



Appeal Decision

Site visit made on 28 January 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/F4410/W/19/3241046

Plum Tree Farm, Wormley Hill Lane, Sykehouse, Doncaster DN14 9AG

- 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 Michael Midgley against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00169/FUL, dated 23 January 2019, was refused by notice dated 20 May 2019.
 - The development proposed is described on the application form as *'the conversion of a existing barn for use as an Office (B1) with associated works. The office is to be used by the current owner for growth of his existing consultancy business. This is a re-submission of 17/02927/FUL on a reduced scale of development'* (sic).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have described the development as 'the conversion and change of use of a existing redundant barn for use as an Office (B1) with associated works (re-submission of 17/02927/FUL)'. I note that the appellant has also used this description on the appeal form. The Council's revised description provides a succinct and accurate description of the proposal. I have therefore determined the appeal on the basis of the revised description.
3. The Council's officer report refers to the current apparent office use within part of the existing dwelling to the south of the appeal site as being 'unlawful'. Notwithstanding this matter, I have considered the appeal based on the plans submitted to and considered by the Council, which form the basis of the scheme that is before me. This is in the interests of impartiality and fairness in accordance with the principles of natural justice.
4. There is disagreement between the parties on the number of proposed car parking spaces. The Council's officer report states that there would be approximately 15 proposed spaces with the appellant advising in their statement that this was incorrect and that there would be approximately 12 proposed spaces in total. The Council, in its subsequent statement has not disputed this revised figure. For the avoidance of doubt, I have therefore determined the appeal on the basis that approximately 12 car parking spaces would be provided by the proposal, and do not consider that any parties will have been prejudiced by my doing so.

Main Issues

5. The main issues are:

- whether the site is a suitable location for office development with particular regard to the nature of the proposed use and to the accessibility of services and facilities;
- the effect of the proposed development on the character and appearance of the countryside; and
- whether sufficient structural evidence has been submitted for the proposed development.

Reasons

6. The appeal site is situated within an agricultural holding comprising a small area of grazing land with an L-shaped barn and residential dwelling located to the south of this. A rectangular area of land to the north and west of the barn has been fenced-off from the rest of the grazing land. At the time of my site visit this area appeared to have been used for storing and burning waste materials. To the north of the area of grazing land is a small group of buildings clustered around the junction of Rudgate Lane and Wormley Hill Lane. The surrounding area consists of agricultural land with a large open field being adjacent to the wider holding to the east and south giving it an intrinsically rural character.

Whether a suitable location for office development

7. Given the appeal site's location and the nature of the surrounding land, the main parties consider it to be within the open countryside. I concur. Policy CS3 of the Doncaster Local Development Framework Core Strategy (adopted May 2012) (DCS) identifies the appeal site as being within a Countryside Protection Policy Area (CPPA). Within this area, proposals will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty, amongst other considerations. Policy CS3 also identifies proposals that would generally be acceptable within the CPPA including the re-use of suitable buildings for uses appropriate in the countryside.
8. Given the distance of the appeal site from the nearest villages of Sykehouse and Fishlake (and the services and facilities located within them) the appeal site lies in an isolated rural location. I note the appellant's points that the appeal site is located near to a bus-stop which would provide employees with access to the facilities and services in the nearest service centres meaning that it is located in a sustainable location, and also that expanding the existing business means that the need to travel would be reduced.
9. However, this bus service only runs every two hours from this bus-stop. Whilst Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, its overall aim is to reduce reliance on the private car as a mode of transport. Given the infrequent local bus service and the lack of a lit footpath between the appeal site and the nearest bus stop it would be highly likely that future employees would access services and commute to and from work by private car. This would not achieve the social sustainability objective set out in the Framework as these services and facilities (as well as the proposed business) would not be fully accessible by means of transport other than the private car.
10. I note the points made by the appellant that the proposal would be small-scale and therefore represent only a modest increase in vehicular movement. However, the proposal would increase the number of employees on the site by up to 10 people

meaning a corresponding increase in the number of vehicles potentially using Wormley Hill Lane which would be significant given the currently low usage of the road; something which the appellant acknowledges. Accordingly, for this reason, and considering the isolated rural nature of the area, I find that the proposed expansion of the business would not be small-scale when set within this context.

11. In support of the proposal, the appellant has argued that the presumption in favour of sustainable rural development outlined by Paragraph 83 of the Framework would be applicable in this case. However, given the accessibility issues outlined above, the proposal would also not represent the sustainable expansion of a rural business and would therefore not accord with Paragraph 83.
12. Paragraph 84 of the Framework, recognises that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport provided that proposals would not have an unacceptable impact on local roads and would exploit any opportunities to make a location more sustainable. However, for the reasons outlined above, the proposal would also not meet local business and community needs in accordance with Paragraph 84.
13. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities and I note the appellant's points regarding the economic benefits that the proposed development would potentially provide (including new employment opportunities for the residents of nearby villages and employees using local services). While the appeal scheme would deliver modest economic benefits, in the round, these benefits would not outweigh the accessibility issues that I have set out. Consequently, taking into account all of the factors discussed above, I am not satisfied that the appeal site is a suitable location for an office use.
14. I therefore conclude, on this main issue, that the proposed development would conflict with saved UDP Policies ENV4 and ENV10, DCS Policy 3 and Paragraphs 8, 83, 84 and 103 of the Framework which jointly aim to achieve sustainable development, protect and enhance the countryside and ensure good accessibility to services and facilities, amongst other considerations.

Character and appearance of the countryside

15. As set out above, the character of the appeal site and the area surrounding it (including the grazing land to the north) is intrinsically rural in nature with open agricultural land lying beyond it to the east and south. As well as converting a portion of the existing barn building into an office, the proposal would also create a new car park within the fenced-off area of land just to the north of it (which would be extended slightly) with a capacity for approximately 12 vehicles. Given that the proposed car park would extend into this more open area of land (notwithstanding the fact that it is currently fenced-off) and the number of proposed parking spaces (notwithstanding that it would not always be full), it would have an adverse visual impact, particularly when viewed from Wormley Hill Lane, thereby harming the character and appearance of the countryside.
16. I note the appellant's points that the number of proposed parking spaces would be in accordance with saved UDP Policy ENV10 and the Doncaster Development Guidance and Requirements Supplementary Planning Document (SPD) and that the car park would not appear out of place within the residential curtilage and be similar to the number of vehicles present on a working farm. However, the proposed car park would not be located within what could be considered as the typical existing curtilage of the nearby residential dwelling. Furthermore, it would

be reasonable to think that it would be unlikely that a working farm would have all its vehicles parked in one location viewable from a public highway.

17. The appellant has also stated that as the proposed car park would be set-back from the road, it would be in a less prominent location than the existing nearby dwelling. However, just because a proposed development is located further from a road does not necessarily mean that it is in a less visually prominent location, particularly when there are other characteristics being considered such as the open and rural nature of the surrounding landscape.
18. The appellant has also cited the fact that the proposal would be screened by the existing boundary wall as a mitigating factor. However, this wall is confined to the site entrance and not very high. As a result, it would not adequately screen the proposed car park from being viewed from the road. The appellant has also stated that planting has also been proposed to screen the proposed car park. However, I do not have the details of the proposed planting before me and therefore the appellant has failed to demonstrate that sufficient screening would be provided.
19. I therefore conclude, on this main issue, that the proposed development would conflict with saved UDP Policies ENV4 and ENV10 and DCS Policy 3 which aim to protect and enhance the character of the countryside, amongst other considerations.

Structural evidence

20. Saved UDP Policy ENV10 (part a) requires that buildings to be converted within the CPPA be of a permanent and substantial construction capable of conversion without major or complete reconstruction. The Council have raised a concern in relation to the structural evidence submitted by the appellant in that it only refers to the existing building and not whether it could accommodate the loads that would arise from the proposal.
21. However, paragraph 4.3 of the submitted structural survey concludes that the existing barn building is of a form that is permanent and substantial and thus would be capable of conversion without significant rebuilding of its existing structure. Consequently, based on the evidence before me, I am satisfied that the proposal would meet the requirements set by Policy ENV10 (part a).

Conclusion

22. For the above reasons the development would not be in a location suitable for office development and would harm the character and appearance of the countryside contrary to the development plan. The appeal is therefore dismissed.

C Coyne

INSPECTOR