
Appeal Decision

Site visit made on 23 February 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021

Appeal Ref: APP/A3010/W/20/3262785

Land r/o Franli Lodge, Wood Lane, Beckingham, Doncaster DN10 4NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr DiFuria against the decision of Bassetlaw District Council.
 - The application Ref 20/00881/OUT, dated 15 July 2020, was refused by notice dated 30 October 2020.
 - The development proposed is outline planning application (minor development, all matters reserved) for the erection of 2no. residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have omitted the reference to the site address from the description of the development as this repeats the address within the banner heading.
3. The application was submitted in outline with all matters reserved for future consideration. I have treated the proposed site layout plan as being for indicative purposes only.
4. The emerging draft Bassetlaw Local Plan has been brought to my attention, however, there is nothing within the evidence to suggest it is at a stage in its development where it could be afforded other than limited weight in the determination of this appeal.

Main Issues

5. The main issues are the effect of the development on: (i) the character and appearance of the area; (ii) the living conditions of the occupiers of Franli Lodge with regard to noise and disturbance; and (iii) highway safety.

Reasons

Character and appearance

6. The appeal site comprises an area of paddock land partly used for open agricultural storage located to the rear of properties facing Wood Lane and adjacent to the A631 dual carriage way.
7. Wood Lane is a rural road which is separated from the main part of the village of Beckingham by the A631. At the eastern end of Wood Lane, a short ribbon of residential development to one side of the lane comprises closely space

- dwellings set back from the road frontage on a similar building line. Dwellings mostly have extensive rear gardens, some of which have outbuildings sited at the back of plots. The rear boundaries of the dwellings generally terminate along a similar line at the field edge of the open paddock land.
8. Franli Lodge is a large detached house sited with its gable elevation facing Wood Lane. Although the dwelling is large and extends back in its plot, the plot depth follows a similar line to neighbouring properties and Franli Lodge is sited having regard to the existing frontage development along the Lane.
 9. In contrast the appeal site is part of a larger field. It has an agricultural character and appearance which aligns with the open countryside to the west. While the appeal site is not remote, the proposed dwellings would extend the well-defined and contained built form along Wood Lane into an area that is open and undeveloped. The development would appear unrelated to and incongruous with the existing built form when viewed from surrounding land and properties. As a result, the development would not be compatible with the character of Wood Lane or the open and undeveloped character of the surrounding rural landscape.
 10. Consequently, the proposal would result in significant harm to the character and appearance of the area. It would conflict with Policies DM4 and DM9 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies DPD (2011) (CSDMP) where these policies seek to ensure that development respects its wider surroundings in terms of historic development layout, plot sizes and forms, density and designed to be sensitive to their landscape setting. Policies DM4 and DM9 of the CSDMP are consistent with the National Planning Policy Framework (the Framework) which amongst other things requires that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.

Living conditions

11. The main elevation of Franli Lodge is sited at an angle facing the junction of Wood Lane with the A631. An access road and footpath from Wood Lane is located beyond the front boundary hedge. The access into the property is currently gated and due to the hedges to the A631 and the site frontage the driveway is enclosed and private.
12. There are living room windows within the existing dwelling that face towards the drive. The most sensitive of these is the living room/kitchen window close to the driveway entrance.
13. I appreciate that the space is limited and that the development would result in vehicle movements passing the existing property at relatively close proximity, however, I agree with the appellant that there is enough space for appropriate subdivision and boundary treatment which could maintain a good level of privacy to the ground floor windows in Franli Lodge.
14. I therefore conclude that the development would not detract from the living conditions of the occupiers of Franli Lodge with regard to noise and disturbance. The development would accord with Policy DM4 of the CSDMP where it seeks to ensure that development is not detrimental to the living conditions of nearby residents. This is consistent with the Framework which

seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway safety

15. Although access is a reserved matter, the drawings indicate that access to the appeal site would be via the existing driveway which is located to the north side of Franli Lodge. The Council's highway officer considers that, subject to conditions, adequate visibility at the access entrance can be achieved to serve the development. Following my site visit I note that the visibility splay is likely to require some repositioning of the boundary treatment, however, I agree that with appropriate conditions, adequate visibility could be achieved.
16. I agree with the Council that if the access to the new dwellings was to follow the alignment of the existing driveway vehicles that park outside the double garage would impede the proposed access. Even so, I consider that at the detailed design stage the current parking arrangements for Franli Lodge could be adequately reconfigured. As all of the land is within the appellant's ownership, I have no reason to doubt that an acceptable layout could be achieved within the space available, including appropriate turning and parking facilities, and an appropriately worded condition could secure this.
17. Consequently, I conclude that the development would not be detrimental to highway safety. It would comply with Policy DM4 of the CSDMP which seeks to ensure that development is not detrimental to highway safety. This is consistent with paragraph 109 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

18. Evidence has been submitted in respect of the personal circumstances of the appellant's family. Section 149 of the Equality Act 2010 sets out that particular medical conditions are a protected characteristic for the purposes of the Act. In reaching my decision, it is necessary for me to have regard to the Public Sector Equality Duty contained in the Act. This includes having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it, including by taking steps to meet the needs of such persons that are different from the needs of persons who do not share the relevant protected characteristic.
19. I have been provided with medical letters and a letter from the appellant which supplement the appellant's 'integrated planning statement'¹. These documents set out the care needs of Mr DiFuria and the support his wife requires from extended family to maintain his care given her own health issues and the need to continue to operate the family plant hire business located near to the house.
20. Franli Lodge is a sizable property with a seemingly large amount of floor space. I have not been provided with evidence that Franli Lodge cannot be adapted to meet the family's needs. Further, the proposal would not be a modest dwelling designed to meet the particular needs of the appellants rather it would be two detached dwellings.

¹ Fytche Taylor Planning July 2020

21. While I sympathise with the appellant's situation, there is insufficient specific evidence for me to draw a clear conclusion that the provision of a detached house and a detached bungalow are the only reasonable option available to meet the families care and business needs. As such, taking all relevant matters into account, I can only give limited weight to the personal circumstances identified by the appellant.
22. I note that the appellant indicates that the two properties would be occupied and retained within the ownership of the family, however, the Planning Practice Guidance (PPG) advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise².
23. The appellant states that the properties would be self-build dwellings. However, it has not been demonstrated that the homes would fall within the definition of self-build and custom housebuilding contained within the PPG and the relevant Act. Furthermore, there is no mechanism before me to secure delivery of the development as custom or self-build homes.

Planning Balance

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
25. I note the appellant's references to various paragraphs of the Framework and the presumption in favour of sustainable development. It is not disputed that the Council is able to demonstrate a 5-year supply of housing. However, the Council's Officer Report refers to the policies in the CSDMP as not having been reviewed in the last 5 years. Consequently, the Council considered the application with reference to the so called 'tilted balance' set out at Paragraph 11d of the Framework. This states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. Although the CSDMP pre-dates the Framework, paragraph 213 (of the Framework) states that existing policies should not be considered out of date simply because they were adopted or made prior to the Framework's publication. Moreover, the main issues for determination in this appeal are the effects of the proposal on the character and appearance of the surrounding area, living conditions and highway safety. Therefore, the most important policies for determining this appeal are Policies DM4 and DM9 which, as outlined previously, are consistent with the Framework. As such, the most important policies for determining this appeal are not out-of-date and paragraph 11d of the Framework is not engaged in this case.
27. There would be minimal benefit associated with the contribution of the proposal to the supply of housing. There would also be limited economic and social benefits arising from 2 dwellings at the edge of Beckingham, even when having regard to the appellant's personal circumstances.
28. Against these limited benefits, the proposal would result in significant harm to the rural character and appearance of the area. As such, it would be contrary to the aims of the development plan and the Framework.

² Paragraph: 015 Reference ID: 21a-015-20140306

29. The absence of harm in relation to living conditions and highway safety are matters that carry neutral weight.

Conclusion

30. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR