The Planning Inspectorate

Appeal Decision

Site visit made on 18 August 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/F4410/W/20/3248545
Starland, Moss Road, Moss, Askern, Doncaster, South Yorkshire DN6 0HQ

- 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 & Mrs Malcolm & Patricia Bulmer against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 18/00112/FUL, dated 30 April 2018, was refused by notice dated 2 December 2019.
- The development proposed is 'a bungalow with garage off Moss Rd between the Star Inn and Star Farm in the grounds of the Old Star Inn.'

Decision

1. The appeal is allowed and planning permission is granted for a bungalow with garage off Moss Rd between the Star Inn and Star Farm in the grounds of the Old Star Inn, at Starland, Moss Road, Moss, Askern, Doncaster, South Yorkshire DN6 0HQ, in accordance with the terms of the application Ref 18/00112/FUL, dated 30 April 2018, and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would represent a suitable location for housing, having regard to local and national development plan policy, the accessibility of local services and facilities, and the effect on the character and appearance of the area.

Reasons

Policy Context

3. The appeal site forms part of the grounds of the former Star Inn on Moss Road between the settlements of Moss and Askern. Planning permission has been granted to convert the inn to three dwellings, whilst a large barn stands between the inn and the appeal site. Two dwellings stand to the other side of the appeal site, with a number of agricultural buildings located behind these. The site lies some 550 metres from the edge of Moss, and around 3 kilometres to the centre of Askern, and is within the countryside for planning purposes.

4. The development plan comprises the Doncaster Core Strategy 2011-2028 (May 2012) (the CS) and saved policies of the Doncaster Unitary Development Plan (July 1998) (the UDP). The site lies within the Countryside Policy Area (CPA) as defined under the UDP. Saved Policy ENV2 sets out the purposes of the CPA as being effectively equivalent to those of the Green Belt, whilst saved Policy ENV4 sets a restrictive approach to development in the CPA, except for certain

listed forms of development, none of which are applicable to the appeal scheme. CS Policy CS3 relates to development in the countryside and is more recently adopted than ENV2 and ENV4, but it reiterates the protection of the CPA and has a similarly restrictive approach to development within it.

5. My attention is drawn to an appeal decision from February 2019[1] where the Secretary of State agreed with the Inspector that Policies ENV2 and ENV4 are not in line with the direction of travel of local and national policies, particularly in respect of the CPA, which is an historic designation linked to the delivery of objectives of the UDP from more than 20 years ago.

6. The National Planning Policy Framework (the Framework) does not impose a blanket restriction on development outside defined settlements, and neither does it include a requirement that any special circumstances need to be met for all development in the open countryside as it does with respect to the Green Belt. Rather it advocates an approach where all material considerations in favour and against are weighed in the balance. I recognise the scale of the proposal in the 2019 appeal was significantly greater than that before me; however, I agree with the Inspector that whilst Policies ENV 2 and ENV 4 aim to protect the countryside with some recognition of its intrinsic character and beauty, neither reflect the need to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth and meet the needs of present and future generations. Accordingly, I find that the approach to development in the countryside set out in Policies ENV2 and ENV4 is not consistent with the Framework and these policies are out-of-date.

7. Given the site's location in the countryside, I regard these policies as the most important for determining the application. Paragraph 11(d)(ii) of the Framework sets out that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. On this basis, and notwithstanding that there is no dispute that the Council can demonstrate in excess of a five year supply of deliverable housing land, the presumption in favour of sustainable development at Paragraph 11 of the Framework is engaged.

8. I am aware that the Council has submitted its new Local Plan for examination, and it is indicated that draft Policy 2 contains similar approach to development in the countryside as Policy CS3. However, this policy has yet to be examined and it could yet change. As such, and given it is not advocating a substantially different policy approach, I afford it only limited weight.

Location

9. Paragraph 78 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 adds that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more specific circumstances applies. The judgement in *Braintree*[2] established that 'isolated' in the context of the Framework refers

[1] APP/F4410/W/17/3169288
[2] Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin)

to physical proximity to other dwellings and settlements. There are dwellings to both sides of the appeal site, whilst the edge of Moss is a relatively short distance away to the east and other dwellings sporadically line the road to Askern. Therefore, the proposal would not amount to an 'isolated home' for the purposes of the Framework and none of the exceptions at Paragraph 79 are therefore required to be met.

10. The appeal site is nevertheless located outside of any defined settlement and in the countryside, which draws conflict with Policies CS3, ENV2 and ENV4. There would also be consequential conflict with the settlement hierarchy of CS Policy CS2, which directs development to the most sustainable locations.

Accessibility

11. Facilities in Moss are limited to an equestrian centre and occupants of the dwelling would therefore need to visit Askern which has a good amount of services. The road to Askern is not conducive to walking as it is unlit, it does not have a footpath for much of the route and it is subject to the national speed limit outside the site. The appellant indicates that a number of bus routes pass the site which can be hailed down, though the currency of this is disputed by the Council. Nonetheless, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst the proposal would generate additional journeys by private car, they would be limited in number given the small size of the proposed dwelling. I note the Council considered the three dwellings proposed for the former inn would generate less vehicle movements than the former pub use and, to my mind, this would still be the case even with the addition of the proposed dwelling. As such, I find no material conflict with the requirements of Policies CS1 or CS14 to provide developments accessible to local facilities by a range of transport modes.

Character and appearance

12. The appeal site is separated from the inn by a large, agricultural barn and contains various materials scattered among overgrown grass. The parties differ as to whether the site was in domestic use in the past, but my impression was that it has an ancillary relationship of some form to the inn, acting as an informal storage area.

13. The proposed bungalow and garage would be modest in size and smaller than the existing buildings to either side. The site is effectively screened from views from Moss Road by roadside trees and hedges and the adjacent buildings, and the proposed structures would not appear prominent from the road. Moreover, whilst they would infill a gap in the built form, this is very limited in size in the context of the wider countryside and its loss could not be said to undermine any strategic function in separating settlements. Neither would the infilling of the gap erode a significant countryside vista given views are foreshortened by a significant hedgerow beyond the site to the rear and the presence of the agricultural buildings of The Old Inn.

14. The existing buildings also vary in their design and materials and in this context the simple, rectangular footprint and pitched roof design of the dwelling and garage would sit unobtrusively between the surrounding development, whilst the rendered façade would reflect the appearance of the

adjacent former inn. The proposal would also improve the general appearance of the presently overgrown site.

15. For these reasons, I conclude that the proposal would not harm the character and appearance of the area, and so would accord with Policies CS3 and CS14 of the CS, which together require proposals to protect and enhance the countryside; be of high quality design that contributes to local distinctiveness; reinforces the character of local landscapes and building traditions; responds positively to existing site features and integrates well with its immediate and surrounding local area.

Other Material Considerations

16. I have taken into account the evidence put to me regarding the personal health circumstances of a family member and the resulting need to provide single storey accommodation. The evidence does not explain whether other options have been pursued, such as adapting accommodation within the inn, and therefore I cannot be confident that this is the only possible option available to address the family member's health circumstances. Nonetheless, I do not doubt these needs are genuine, and I afford them limited weight in favour of the proposal.

17. The dwelling would be accessed by an entrance approved under the permission to convert the former inn, and which would be shared with one of the dwellings to be formed through that permission. No objection was raised by the Council to this aspect of the proposal. I saw visibility to be good in both directions and on the evidence before me, I have no reason to disagree with the Council.

Planning Balance

18. The proposed development would result in harm to the spatial strategy for the area through its location outside of defined settlements; however, this harm would be limited given I have found that there would be no adverse effect on the character and appearance of the countryside and only a modest increase in use of the private car.

19. Set against this harm, the proposal would add to the district's housing stock and through its location close to other dwellings and within reach of services in Moss and Askern, it would make limited but positive social and economic contributions which would help maintain the vitality of rural communities, consistent with a key aim of the Framework. I also afford limited weight to the benefits of the proposal in meeting the health needs of the appellant's family.

20. Having regard to Paragraph 11 of the Framework, the adverse impacts of granting permission in this case would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, the Framework is a significant material consideration in this case which points toward the grant of planning permission.

21. In conclusion, while not fully in accordance with the development plan, the proposed development would provide a suitable location for housing having regard to the character and appearance of the area and the specific circumstances of this case, and would represent a sustainable form of development in accordance with the Framework.

Conditions

22. I have had regard to the Conditions suggested by the Council. Where necessary, I have amended the wording to ensure accordance with the relevant tests of conditions set out in the Framework.

23. In addition to the standard time limit, a condition listing the approved plans is required to provide certainty. Conditions are also necessary to specify the external materials to be used, and proposed landscaping, to ensure a satisfactory appearance. Conditions are also necessary to ensure visibility splays are provided, parking and turning areas are laid out in suitable materials and adequately drained before the development is brought into use, in the interest of highway safety and disposal of surface water.

Conclusion

24. For the reasons set out, I conclude that the appeal should be allowed.

K Savage

INSPECTOR

Schedule – Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Drawing 2018/1/12 Revision F (Parking and Plot Layout); Drawing 2018/1/12 B (Dwelling Plans and Elevations); Drawing 2018/4/17 (Garage Plans and Elevations).

3) No building operations shall progress beyond slab level until details of the proposed external materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

4) The development shall not be occupied until details of a landscaping and planting scheme have been agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season following the completion or first occupation of the development, whichever is the sooner. Any tree or shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

5) Before the development hereby permitted is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

6) Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

7) Before the development hereby approved is brought into use, the visibility splay from the vehicular access shall be maximised and rendered effective by removing or reducing the height of anything existing which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the public highway. The visibility thus provided shall thereafter be maintained as such.