



Appeal Decision

Site Visit made on 11 October 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2021

Appeal Ref: APP/A3010/W/21/3274608

Land adjacent to Rose Cottage, Low Common, Harworth, Doncaster, South Yorkshire DN11 8LP

- 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 Shaun Hilton against the decision of Bassetlaw District Council.
 - The application Ref 21/00215/FUL, dated 3 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is described in the application form as 'new private detached dwelling, boundaries, driveway etc.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form states that the appeal site is located in Harwood. However, this is a typographical error and it is clear that the site is in Harworth, as confirmed by the appeal form.
3. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.

Main Issues

4. The main issues are the effect of the development proposed on the character and appearance of the area, and whether safe and suitable access can be achieved for all users.

Reasons

Character and Appearance

5. The appeal site comprises part of a field to the western side of Rose Cottage, a detached dwelling located at the end of a driveway leading from Common Lane. The site is located outside the defined development boundary of Harworth and Bircotes and therefore within the countryside in planning policy terms. This reflects the character of the site, which has a countryside setting with fields to the north and west and is enclosed by a combination of fences and hedgerows with several mature trees along the western boundary. Although to some extent the nearby A1(M) has an urbanising effect on the appeal site, effectively

- severing the site from the wider countryside to the west, the site nevertheless has an open, rural character which contributes positively to the area.
6. The appeal site is within the Idle Lowlands Policy Zone 11: Harworth, as defined by the Bassetlaw Landscape Character Assessment (LCA). The characteristic features of this area include the evidence of former coal mining, pockets of arable and mixed farmland and a landscape fragmented by roads. Field boundaries consist of hedgerows and ditches, with fences around grazed and pastoral compartments. Those characteristics are consistent with the site and its surroundings. The LCA finds that the area has a very poor landscape condition overall and a low landscape sensitivity. Amongst its landscape actions, the LCA seeks opportunities to restore historic field patterns where feasible; contain new development within historic boundaries; and conserve what remains of the rural landscape by concentrating new small scale development around Harworth and Bircotes.
 7. The proposed dwelling would be a substantial detached two storey property set back into the site with gardens to the front and rear and a driveway and turning area. By extending the built form into the field to the west of the existing property, the proposal would intrude into what is currently an open and undeveloped area of the countryside. In addition to the new dwelling itself, the provision of new hard surfacing for the access and driveway, gardens, boundary treatments and domestic paraphernalia associated with residential occupation, would have an urbanising effect on the rural landscape. The proposed development would therefore represent an encroachment into the countryside.
 8. The proposal would not be a prominent feature viewed from either Common Lane or Low Common. However, given its significant scale and massing, glimpsed views of the proposal would be possible from the A1(M), which is elevated relative to the site. The proposal would also be visible in the wider landscape and appear unduly prominent from within the site itself. Due to its siting, size and design, it would represent an inappropriate form of development that would significantly diminish the landscape value of the area, which would be harmful to the character of this part of the countryside.
 9. The plans indicate new tree planting along the southern and eastern boundaries of the site which would provide some screening of the development, as would the existing trees and hedgerow to the western site boundary. However, that would take some time to mature. Moreover, given the siting and scale of the proposed dwelling, such screening would not sufficiently mitigate the harm to the rural landscape.
 10. I therefore find that the development proposed would be significantly harmful to the prevailing rural character of the area. The proposal would therefore conflict with policies DM4 and DM9 of the Bassetlaw Core Strategy and Development Management Development Plan Document (2011) (DPD), policy 1 of the Harworth and Bircotes Neighbourhood Development Plan (2015) and guidance contained in the Successful Places Supplementary Planning Document (2013). Amongst other things, these seek to ensure that development would respect its wider surroundings in relation to historic development patterns or building/plot sizes and forms; density; and landscape character. The proposal would also be in conflict with Section 12 of the Framework, which promotes

well-designed development, and Section 15, which seeks to ensure that proposals contribute to and enhance the natural and local environment.

Access suitability

11. Paragraph 110 b) of the Framework seeks to ensure that safe and suitable access to the site can be achieved for all users. Paragraph 111 explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
12. The proposed development would be accessed from Common Lane via the existing driveway serving Rose Cottage. Common Lane is a hard surfaced road which is largely single width with soft vegetated verges to either side. There is no footway or street lighting along that stretch of the lane leading to the site.
13. Common Lane does not appear to be a heavily trafficked road and its use limited largely to those accessing a small number of properties. During my site visit, I observed that it also provides pedestrian access to the local public footpath network and includes a link to the development at Bracken Way.
14. The width of the driveway to the site increases at the junction of Common Lane with Low Common such that two vehicles could pass one another at that point. However, for much of its length there are no passing opportunities along Common Lane. Vehicles meeting would not be able to pass one another resulting in potentially lengthy reversing, either towards the junction with Thornhill Lane or around the bend at the junction with Low Common where visibility is constrained. Reversing onto or otherwise waiting on the highway would increase the likelihood of conflict in and around these junctions.
15. Due to the nature of the lane, including its narrow, winding nature, and the condition of the surface, vehicle speeds are likely to be low. Nevertheless, the intensification of use of this access with frequent and daily vehicle movements to the lane from both future residents of the development and associated deliveries and services, would lead to increased potential for conflict between road users, including vehicles and pedestrians.
16. Although the appellant suggests that an additional passing space could be provided together with street lighting and pedestrian facilities, it is unclear from the evidence where any such improvements could be achieved on land within the appellant's control, or whether that would be otherwise feasible in practice.
17. I therefore find that the proposal would not provide safe and suitable access for all users. It therefore conflicts with policy DM4 of the DPD, which requires, amongst other things, that development should not be to the detriment of highway safety. The proposal would also be contrary to paragraphs 110 and 111 of the Framework, as described above.

Other Matters

18. The appellant has provided an historic map which they believe indicates that there was once a dwelling close to the site of the proposal. However, the evidence suggests that if there was a dwelling here, it has since been demolished. The appellant suggests that the appeal site is brownfield land. The Framework encourages the use of previously developed land where suitable

opportunities exist. Previously developed land is defined in Annex 2 of the Framework. Broadly stated this is land which is or was occupied by a permanent structure or fixed surface structure unless the remains thereof have blended into the landscape in the process of time.

19. Although there is an area of hardstanding and what appears to be the remains of a building on adjacent land to the west, the appeal site has the appearance of an undeveloped field and there was no indication from my site visit of a building formerly being present on the site itself. Equally, there is no indication that the site is within the curtilage of the existing dwelling since it constitutes a distinct parcel of land.
20. Therefore, on the balance of the evidence before me, I find that the appeal site does not constitute previously developed land. I would further note that the Framework must be read as a whole and no one element of it automatically outweighs any other. Consequently, even if the appeal site were previously developed land this would not in itself render the development proposed acceptable with reference to the other policies in the Framework relevant to this appeal.
21. My attention has been drawn to a recent planning permission for a two storey front extension at Rose Cottage¹. However, based on the submitted site plan, that extension would be of a much smaller scale than the appeal proposal and is therefore not comparable. It does not provide compelling justification for the proposal.
22. The appellant has referred to other developments granted planning permission outside the development boundary of Harworth and Bircotes, including a development at land to the south of Tickhill Road². However, I do not have the substantive details of these cases before me to enable me to draw any comparisons with the appeal proposal, and each inevitably has design considerations and a surrounding context specific to it rather than to the appeal site. Accordingly, I have determined the appeal on its own merits and do not find that the presence of previous approvals outweighs or alters my findings above. The appellant also indicates that the appeal site and surroundings will at some point in the future be included with the Harworth/Bircotes Neighbourhood Plan. However, there is no firm evidence before me to support that assertion. I therefore attach little weight to these considerations.
23. I note the Council raise concerns that the level of traffic noise experienced by future occupants of the proposed dwelling would be noticeable and intrusive, particularly in relation to the use of the outdoor space. Even were I to reach the view that the proposal would be acceptable in all other respects, including in terms of living conditions of future occupants noting the proximity of the A1(M), that would effectively be neutral in my assessment of the scheme.
24. The development would offer potential benefits in terms of providing a new dwelling to the Council's housing stock. It would also have economic benefits through employment opportunities during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. I have attached some weight to these factors. However, given the modest scale of the development, the weight attributable to these matters is

¹ Council Ref. 20/01291/HSE

² Council Ref. 19/00876/OUT

limited and is not sufficient to outweigh the significant harm that I have identified and the conflict with the policies I have referred to.

Conclusion

25. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR