



Appeal Decision

Site visit made on 4 June 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal Ref: APP/F4410/W/24/3337266

Woodside, Doncaster Road, Conisbrough, Doncaster DN12 3AR

- 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 R Davies against the decision of City of Doncaster Council.
 - The application Ref is 23/02035/FUL.
 - The development proposed is described as 'single storey carpet shop extension to side of house with attached gym and store (domestic use only) and detached summerhouse (domestic use only)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the vitality and viability of the town centre;
 - The effect of the proposed development on ecological interests; and
 - If the proposed development is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances.

Reasons

Whether Inappropriate Development

3. The appeal relates to a 2 storey detached dwelling that is located within a short group of buildings on the north eastern side of Doncaster Road. Despite the majority of these buildings being residential, the immediate area is in mixed use, with an MOT garage business and car showroom situated next to the south-west boundary of the site. The appeal site also lies adjacent to woodland and within the Green Belt.
4. Policy 1 of the Doncaster Local Plan 2015-2035 (2021) (Local Plan) requires conformity with national policy when assessing development proposals in the

Green Belt. Paragraph 152 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. The exception most pertinent to this appeal is c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. Neither the Framework nor the Local Plan define 'disproportionate'. However, the Council's Rural Development Supplementary Planning Document 2024, (SPD) provides useful guidance on this matter. It advises that each application will be considered on its own merits using the Oxford English Dictionary Definition of "disproportionate". Factors such as the scale, bulk, massing and built form of the proposed development, are therefore to be taken into account.
6. The SPD goes on to set out that decisions should not be made on the basis of a mathematical calculation of increased size. Nevertheless, given the stricter level of control over new development in the Green Belt (because of the fundamental aim of keeping land permanently open) the SPD states that it is reasonable that the decision maker should expect volume increases to be significantly less than 40% of the original building. Calculations should also take account of any previous extensions, alterations and outbuildings. Although the SPD was adopted after the Council's decision notice was issued, it has been subject to public consultation and is a material consideration at the time of making my decision.
7. It has been put forward that the proposed development and existing dwelling only takes up 16% of the land available. The appellant also contends that the proposal adheres to a rule that no more than 50% of the existing land around the property would be developed. However, it is unclear as to what rule is being referred to.
8. Moreover, it is uncontested that Woodside has been previously extended to the side at 2 storey level. According to the Council's uncontested measurements the total volume of the proposal together with the existing 2 storey side extension would be approximately 115% more than the volume of the original building. I have no substantive reason to question this figure. It is also clear from the submitted plans that the proposal would significantly increase the scale, bulk and massing of the existing building, and consequently result in a cumulative increase in the floorspace and volume of the original building.
9. As such, the proposal would result in disproportionate additions over and above the size of the original building. Accordingly, the proposed development would not satisfy exception c) or any other exceptions stated in paragraph 154 of the Framework. As a result, it constitutes inappropriate development which is, by definition, harmful to the Green Belt.

Openness

10. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions.

11. It has been put to me that the proposal has been designed to ensure that it would integrate with the existing dwelling and minimise visual and environmental impacts. It would also incorporate part of the concrete base of a former single storey garage. Nonetheless, the majority of the footprint and volume of the proposed development would give rise to a spatial loss of openness on the site as it would result in development where there was previously none.
12. I appreciate that the immediate context includes commercial properties, mechanical machinery and other structures in neighbouring rear gardens, and that some elements of the proposal would not be seen from along Doncaster Road. However, the single storey side extension would be readily apparent from public vantage points outside of the site and the proposed rear extension and detached summerhouse would be clearly visible from the first-floor windows of several houses in the vicinity. As a result, this increase in mass and bulk would inevitably reduce the openness of the Green Belt in both visual and spatial terms.

Vitality and Viability

13. Local Plan Policy 22 aims to direct retail, leisure, office, cultural and tourist developments according to the 'Network of Centres' in order to maintain the viability and vitality of Doncaster's town centres. In considering proposals for new main town centre uses, such as the carpet shop element of the proposal, Part 1 of Policy 22 requires the application of a sequential approach.
14. In this regard the policy states that out of centre development will only be acceptable when there are no suitable sites available in, and then on the edge of, town centres, district centres or local centres (or expect to become available within a reasonable period) that are suitable for the proposed development. This is consistent with paragraph 91 of the Framework.
15. The site's proximity to main through roads and links to towns and villages and motorway routes, along with the potential levels of passing trade from the local community, the provision of customer parking, and accessibility for deliveries have been put forward as favourable factors in support of the proposal. The small-scale nature of the proposed retail element, the presence of other commercial properties nearby, and an anecdotal reference to a previous carpet shop on Doncaster Road are also noted.
16. In addition, the possible cost effectiveness of the proposed location and the potential impact on the viability of the business and its economic growth have been mooted. However, no substantive evidence in these respects or a sequential test has been provided.
17. Consequently, it has not been demonstrated that there are no sequentially preferable sites available within, and then on the edge of, town, district and local centres that would protect the vitality and viability of the town centre. On the basis of the evidence before me, I therefore cannot be certain that the proposed site is unique, as the appellant suggests, and represents the only means of realising the benefits put forward. Accordingly, I am unable to find, having regard to the vitality and viability of the town centre, that the proposed location represents a suitable site for the retail element of the proposal. It would thereby conflict with Policy 22 of the Local Plan.

Ecological Interests

18. The site lies within the Dearne Valley Green Heart - Nature Improvement Area and the Living Don - Don Gorge - Biodiversity Opportunity Area and adjacent to the Sprotbrough Gorge Site of Special Scientific Interest (SSSI). Although Natural England has raised concerns about the lack of a SSSI assessment, they have provided limited evidence of their own in respect of any potential harm and why suitably worded planning conditions would not provide appropriate mitigation. In the absence of any substantive evidence to the contrary I am therefore unable to find that the proposal conflicts with Local Plan Policies 29 and 30. These seek, amongst other things, to protect, create, maintain and enhance the Borough's ecological network.

Other Considerations

19. I have been informed that a number of sustainable building practices, features and energy efficiency benefits would be provided. However, given the small-scale nature of the proposal these benefits would be somewhat limited. There is also little substantive evidence before me to demonstrate that the proposal would provide an effective sound barrier or significantly improve security for the appellant. Nor would views of the commercial businesses from the windows of neighbouring properties, which appeared on my site visit to be acute, be significantly enhanced. As such, I have attributed all of these combined factors limited weight in the overall Green Belt balance.

Green Belt Balance and Conclusion

20. I have found the proposal to be inappropriate development in the terms set out by the Framework, and to reduce the openness of the Green Belt. The Framework requires me to give these collective harms substantial weight. It has also not been demonstrated that the proposed development would not harm the vitality and viability of the town centre. Although the proposal would not have a harmful effect in respect of ecological interests this is a neutral factor in the overall Green Belt balance that does not attract any positive weight. Therefore, even when taken together, the other considerations reviewed above do not clearly outweigh the harm that the proposal would cause. Consequently, the very special circumstances required to justify the proposed development have not been demonstrated. As a result, the proposal would conflict with Local Plan Policy 1 and Section 13 of the Framework which seeks to protect Green Belt land.
21. As such, the appeal scheme conflicts with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR