



Appeal Decision

Site visit made on 21 May 2024

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/A3010/W/23/3333264

Land adjacent to Meadow House, Caves Lane, Walkeringham, Doncaster, DN10 4LS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr W Marzano against the decision of Bassetlaw District Council.
 - The application Ref is 23/00853/FUL.
 - The development proposed is a net zero carbon detached 3-bedroom dwelling, detached garage and new vehicular access.
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Decision

1. The appeal is allowed, and planning permission is granted for a net-zero carbon detached 3-bedroom dwelling, detached garage and new vehicular access at land adjacent to Meadow House, Caves Lane, Doncaster, DN10 4LS in accordance with the terms of the application, Ref 23/00853/FUL, subject to the following 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: Drawing No. 1B, Drawing No. 2D, Drawing No. 3 and Drawing No 4.
 - 3) The dwelling shall not be occupied until the access including visibility splays, parking and turning areas have been constructed in accordance with the approved plans. These areas shall be retained thereafter.
 - 4) The development shall not commence until a scheme of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented thereafter in accordance with the approved details.
 - 5) The development shall be carried out in accordance with the enhancement recommendations contained in the Preliminary Ecological Appraisal prepared by BJ Collins dated May 2023.

Application for costs

2. An application for costs was made by Mr W Marzano against Bassetlaw District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:

- 1) Whether the principle of development is acceptable taking account of the site's location outside the settlement boundary;
- 2) Whether the development would harm the character and appearance of the area, and
- 3) Whether the development would be unacceptable on highway safety grounds.

Reasons

Principle of development

4. The appeal site currently forms part of an expansive garden to Meadow House, which is located on the north-western outskirts of Walkeringham, a village identified as a Rural Service Centre in the Council's Core Strategy¹ (CS) and the Walkeringham Neighbourhood Plan (WNP) 'made' in 2021.
5. The WNP reflects the approach to the settlement hierarchy and housing distribution contained in the withdrawn draft Bassetlaw Local Plan. The WNP adopted a cap of 20% (70 new dwellings) for the village and allocated sites to meet the vast majority of this growth within a revised settlement boundary. Infill housing within the boundary was to provide the balance. The revised development in the WNP sought to make provision for new housing whilst protecting the character and appearance of the village.
6. The appeal site is located close to Walkeringham but outside the settlement boundary. It is therefore in the countryside for planning purposes. Accordingly, the proposal for a private dwelling, would conflict with CS Policy CS1 and WNP Policy 1. The latter seeks to limit development outside the settlement boundary to that which is necessary to support the rural economy.
7. However, the matter does not end there because paragraph 33 of the National Planning Policy Framework (the Framework) states that policies in development plans should be reviewed and where necessary updated every five years. There is no dispute that the CS pre-dates the Framework and its policies have not been reviewed in the last five years. This therefore engages paragraph 225 which states that policies in an adopted development plan do not become automatically out of date because they were published before the Framework; policies must be considered having regards to their consistency with the Framework. The closer the policies in the plan to those in the Framework, the greater the weight that may be given.
8. The Framework does not impose a blanket restriction on development outside defined settlements. Instead, a balanced, cost/benefit approach is advocated where all material considerations have to be weighed in the balance. This balancing of harm against benefit is a defining characteristic of the Framework's overall approach embodied in the presumption in favour of sustainable development. Paragraph 83 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Accordingly, where CS Policy CS1 is used to restrict housing outside settlement boundaries, as is the case here, it cannot be seen to be consistent with the Framework.

¹ Full Title: Bassetlaw District Local Development Framework – Core Strategy and Development Management Policies DPD, adopted December 2011.

9. The Appellant highlights paragraph 14 of the WNP which states that the policy framework for new development is in accordance with national and emerging Local Plan policy. However, the plan being formulated in 2019, did not progress to adoption and does not have development plan status. Accordingly, the Appellant argues that the WNP is based on a plan that was not developed or adopted, and insofar as it relied on the CS, that plan was out-of-date in 2021. The Council has not submitted an Appeal Statement and therefore has not responded to these arguments.
10. Irrespective of when the WNP was 'made', there are clearly inconsistencies between Policy 1 and the approach to rural housing contained in the Framework. Having read the Report into the WNP, the Examiner makes clear that he is satisfied that Policy 1 is appropriate for the neighbourhood area but did not address the question of whether it was consistent with the Framework.
11. It is germane that the Officer's Report acknowledges that the approach of restricting development outside of settlement boundaries contained in Policy CS1 is 'out of step' with national policy. Moreover, it is claimed that the WNP adopts a positive approach to development and contains allocations within Walkeringham.
12. While that may be so, the appeal site in this case is outwith the settlement boundary and therefore falls to be considered under the second part to Policy 1. This does not operate as a permissive or positive policy as claimed by the Council but is in fact a restrictive policy which limits development outside the development boundary. In that regard, Policy 1 also has to be seen as being 'out of step' with national policy. For these reasons, the conflicts with WNP Policy 1 and CS Policy CS1 carry reduced weight.
13. In coming to that view, I am mindful of paragraph 12 of the Framework which states that where a development conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. However, as the determinative policy is out of date, I do not consider there would be conflict with paragraph 12.
14. In light of the above and given there is no suggestion from the Council that the proposed dwelling would be 'isolated', I intend to assess the appeal scheme against paragraph 83 of the Framework. As I saw on my site visit, the appeal site is well related to Walkeringham being only a short walk from its western fringes. While services and facilities in the village are somewhat limited, there is a primary school and bus stops within walking distance of the appeal site. Although on the limit of what most people would be prepared to walk, there is also a public house. The development would thus provide some support for these services albeit the contribution would be fairly limited. The development would also provide some limited support for the higher order shops and services in nearby Misterton and Gringley on the Hill.
15. While I acknowledge that the reality is that most trips, in most seasons of the year would be by private motor car, the same is also true for those housing sites identified in the WNP. This includes the recently completed development at the Caves Lane/Fountain Hill Road junction, only a very short distance from the appeal site. At paragraph 109 the Framework recognises that *"opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*. With that in mind, I do not consider the

transport options available to future residents would be notably different to the majority of residents in the local area.

16. Through its Officer's Report the Council accepts that the appeal scheme would contribute positively to the social and economic dimensions of sustainable development set out in the Framework through the provision of a new home capable of meeting local housing needs. I see no reason to take a contrary view on these matters.

Character and appearance

17. The appeal site is identified in the Bassetlaw Landscape Character Assessment as Mid Notts Farmland: Policy Zone 02: Walkeringham, which recommends conserving what remains of the open rural landscape by concentrating new development of appropriate design and scale around the existing settlement of Walkeringham and by ensuring new development reflects the local brick built vernacular. WNP Policy 2 states that development across Walkeringham Parish should demonstrate that it does not represent an unacceptable visual intrusion into the landscape setting.
18. The first point to make is that the appeal site is enclosed on three sides by established landscaping. This severely limits the site's visual exposure from Caves Lanes and other public vantages in the vicinity. I thereby concur with the Council that the proposed single storey dwelling would not be unduly prominent in the landscape. Indeed, the only meaningful views of the dwelling would be from angled glimpses through the site access.
19. Notwithstanding its level of concealment, the Council is critical of the proposed roofing materials, timber cladding and large glazed gables which it argues would be out of keeping with local traditional buildings. When I visited the area, I noted a fairly wide range of building styles and materials particularly along Caves Lane such that I would be hard pushed to identify a particular vernacular style. I thus consider the Council's design concerns to be overplayed.
20. From a cursory inspection of the plans, it is evident that very little timber cladding is proposed and that which is, would not be visible from outside the site boundaries. Although roofing materials could be controlled by planning condition, I can see nothing particularly objectionable about the use of grey tiles. From my observations, front facing gables did not appear to be a particularly unusual feature in the local area.
21. Based on the foregoing, I am satisfied that the proposed dwelling would not harm the character and appearance of the area. Consequently, there would be no conflict with WNP Policy 2 or CS Policy DM9 insofar as they seek appropriately designed development that is sensitive to its landscape setting.

Highway safety

22. The reason for refusal states that it has not been demonstrated that adequate visibility splays can be achieved from the site access. Past the site frontage, Caves Lane is a narrow, lightly trafficked country lane. Although it has a theoretical speed limit of 60mph, as is evident from on-site observations, actual driven speeds are significantly lower given the road's horizontal alignment and restricted width. This is confirmed by the Appellant's speed survey which recorded speeds between 29.8 mph and 30.5 mph. I therefore

consider that the visibility splays of 2.4m x 45m shown on the submitted plans are acceptable and in accordance with prevailing standards in Manual for Streets. I am satisfied from my observations that these splays can be achieved.

23. While I note generalised concerns about the substandard nature of Caves Lane, it is noted that the proposed dwelling would be served from a new access immediately adjacent to the one for Field House. There is no evidence before me to suggest the Field House access has led to manifest highway problems along Caves Lane including conflicts between pedestrians and vehicles. The appeal scheme is in any event for a single dwelling that will generate a very small number of additional vehicular or pedestrian trips along Caves Lane.
24. I therefore conclude that the development would not pose a highway safety risk and would accord with CS Policy DM4, WNP Policy 4 and paragraphs 114 b) and 115 of the Framework.

Conditions

25. Other than the condition recommended by the Council's Environmental Health team in their consultation response, no conditions have been suggested by the Council. I therefore impose standard time limit and plans conditions to provide certainty. I have also imposed a condition relating to the access and parking areas in the interests of highway safety. An ecology condition is necessary to secure net-gains to biodiversity. Finally, to ensure the development does not give rise to flooding issues locally, I have imposed a drainage condition.
26. There is no credible information before me to suggest the site has been previously used for potentially contaminative uses. Accordingly, I consider a land condition to be unnecessary.

Planning Balance

27. The social and economic benefits of the scheme are not in dispute. I have also found that the scheme would make a small contribution to the maintenance of the vitality of the rural community.
28. The scheme would not harm the character and appearance of the area or highway safety. These are thus neutral considerations. The only harm I have identified is that which arises from conflict with Policies WNP 1 and CS1. However, for the reasons given, these conflicts only attract limited weight.
29. Based on the above, it is clear to me that the benefits of the scheme clearly outweigh the harms. On a further matter of judgment, I consider the proposed development would accord with paragraph 83 of the Framework.
30. For the reasons given the appeal should be allowed.

D M Young

INSPECTOR