hedge. Further along New Mill Road are four dwellings, all of individual designs, set back from the road within large plots which incorporate mature planting and front hedges. As a result the area has a rural character and appearance distinct from the tight urban grain of the adjacent settlement of Hatfield. The appeal site forms an undeveloped field and therefore positively contributes to the rural character of the area.

31. The introduction of nine houses on the appeal site, together with the removal of large parts of the hedge for the proposed accesses would have a significant adverse visual impact in the countryside location. I am aware that development exists on the opposite side of the M18, however the presence of the motorway presents a substantial visual barrier. As a result the appeal site is read more within the context of the land to the west of the motorway which is predominantly open countryside.
32. It would create a more continuous and intensive urban frontage which would encroach further into the rural area reducing the openness. This would be reinforced through the introduction of further residential paraphernalia such as washing lines, car parking and refuse bins and be accompanied by further traffic generation and more intensive domestic activity in and around the buildings all of which would detract from the rural character and appearance of the area.
33. While I appreciate that the submitted layout is indicative only, the plan shows the nine houses would have minimal space between them which would emphasise the urban nature of the development as opposed to the well-spaced open existing development along the road.
34. The Council has referred to appeal decision APP/F4410/W/16/3151727 which they consider to be similar to the appeal site. However, I have not been supplied with full details of the proposal and therefore cannot be sure that it is a direct parallel to the appeal site including the particular character and appearance of the surrounding area. In any case I have determined the proposal based on its own merits.
35. For the reasons above therefore I consider that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy CS3 of the CS and saved Policies ENV2 and ENV4 of the UDP. These seek to protect and enhance the Borough's countryside.

Balancing and conclusion

36. The proposal would deliver social and economic benefits by providing nine new homes. In this respect, the development would make a modest contribution to meeting housing requirements and choice in the Borough whilst supporting local services and businesses. There would also be temporary economic benefits arising from the construction activity required to deliver the development.
37. Although the site is not currently needed in order to ensure an adequate supply of deliverable housing sites, there is nothing in the Framework to suggest that the existence of a five year supply should be regarded as a restraint on further development. In this context, I attach moderate weight to the social and economic benefits identified based on the scale of development proposed.
38. The proposal would conflict with the approach to the location and supply of housing and protection of the countryside in Policies CS2, CS3 and CS10 of the CS and Saved Policies ENV2 and ENV4 of the UDP and would not therefore be in accordance with the development plan.
39. In such circumstances, paragraph 11 of the Framework indicates that planning permission should not be granted unless material considerations indicate otherwise. The Framework does not change the statutory status of the

development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan policies I have referred to, and the considerable resultant harm would not be outweighed by other material considerations.

40. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR