



Appeal Decision

Site visit made on 20 September 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/F4410/W/21/3277403

Walton Lodge 316 Bawtry Road, Bessacarr, Doncaster DN4 7PD

- 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 Peter Walton against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/00974/OUT, dated 30 March 2020, was refused by notice dated 21 December 2020.
 - The development proposed is construction of 9no detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an outline application with all matters reserved. I will proceed on the basis that any details shown on the submitted drawing are for illustrative purposes only.
3. The description of development set out above is taken from the application form. The proposal was amended during the course of the application, and the revised development comprises the construction of six detached dwellings. The Council dealt with the proposal on this basis and so shall I.
4. Since making its decision, the Council has adopted the Doncaster Local Plan (2021) (the LP). The reason for refusal did not refer to the LP due to the limited weight given to the LP at the time of determination of the application. The Doncaster Unitary development Plan (1998) and Doncaster Council Core Strategy 2011-2028 (2012) have therefore been superseded and the policies referred to in the reason for refusal are no longer relevant. In addition, a revised version of the National Planning Policy Framework (the 'Framework') has been published since the application was determined. The main parties were given the opportunity to comment on any relevant implications for the appeal. Based on the evidence before me, the most relevant policies to this appeal are: Policies 1, 2, 25, 33, 41, 42 and 44 of the LP.

Main Issues

5. The main issues are:
 - Whether the site represents an appropriate location, having regard to the Council's housing strategy; and

- The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location

6. The appeal site is located within the countryside policy area (CPA), as shown on the Policies Map¹ contained within the LP. It is located on the edge, but outside, of Bessacarr and forms part of a substantial plot of land associated with Walton Lodge.
7. Policy 1 of the LP sets out the spatial strategy for the sustainable development of the area, which supports a settlement hierarchy. The Policy sets out that proposals for new development in the CPA will be supported where it accords with Policy 25. Policy 25 sets out circumstances new dwellings would be granted in the CPA.
8. Policy 2 of the LP establishes the level and distribution of growth for employment, housing and town centre uses. The supporting text states that within the CPA development is restricted but will be supported in line with the Framework and relevant Local Plan policies.
9. Previous planning policy referred to infilling development within settlements washed over by the countryside policy area. This wording is not repeated in Policy 25. I note that the supporting text of Policy 2 states that within the development boundaries of towns and villages there will also be opportunities for quality windfall development, including infill sites, within areas defined on the Policies Map as 'Residential Policy Areas'.
10. The appellant has drawn my attention to an appeal judgement² regarding infill development. In that case it was common ground between the parties that the boundary of a village defined in a local plan would be a relevant consideration in determining whether or not a proposed development constitutes limited infilling in a village but it would not necessarily be determinative. Thus, consideration should also be given to the situation 'on the ground' as well as relevant policies.
11. There is no evidence before me that the LP provides a definition of 'infill development'. The Council suggest that infill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed. The appellant contends that it is land that is between existing buildings. Both of these definitions are similar and are reasonable. However, even when taking the appellant's broader definition into account, the appeal site cannot be considered an infill site within the settlement. This is because the appeal site is not between existing buildings. Moreover, it is disconnected from the main built-up area and has very limited development directly adjacent to its boundaries, indeed, the only neighbouring buildings are those at Walton Lodge.
12. Paragraph 79 of the Framework seeks to promote sustainable development in rural areas and states housing should be located where it will enhance or maintain the vitality of rural communities. I acknowledge that the scheme is

¹ Figure 4: Key Diagram

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

unlikely to place undue pressure on infrastructure or local facilities due to its scale. Additionally, the dwellings may, to a degree, support local services and facilities but there is no compelling evidence before me which demonstrates that the proposal would maintain or enhance community vitality.

13. Having regard to paragraph 80 of the Framework and the appeal decision highlighted by the appellant³, the appeal site is not isolated due to its proximity to other dwellings and built development.
14. I observed on my site visit that there is a footpath on the opposite side of Bawtry Road. There are services and facilities, including a primary school and local supermarket, nearby. Some future residents may walk to these services and facilities. However, it is unlikely that future occupiers would regularly walk to them given the distance. There is also a bus stop within walking distance of the site which I understand provides services to the town centre and surrounding villages.
15. Future occupiers would not need to be fully reliant on the use of a private car due to the site's location, bus services and distance to facilities. Nonetheless, the proposal would be contrary to the development plan, which is the starting point for decision-making. It would conflict with the settlement hierarchy outlined in Policy 1 of the LP and its aim which directs new housing to more sustainable locations. Thus, the scheme would conflict with the Council's overall spatial strategy, undermining the plan-led approach to development. It would also not comply with any of the exceptions listed in Policy 25 of the LP.
16. For these reasons, the proposed development would not represent an appropriate location for housing, having regard to the Council's housing strategy. Accordingly, it would be contrary to Policies 1, 2 and 25 of the LP. These policies seek, amongst other matters, to direct the majority of new development towards the Borough's more sustainable settlements. Furthermore, the scheme would not comply with the Framework which seeks to promote sustainable development in rural areas.

Character and Appearance

17. The character and appearance of the surrounding area and its openness has significantly changed due to the Finningley and Rossington Regeneration Route Scheme. Nevertheless, the appeal site provides a soft, green edge to the settlement and road network. Walton Lodge is well screened from the surrounding roads due to its set back and the surrounding trees. This section and side of Bawtry Road visually appears largely undeveloped due to Walton Lodge not being conspicuous and Doncaster Golf Club.
18. The appeal site does not appear to form part of the curtilage of Walton Lodge. This is because the trees provide a physical separation between the appeal site and Walton Lodge. The site also has limited visual relationship with the opposite side of Bawtry Road, which is more developed, due to its set back from the road and the intervening highway.
19. The appeal site sits lower than the surrounding roads and is seen in connection with the Mother Drain and the River Torne. I acknowledge that the appellant seeks to preserve the perimeter openness and natural landscaping, as well as planting new trees to soften the boundaries, and the scheme would maintain

³ APP/F4410/W/20/3256234

the separation between settlements. Nonetheless, based on the evidence submitted, the proposal would be conspicuous from the surrounding area due to the openness of the site, and it would take a number of years for trees to mature.

20. The scheme would introduce a significant amount of built development and would urbanise the character of the site. Notwithstanding that the proposal is in outline, the erection of six dwellings, along with their associated curtilages, would substantially alter the appeal site's currently undeveloped and open character. Given the amount of development proposed and the scheme would result in buildings where there are currently none, the proposal would not preserve the openness of the CPA.
21. Although the appeal site is not isolated in the meaning of paragraph 80 of the Framework, it would appear visually disconnected and isolated to the nearby built-up area. The development would poorly integrate with the settlement landscape and would appear at odds with the existing pattern of development due to the lack of built development on this part of Bawtry Road. Accordingly, the proposed development would be seen as encroachment upon the countryside. The development would not protect or enhance the countryside and would be visually detrimental to the character and appearance of the area. This is primarily because of the site's relationship with the existing built development and scale of the scheme.
22. For these reasons, I find that the proposed development would have a significant adverse visual effect upon the character and appearance of the surrounding area. Thus, the proposal would conflict with Policies 33, 41, 42 and 44 of the LP. These policies seek, amongst other matters, to ensure new development is of a high quality having regard to local distinctiveness, the environment and the character and appearance of an area. It would also conflict with paragraph 174 of the Framework which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

23. The appellant stated that limited weight should be attached to the local plan policies. Given that the LP has recently been adopted, the appellants case in this regard is no longer relevant to the appeal. Therefore, the most important policies are not out-of-date in this case and paragraph 11(d) of the Framework is not engaged.
24. I have had regard to the benefits of the proposal, including that it would provide new homes and the associated economic and social benefits. Nonetheless, based on the evidence presented, the Council can demonstrate a 5 year housing land supply. The benefits are given limited weight due to the small scale of the development and the Council's housing position.
25. I acknowledge the other matters highlighted by the appellant, including that in principle the access is acceptable and the dwellings could be designed to respond to the local area and not harm residential amenity. I also understand that the site is vulnerable to trespassing, vandalism and fly-tipping. However, these are neutral considerations which do not weigh in favour of the appeal and do not outweigh the harm identified.

Planning Balance and Conclusion

26. As set out above, I conclude that the appeal site is not an appropriate location for housing and the development would harm the character and appearance of the surrounding area. I understand that the Council is able to demonstrate a 5 year housing land supply and any benefits associated with six dwellings would be small. The benefits in that respect do not outweigh the deficiencies that would arise as a result of the conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict.
27. For the reasons given above, the appeal is dismissed.

L M Wilson

INSPECTOR