



Appeal Decision

Site visit made on 2 July 2019

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 22nd July 2019

Appeal Ref: APP/A3010/W/19/3226468

Land at Norwith Hill, Bawtry Road, Newington, Doncaster

- 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 PS Goodall and Partners against the decision of Bassetlaw District Council.
 - The application Ref 18/01403/FUL, dated 1 November 2018, was refused by notice dated 18 March 2019.
 - The development proposed is a change of use of agricultural field to green burial ground.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by PS Goodall and Partners against Bassetlaw District Council. This application is the subject of a separate Decision.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal on: the character and appearance of the local area; and, highway safety.

Reasons

Character and appearance

4. The proposal involves the change of use of the southern section of a relatively large agricultural field to a green burial ground. The southern boundary of the appeal site, which is lined for the most part by hedgerow, adjoins a section of highway, part way between Newington and Misson. There are 2 existing field-gated vehicular access points to this field off the highway. The entrance in the eastern corner of the site would be used as the main access point, with the other gateway, further to the southwest, reserved for emergency use.
 5. In keeping with the *National Planning Policy Framework* (the Framework), which seeks to ensure that development is sympathetic to local character, Policy DM4 of the *Bassetlaw Core Strategy & Development Management Policies DPD, 2011* (BCSDM) seeks to ensure that new development respects its wider surroundings, in relation to landscape character, amongst other things. Furthermore, BCSDM Policy DM9 indicates that new development
-

proposals in the countryside will be expected to be designed to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the *Bassetlaw Landscape Character Assessment* (BLCA). Proposals will be expected to respond to the local recommendations made in the Assessment. In addition, Policy 5 of the *Misson Neighbourhood Plan* (MNP) supports the improvement of community facilities in the Parish where the scheme is appropriate to its rural setting.

6. According to the BLCA, the site lies within the Idle Lowlands Policy Zone 02: Misson where it recommends that the open rural landscape should be conserved by concentrating new development around the existing settlement of Misson. Furthermore, it gives encouragement to the restoration of arable farmland to pasture and the restoration of drainage ditch/hedgerow field boundaries and the historic field pattern, where they have been lost.
7. The main entrance to the proposed facility would be at an existing field-gated entrance at the eastern corner of the site, which includes a tarmac apron between the carriageway and the existing field gates. At present, inside the gates there is an area of hardstanding comprising compacted stone. The application indicates that beyond the tarmac apron, a driveway would be formed, comprising block paving or other agreed medium. The initial section of the driveway, leading to a new gateway set further back from the highway, would be enclosed on both sides by post and rail fencing. In my judgement, the proposed fenced driveway would have a formal appearance inconsistent with the aims of conserving an open rural landscape. However, given the pre-existence of an area of hardstanding, the resulting harm would be limited.
8. I understand that, beyond the proposed driveway, onsite vehicular accessways and car parking space would be formed utilising ground stabilising/reinforcing meshwork over-planted by grass. I acknowledge that such a surface treatment would be likely to have less of a visual impact than hard surfaced alternatives. Nonetheless, the proposed carparking areas would have a combined capacity of up to 35 cars and I consider it likely that some, if not all, of the vehicles parked there would be likely to be visible from the highway, at least in views through the site entrances. Parked vehicles would not be consistent with the identified conservation/restoration aims of the BLCA.
9. The proposal would result in the sub-division of an existing field and the site itself would be sub-divided into 3 discrete areas, identified as the Meadow, the Park and the Glade. The internal boundaries of these areas and the northern boundary shared with the remainder of the existing field would be enclosed by hedgerows. However, there is no compelling evidence before me to show that the proposal amounts to the restoration of field boundaries that have been lost or that, in comparison with the existing situation, it better reflects the historic field pattern, which might otherwise attract support from the BLCA.
10. In place of the current use as arable farmland, the Glade, the Park and a large part of the Meadow would be planted with grass meadow mix. Whilst in that regard they would have the appearance of pasture, at least in the short-term, they would not be used as such.
11. The appellant has indicated that although not all internments would be marked by a tree and tree planting would be encouraged instead in the Meadow, if families want identification, a tree or shrub may be planted or a small flat

stone placed on the internment. The application plans indicate that individual internments may have trees planted at each one. Against this background and having seen the green burial site at Hawk's Nest, drawn to my attention by the appellant, I consider it likely that a significant number of internments would be likely to be marked by trees/shrubs. Under the circumstances, in my judgement it would be unreasonable to grant planning permission for the proposed burial ground subject to a condition prohibiting such a practice. This being the case, I consider that in the longer-term, as more of the site is taken up by internments and more tree/shrub planting is carried out, the appearance of pasture would not be maintained, particularly in the Glade, where internments would generally be sited. This would be the case even if the pattern of planting is neither regimented nor regular.

12. I consider overall, that the proposal would conflict with the patterns of development encouraged by the BLCA.
13. I acknowledge that appeal site surroundings include some land uses which do not accord with the aims of the BLCA, such as the photovoltaic panel installation neighbouring the site to the northeast. However, that neighbouring installation occupies a much smaller land area than the appeal site and it is not directly comparable to the scheme before me. In my judgement, the existence of those other land uses would not be sufficient to justify harmful development of the appeal site.
14. It would be possible to ensure, through the imposition of a suitable condition, that signage associated with the site would not be unduly obtrusive.
15. Nonetheless, I conclude on balance that the proposal would cause significant harm to the character and appearance of the local area and in that respect would conflict with the aims of BCSDM policies DM9 and DM4 as well as MNP Policy 5 and the Framework.

Highway safety

16. The Highway Authority has indicated, with reference to *TD41/95* of the *Design Manual for Roads and Bridges*, that a 2.4 metre by 215 metre visibility splay would be required in both directions at the main entrance to the site and this is not disputed by the appellant. I am satisfied that this is a reasonable requirement, having had regard to the applicable speed limit of 60 mph and *TD41/95*.
17. The appellant acknowledges that the required visibility splay cannot be achieved at present to the northeast of the entrance, as the sightline would be obstructed by off-site roadside hedging to around 91 metres. The appellant estimates that the required visibility splay could be achieved if around 20 metres of roadside hedging were to be removed and has provided correspondence which indicates that the owner of the land fronted by that section of hedgerow is agreeable to it being removed. The application plans are of little assistance, as the relationship between the highway and the visibility splay at its northeastern end is not clearly shown. Based on my own observations, I consider it likely that a much greater length of hedgerow would need to be removed in order to achieve the required visibility splay to the northeast, not least due to the horizontal alignment of the highway, which curves northwards.

18. However, in light of the landowners response to the proposed removal of the 20 metre length, it cannot be concluded that there is no prospect at all of the necessary length of hedgerow being removed within the normal time-limit for commencement of development. Under these circumstances, I consider that it would be possible to ensure that the required visibility splay would be provided in a timely manner through the imposition of a Grampian type condition, prohibiting development of the appeal site until the required visibility splay has been provided in accordance with *TD41/95*.
19. The appellant has indicated that the required visibility splay can be achieved to the southwest of the entrance and this has not been disputed by the Council. When I visited the site, planting along the frontage of the appeal site made the position difficult to assess. However, based on my own observations, whilst the vertical alignment of the highway adds to the uncertainty, I consider that it may be possible to provide the required visibility splay, if planting along the frontage of the appeal site were cut back. To my mind, the interests of highway safety could be satisfactorily safeguarded through the imposition of a Grampian type condition prohibiting development within the appeal site until the required visibility splay has been provided in accordance with *TD41/95*.
20. The Highway Authority has expressed a concern regarding the lack of footway provision between the site entrance and the nearest settlement, Newington. I acknowledge that pedestrians tempted to walk along the highway between the two would be at significant risk of coming into conflict with passing vehicles, given the high speed limit and restrictions on visibility caused by the horizontal and vertical alignment of parts of the route.
21. However, the appellant has indicated that provision could be made for pedestrian access to the appeal site at its southwestern corner, with a footpath formed through woodland to the Meadow and other areas of the site. Opposite the southwestern corner of the site, on the other side of the highway, there is a footway leading to facilities in Newington, such as the Ship Inn Public House which, as observed by the Highway Authority, may be frequented by mourners. I consider that the provision of the proposed access point and associated on-site footpaths, which could be secured by condition, would provide a suitably safe route between the appeal site and facilities within the nearest settlement.
22. Planning permission Ref. 15/00215/FUL for the neighbouring photovoltaic panel facility included the use of the appeal site main entrance and a requirement to provide the same visibility splays prior to the commencement of development¹. There is no evidence before me to show that that requirement was adhered to or enforced by the Council. However, the schemes are not directly comparable. The construction period for the neighbouring facility is likely to have been relatively short, after which traffic movements associated with maintenance of the installation are likely, as observed by the Highway Authority, to be infrequent and low in number. By comparison, traffic movements associated with the appeal proposal once operational would be likely to be relatively high and more frequent. Therefore, I consider the provision of adequate visibility splays in the case before me would be fundamental to ensuring that the effect of the scheme on highway safety would be acceptable.

¹ Appeal Statement Appendix B, condition no. 3(v).

23. I conclude that, subject to the imposition of conditions, the effect of the proposal on highway safety would be likely to be acceptable and it would not conflict with BCSDM Policies DM1 and DM4 or the Framework insofar as they seek to safeguard highway safety.

Other matters

24. The appellant has drawn attention to 2 planning permissions granted in 2017², which included the provision of burial grounds in the countryside. However, they each formed part of a new crematorium development and so are not directly comparable to the proposal before me. I acknowledge that the proposed development would add to the supply of 'green burial' facilities in the district. However, the appellant has confirmed that there is already a 'green burial' site a short distance away, just to the south of Bawtry, and so I give the benefit of the scheme in this regard only limited weight.
25. In comparison with the use of the site as arable farmland, the proposal, which would include new grassland, hedgerows, trees and shrubs, would be likely to provide a net gain for biodiversity. However, this is a common requirement of development under the terms of the Framework and there appears to me to be no shortage of such habitats in the local area. Therefore, I give the benefit of the scheme in this respect little weight.
26. Subject to the provision of suitable drainage facilities at the site entrances to ensure that surface water is not directed towards the highway, which could be secured by condition, I consider that drainage of the site is unlikely to be problematic and it would not conflict with BCSDM Policy DM12. Furthermore, I have no reason to dispute the view of the appellant that the scheme would not adversely affect residential amenity or the historic environment.

Conclusions

27. Notwithstanding my findings in relation to the effect on highway safety and '*other matters*', I conclude on balance that those considerations would be significantly and demonstrably outweighed by the adverse impact of the scheme on the character and appearance of the local area. I conclude overall, that the scheme would conflict with the Development Plan taken as a whole and it would not amount to sustainable development under the terms of the Framework.
28. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR

² Refs. 17/00438/FUL and 17/00225/FUL.