



Appeal Decision

Site visit made on 22 January 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2024

Appeal Ref: APP/F4410/W/23/3318364

Field off Bawtry Road, Finningley, Doncaster

- 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 Mrs Natalie O'Connor, G.A. Mell (Builders) Ltd, against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/02867/FULM, dated 20 September 2021, was refused by notice dated 24 January 2023.
 - The development proposed is construction of stables and change of use of field to equestrian use.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Preliminary Matters

3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal. In reaching my Decision, I have taken into account the comments raised.

Main Issue

4. The main issue is whether the proposed development would be an enterprise that supports a prosperous rural economy, having regard to national and local planning policy.

Reasons

5. The appeal site comprises an arable field with an existing access point off Bawtry Road. The site is located towards the south of the village of Finningley and within the Countryside Policy Area.
6. Policy 25 of the Doncaster Local Plan 2015-2035 (2021) (LP) sets out that a proposal for a non-residential development will be supported in the Countryside Policy Area, providing that it satisfies a number of set criteria. This includes A) the rural location of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the Framework.

7. In making my decision I have considered the supporting text of LP Policy 25. The supporting text does not hold equal weight to the terms of the policy itself¹, and the policy does not state that an overriding benefit to the local economy should be demonstrated. Nonetheless, the supporting text is helpful in understanding the policy.
8. The proposed development is for personal use. The main parties agree that, in the context of LP Policy 25, the term 'enterprise' can include uses such as that proposed. There is no credible evidence before me that would lead me to an alternative conclusion.
9. Framework paragraph 88 sets out that planning decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings; and b) the development and diversification of agricultural and other land-based rural businesses. The appellant states that the proposal is best characterised as a leisure development, wherein limb c) of paragraph 88 states that decisions should enable sustainable leisure developments which respect the character of the countryside.
10. As a result of the private use of the proposal, the proposed development would not grow or expand a business or relate to a rural business as supported by the Framework. Even if the proposal could be considered as a leisure development, sustainable development has three overarching objectives including an economic objective. Furthermore, the overarching aim of this part of the Framework is to support a prosperous rural economy.
11. The proposal would provide benefits to the local economy, including through the construction period and the operational period through the ongoing demand of veterinary and supply services, as well as maintenance. The economic benefits would be very limited due to the small scale of the proposal.
12. LP Policy 25 does not specifically state that applications must demonstrate whether the proposal would support a prosperous rural economy to a greater extent than an existing use. However, in my view, the existing use is a relevant consideration in assessing whether a proposal complies with the policy.
13. The site is currently in active productive agricultural use for the production of cereal crop (maize and rye) which is sold to a local company who convert the produce to biofuel for onward sale. The use of the site contributes towards local employment (including the tenant farmer, contractors, and farm labourers) and the rural economy. The evidence before me states that the business accounts (of the tenant farming company of the appeal site) over the last 3 years are profitable. The proposal would result in the field being taken out of agricultural production and the economic contribution of the tenant farming company would be reduced.
14. The appellant highlights that the field could fall out of productive agricultural use at any time due to matters entirely beyond the control of the planning system. Whilst that may be so, the site is currently in productive agricultural use.
15. The proposal would result in the loss of an existing productive agricultural business use of the land which contributes to the rural economy and would

¹ Gill, R (On the Application Of) v London Borough of Brent (Rev 1) [2021] EWHC 67 (Admin)

replace it with a private recreational use. The proposal would provide very limited economic benefits. Based on the evidence submitted, and taking into account the current use of the land and the size of the land that would be taken out of agricultural production, as well as the scale of the proposed development, the proposal would result in an overall reduction in economic benefits.

16. For these reasons, I cannot conclude that the rural location of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the Framework, because the proposed development would result in a disbenefit to the rural economy. Consequently, the proposed development would conflict with criterion A) of part 4 of LP Policy 25 and the Framework which seek to support a prosperous rural economy. It is important to highlight that it is the specific circumstances of this case (including the current use of the site and the size of the land in relation to the scale of the proposed development) which have led to the above conclusion.

Other Matters

17. The appellant has highlighted matters that are agreed, and that the officer's report recommended approval of the application. In addition, they raise concerns regarding the Planning Committee's decision. The other matters highlighted do not outweigh the conflict I have found above.
18. The Finningley Conservation Area (CA) is located towards the north of the appeal site. The Council raise no concerns in respect of the effect of the development on the setting of the CA, and I have no reason to consider otherwise. The development would have a neutral impact on the character and appearance of the CA and the development would not cause harm to the significance of the designated heritage asset. This is due to the nature and design of the proposed development, distance to the CA as well as the intervening built development, trees and vegetation.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR