The Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/F4410/W/19/3232104
South Fork, Flashley Carr Lane, Sykehouse, Doncaster DN14 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr Isaac Johnson against the decision of Doncaster Council.
- The application Ref 18/02899/FUL dated 15 November 2018, was refused by notice dated 28 December 2018.
- The development proposed is the erection of day room / amenity building ancillary to use of the site as a gypsy caravan site.

Decision

1. The appeal is refused.

Preliminary Matters

2. I note that the Appellant has submitted a revised landscaping plan with the appeal documentation. This shows an additional line of landscaping along the boundary of the field neighbouring the site. I have not had regard to this as other parties will not have had the opportunity to comment. For the avoidance of doubt, my decision is based upon the drawings submitted to the Council with the original application.

3. The description of the site as a gypsy caravan site is used on the application form and on the Council's decision notice, and this does not appear to be at issue. I have considered the appeal on that basis, as a proposal for an amenity building ancillary to that use.

Main Issues

4. The main issue in the determination of this appeal is whether the proposed development will harm the character or appearance of the area.

Reasons

5. The appeal site is a broadly rectangular area of gravel, currently accommodating a static caravan and two other outbuildings. It is enclosed by wooden fencing on three sides and a hedge on another. The site is surrounded by open agricultural land not far from the village of Sykehouse. It is within a designated Countryside Protection Area as defined in the Council's development plan. A vehicular track links the site to Flashley Carr Lane where there is also a group of agricultural buildings. I note that the Council states that the site can be clearly seen from Flashley Carr Lane. Based upon my visit, however, I find

that those passing would only gain a brief glimpse of the site. The site is clearly visible, however, from a public right of way that passes along the edge of it.

6. The proposed building would be a single storey, brick-built structure measuring, according to the submitted drawings, 12 metres by 6 metres. I note that the footprint of this structure would be about 25% less than that proposed in an earlier application (18/01445/FUL). It would be located on the side of the site closest to Flashley Carr Lane, opposite the existing static caravan. It would have a domestic appearance, similar to the existing static caravan save without a projecting front porch. It would accommodate a kitchen / dining room, a children's playroom, a utility room and a toilet / bathroom. New hedge planting is proposed on the southern and eastern boundary of the site.

7. Both the Council and the Appellant refer to the document 'Designing Gypsy and Traveller Sites – A Good Practice Guide' (GPG) issued in 2008 by the Government. There is no dispute between the parties concerning the need for an amenity building. However, according to the Council the proposal would be unnecessarily large. The GPG shows an example with 3 rooms (a kitchen / day room; a utility room; and a bathroom) which, the Council estimates, measures around 7 metres by 4.3 metres in area. The proposal has 4 rooms, including a children's playroom (and a hallway) in a building more than twice as large as the example shown in the GPG.

8. The GPG has been withdrawn. Nevertheless, it provides a guide on the scale and design of new amenity buildings for gypsies and travellers. Accordingly, I am prepared to attribute the document some weight in the determination of this appeal.

9. Within an area subject to countryside protection policies the proposal should be designed such that its visual effect is minimised. Because of its size the proposal would be very visible to those passing along the adjacent footpath and, albeit to a lesser extent, it would also be quite visible to those travelling along the Flashley Carr Lane. A development of this size would appear to be incongruous and intrusive in the open countryside and would therefore harm its character.

10. The new hedge planting would provide some screening for both the existing static caravan and the proposed amenity building. During my visit I saw very limited evidence of existing landscaping around the site boundary which, I understand, was required under a condition attached to the grant of permission on appeal for the static caravan[1]. I recognise that any landscaping scheme will take time to take effect and that in the interim the buildings would remain very evident.

11. I note that the purpose of the landscaping should not be to make the static caravan and the amenity building barely visible since this would serve to separate the occupants from the external world. However, neither should landscaping be used to make an unacceptable proposal invisible. Rather its purpose should be to help the development proposal assimilate into the countryside.

[1] See APP/F4410/C/12/2177807

12. The position of the amenity building would ensure that the view of the existing caravan from Flashley Carr Lane would be eclipsed and thus this would help mitigate the visual impact. However, since it would be slightly closer to this vantage point it would be more intrusive than the current caravan.

13. The planning permission granted on appeal referred to above was for one pitch. I do not consider that Policy CS13 of the Doncaster Local Development Plan Framework: Core Strategy 2011-2028, 2012 (CS) is relevant to this proposal since the policy concerns proposals for new sites and applies only where there is an unmet need. Further, the site could not accommodate more than 10 pitches and so would not accord with the policy restriction applying to proposals within Countryside Protection Policy Area.

14. Having regard to the above points I find that the proposed development would, because of its size, cause harm to the character and appearance of the area. It is thus in conflict with saved policies ENV4 (i) and (iii) of the Doncaster Unitary Development Plan 1998 that seeks to prevent development in the countryside that would lead to the visual coalescence of settlements and which, because of its design, would fail to minimise the impact on the landscape. It would also fail to accord with Policy CS3 (C1, C3 and C4) of the Doncaster Local Development Plan Framework: Core Strategy 2011-2028, 2012 which requires new development to protect and enhance the countryside, to avoid creating amenity problems, to preserve the openness of the Countryside Protection Policy Area and to be consistent with the purpose of including land within the designation.

Other Matters

15. It is noted and agreed that the proposal would not cause any highway problems. However, an absence of harm in regard to this matter does not outweigh my findings in regard to the effect the proposal would have on the character and appearance of the area.

Conclusions

16. For the above reasons the appeal is dismissed.

William Walton

INSPECTOR