
Appeal Decision

Site visit made on 4 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/A3010/W/17/3173194

**Land off Mattersey Road and Broomhill Lane, Everton, Doncaster
DN10 5DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr & Mrs Troop against Bassetlaw District Council.
 - The application Ref 16/01656/OUT, is dated 24 November 2016.
 - The development proposed is for the development of 14 houses with accesses off Mattersey Road and Broomhill Lane, extension to Everton village cemetery and creation of new cemetery car park with new access from Mattersey Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application sought outline planning permission with all matters reserved apart from access. Accordingly, I have assessed and determined the appeal on that basis, treating all submitted plans as illustrative.
3. The Council confirms that it is unable to demonstrate a five year supply of housing land. As such, I have had due regard to this and taken such matters into account in my determination of this appeal.
4. I note that Everton Parish Council has produced a Draft Neighbourhood Plan (NP) and that both parties have referred to relevant policies within the Draft NP. I have had regard to the Draft NP, its policies and the stage in production that it has reached and accordingly, I have given moderate weight to it.
5. The Council did not issue a decision within the prescribed period. Therefore, the appellants exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application. The Council states that the proposal has no comprehensive design concept, would be piecemeal in form and layout and would be at odds with the existing character and built form of the village. Furthermore, given the proximity of a proposed dwelling to a neighbouring agricultural workshop and a machinery servicing and repair business, the proposal would have an adverse impact on future occupiers in terms of noise and disturbance. In addition, there is no evidence of public support for the extension of the cemetery. As such, the Council states that element of the proposal would be contrary to the aims of the Local Development Framework (LDF) and the Draft NP.

6. As a result, the Council's reasons for refusal are that the proposal would have a harmful impact on the character and form of the settlement and would be detrimental to the residential amenity of future occupiers of the proposed development in terms of noise and disturbance. Furthermore, without explicit public support for the proposed cemetery extension, the proposal would be contrary to the relevant policies and aims within the LDF and Draft NP.

Main Issues

7. Having had regard to the above, I consider the main issues to be the effect of the proposed development on the:
- character and appearance of the surrounding area; and
 - living conditions of future occupiers with regard to noise and disturbance.

Reasons

Character and appearance

8. The appeal site is on the western edge of Everton and is irregular in its shape. To the east there is existing residential development and the village cemetery which forms linear development along Mattersey Road and, at the time of the site visit, four dwellings were under construction between the southern part of the appeal site and Mattersey Road. Therefore, the immediate area around the appeal site is characterised by ribbon development along both sides of Mattersey Road. To the west of the site is open countryside and to the north west lies an agricultural workshop and business.
9. Policy DM4 of the LDF states that all major development will need to demonstrate that they make clear functional and physical links with the existing settlement and surrounding area and have not been designed as 'stand-alone' additions. I note that development should complement and enhance the character of the built, historic and natural environment. Furthermore, the Council's Successful Places Supplementary Planning Document states that development on the edges of villages will require careful consideration in order to mitigate any visual intrusion and integrate schemes successfully into their surroundings.
10. The appellants argue that the proposed development would be adjacent to the existing built form of the settlement and would provide clear physical and functional links through nearby sites and the existing road network at Mattersey Road. Furthermore, it is argued that the two main groups of proposed dwellings, as indicated on the submitted plans, would have regard to their respective immediate surroundings. As a result, the proposal would comply with local and national policy and guidance.
11. Notwithstanding this, as the proposal is for outline permission, the specific details of the house designs and layout of the proposed development, other than access, are not before me. Furthermore, whilst I have had regard to the submitted plans, I regard these as illustrative and therefore I have given them limited weight in determining the appeal.
12. In my view, the illustrative material and evidence before me indicates no clear overall design concept for the development and I find that the scheme would

be piecemeal in its layout and design. I have acknowledge that the site is irregular in shape and its location makes its development difficult in terms of its visual relationship to, and impact on, the existing character and built form of the settlement. Notwithstanding this, and having regard to alternative layouts submitted by the appellant, I find that the form and dimensions of the appeal site do not allow much scope to provide an appropriate and sympathetic boundary with the adjacent countryside.

13. I note that the character of this part of the settlement is less distinctive than other parts which lie within the conservation area. However, having regard to all of the above matters, I find that the proposal would not complement or enhance its surroundings. Furthermore, the site would be dominated by the access roads serving the proposed development, particularly given their prominent positions within the proposed scheme, as shown in the application plans. Notwithstanding the appellants' point that landscaping matters are reserved for a later application, I find that the proposal would create an overly sub-urban and would appear out of keeping with the rural character and setting of the site on the edge of the village.
14. Consequently, I conclude that the proposal would have a significant detrimental effect on the character and appearance of the surrounding area. It would therefore be contrary to Policy DM4 of the LDF and the relevant guidance in the National Planning Policy Framework (the Framework). Amongst other matters, this policy seeks to ensure that development complements and enhances the character and appearance of its surroundings and is of a high quality design.

Living conditions

15. The submitted illustrative plans indicate the proposed siting of a dwelling ('H1') adjacent to an existing agricultural workshop and associated machinery servicing and repair business. Given the proximity of the proposed dwelling to the existing commercial and agricultural buildings, I find that this would likely result in the future occupiers of this dwelling experiencing substandard poor living conditions with particular regard to noise and disturbance.
16. I appreciate the appellants' point relating to the occupancy of property 'H1' being conditioned for agricultural workers occupancy only. However, I am not persuaded that such a measure would adequately address the concerns raised, or alleviate any adverse impacts, regarding the living conditions of future occupiers of that property relating to noise and disturbance.
17. From what I have seen and read, the scheme appears to have altered somewhat from that originally proposed. This is evident by the revised illustrative layouts submitted and the proposed change of access to property 'H1' through the existing farmstead to the north and west rather than from the south. Whilst I appreciate that these amendments respond to concerns raised during the application process, such changes indicate to me that the original proposal, if allowed, would open the possibility of development on the appeal site which would have an adverse impact on the amenity of the surrounding area and the living conditions of future occupiers. Furthermore, I have seen no substantive evidence to indicate that the potential noise and disturbance from neighbouring uses would have no adverse impact on future occupiers of the proposed dwelling indicated as 'H1'.

18. Consequently, I conclude that the proposal would have an adverse impact on the living conditions of future occupiers with regard to noise and disturbance. It would therefore be contrary to Policy DM4 of the LDF and the relevant guidance within the Framework. Amongst other matters, this policy and guidance seeks to ensure that development provides adequate residential amenity for new and existing residents.

Other Matters

19. I note the appellants' point relating to other adjacent sites and sites outside development limits around the village having been permitted. I have had due regard to these matters. However, I do not have the full details or circumstances of these other developments before me. Whilst it may be that there are some similarities with the appeal proposal, there are also differences. Notwithstanding this, each proposal must be considered on its own merits and circumstances. Accordingly, I have assessed the appeal scheme on that basis. Therefore, I have given these matters only limited weight.
20. I note that the proposed cemetery extension has not received any substantive specific support from the local community. In addition, I find that the siting of the cemetery extension would not relate particularly well to the site and layout of the existing cemetery. As a result, the proposed extension would not be logically or functionally well placed in relation to the existing cemetery. Notwithstanding this, whilst I have had due regard to it, I do not consider this matter to be determinative in this case. Nonetheless, I find that it does not weigh in favour of the proposal due to the lack of support demonstrated and its lack of functional relationship to the existing cemetery. Therefore, such matters contribute to my overall finding that the proposal would be contrary to the aims of the LDF, the Framework and the emerging Draft NP.

Planning Balance

21. The proposed development would have social and economic benefits such as delivering housing in an area where there is an undersupply and the associated increases in Council Tax and New Home Bonus payments. It would also provide land for the potential extension of the village cemetery and a car park and also create construction jobs. Furthermore, I note no technical objections to the proposal regarding such matters as highways, flood risk and affordable housing. Notwithstanding this, having had regard to these and all other benefits put forward in support of the scheme, I find that such benefits would not outweigh the significant harm I have identified.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Andrew McCormack

INSPECTOR