



Appeal Decision

Site visit made on 27 February 2024

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/A3010/W/23/3328325

Land off Breck Lane, Mattersey Thorpe, Doncaster DN10 5EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Matthew Beech against the decision of Bassetlaw District Council.
 - The application Ref is 23/00414/OUT.
 - The development proposed is the erection of a zero carbon dwelling and the construction of a new feed and storage building and the reconstruction of a stable block.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council adopted the Bassetlaw Local Plan (2020-2038) (LP). Consequently, the policies cited on the decision notice no longer form part of the development plan. The appellant has had an opportunity to comment on the following replacement policies, which the Council has identified as being relevant to the appeal: ST33: Design Quality (replacing DM4); ST52 Transport Infrastructure and ST53 Promoting Sustainable Transport and Active Travel (replacing DM13).
3. I have had regard to the most up-to-date policies and determined the appeal on this basis.
4. The new LP and made Mattersey and Mattersey Thorpe Neighbourhood Plan(NP) are consistent with the National Planning Policy Framework (the Framework) and therefore 11(d) isn't engaged.
5. The planning application was for outline planning permission with all matters reserved except for access. The appellant's appeal statement confirms that the submitted elevations and site plan are for illustrative purposes only. I have determined the appeal on this basis.

Main Issues

6. The main issues relevant to this appeal are:
 - whether the site is a suitable location for housing, having regard to the development plan and other material considerations;
 - the effect of the proposed development on the character and appearance of the surrounding countryside; and

- the effect of the proposed access arrangement on the safety of those using the highway.

Reasons

7. The appeal site is a parcel of land situated in open countryside on the west side of Breck Lane beyond the edge of the village of Massey Thorpe. The site is surrounded by open fields. A semi-derelict stable block presently occupies the site, as well as an area of hardstanding and an existing vehicular access. The site is bound by post and rail fencing. A dyke runs adjacent to and parallel with the northern site boundary.
8. The site lies outside of the development boundary. Within the boundary, Policy 3 of the NP permits infill. I have not been directed to any policies which permit housing development outside the development boundary and the general thrust of policy, insofar as it has been given to me, is to protect the character and appearance of the area, which includes the open countryside outside of the settlements. The main parties agree that the appeal site is not considered infill development.
9. At my site visit, I noted that the proposed development would be isolated and very visible in the open landscape by reason of the flat topography. The landscape vistas available from the appeal site convey a sense of rurality. It is acknowledged that when the consented residential development is implemented on the east side of Breck Lane, opposite the appeal site, it will serve to extend the settlement edge further southwards. I do not know the background to this scheme, or the basis on which it was permitted, but regardless, the appeal site is on the opposite side of Breck Lane, which is characterised by a large swathe of undeveloped farmland. The proposed development would be detached from the established settlement, separated both in appearance and physical location, by open arable fields. The development would fail to respect the local context and it would create disharmony with the development pattern.
10. In seeking to argue that the site is suitable for residential and business development, the appellant claims that the existing stable block occupying the site relates to the longstanding farm complex to the east and that the proposal would re-establish the equestrian business. The presence of the farm complex is noted, as is the related agricultural character at the edge of the village, which it is understood that the consented residential scheme seeks to reflect. Notwithstanding this, the single stable block is incidental in the landscape and much smaller in scale compared with the proposal to redevelop the appeal site by constructing a dwelling, re-establishing and expanding the equestrian enterprise, thereby commanding prominence in the landscape and discordance in relation to the settlement, to the detriment of the local character and distinctiveness.
11. As such, the proposal would be contrary to Policy ST33 of the LP which states that all development must be of a high quality design that, amongst other things, has a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness, while reflecting the principles of relevant national and local design guidance; uses land efficiently and ensures density reflects local character.

12. The proposed development would also be contrary to Policy 3 of the NP, which addresses the need for new housing development to respect the local character. It states that applications for residential development on infill and redevelopment sites will be supported where the proposals are of a high design quality and where such development meets all of the criteria listed. The proposed development would fail to meet criteria a) which requires the scheme to be in keeping with the character of the area, particularly in relation to historic development patterns, plot sizes, building forms and building layouts.
13. In the absence of substantive evidence of an existing and viable equestrian business, and notwithstanding the appellant's case that a permanent on-site presence would deliver security and animal welfare benefits, the proposal cannot be justified as a rural worker's dwelling. Even if I had been persuaded on the need for a worker to live on site, a permanent dwelling could not be justified on such limited information, without the business being first established and compelling evidence to demonstrate that it is likely to endure. I therefore consider that the proposal does not fall within any of the exceptions set out under paragraph 84 of the Framework for permitting isolated dwellings in the countryside. As such the proposal conflicts with national planning policy. Having regard to the location of the site outside of the development boundary and the likely landscape and visual impacts of the proposed development, which would urbanise this rural site, it has not been satisfactorily demonstrated that this site is an appropriate location for development in policy terms.
14. The appellant's intention to build a zero carbon property is noted. Sustainable development is supported in principle under national and local policy. However, based on the evidence at hand, an eco-friendly build would not in itself address or outweigh concerns regarding the proposal. The proposal would not be well related to the established settlement of Massey Thorpe, rather it would appear relatively isolated. The proposal would not respect local distinctiveness and character and would fail to positively contribute to the spatial qualities of the landscape.
15. For these reasons, the proposed development would be contrary to Policy ST33 of the LP, as referred to above, relating to high quality design, as it would fail to enhance and integrate with the character and appearance of the surrounding countryside.
16. The section of Breck Lane alongside which the appeal site is located, has an unrestricted speed limit, being sited beyond the 30mph speed limit associated with Mattersey Thorpe village. The lane does not benefit from street lighting or footways, and it is relatively narrow.
17. The operation of an equestrian business on the site would generate additional traffic accessing and egressing the appeal site on to Breck Lane. Limited information has been submitted regarding the nature and operation of this enterprise- it is unclear, for example, how many trips would be generated. The Highway Authority objected on grounds of pedestrian safety and due to risk to horses and riders. However, I note the appellant's commitment to provide a short length of footway along the west side of Breck Lane back towards the village and to widen the culvert bridge over the dyke, by re-siting and rebuilding the headwall on the west side of the bridge.

These measures, provided they could be secured by condition or S106 planning obligation, would provide safe pedestrian access.

18. I observed that Breck Lane is not a busy road, notwithstanding that the consented residential development opposite would generate additional traffic, if implemented. The appeal site is detached from the village, but within walking distance from it. On the evidence before me, were such measures secured, I find that there would be no harm to highway safety.
19. As such, these highway improvement measures would secure compliance with Policy ST52 of the LP regarding transport infrastructure. This policy, amongst other things, supports and facilitates measures that improve the management of the strategic and local highways network. The proposal would be in accordance with part (g) of Policy ST33 of the LP, ensuring the safe, convenient movement of all highway users. It would also be in accordance with Policy ST53 of the LP, which promotes sustainable transport and active travel. The policy states that development should, amongst other things, where appropriate, provide well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists and other vulnerable road users in a way which would not: i) compromise the free flow of traffic on the public highway, pedestrians, public transport and cycling or any other transport mode; or ii) exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.
20. Furthermore, the proposal would accord with paragraph 115 of the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Other Matters

21. The construction of a dwelling on the site would contribute to the area's housing stock- thereby aligning with the national aim, as set out in the Framework, to boost significantly the supply of homes. However, a single dwelling would only make a very modest contribution and therefore be of only limited benefit, even if there were a housing shortfall (and this has not been demonstrated). This would not be sufficient to weigh in favour of the proposal to offset the identified harms.
22. It is acknowledged that the semi-derelict stable block, which presently occupies the site, is unsightly and presents scope for enhancement. However, this in itself does not justify the proposed development, which I have found would cause harm to the character and appearance of the surrounding countryside.
23. It is accepted that an equestrian business would potentially support other related enterprises and generate employment locally. However, no substantive evidence has been provided to demonstrate this or to otherwise quantify the economic benefits. As such, I attribute limited weight to this matter.

Planning Balance and Conclusion

24. Subject to securing appropriate highway improvement measures, I have not found conflict with the development plan in respect of highway safety. However, the appeal site is in countryside outside the development boundaries set out in the Local Plan and the proposal would not meet the identified policy exceptions. The sustainability credentials of the proposed development, in respect of it being a zero carbon dwelling, would not in itself justify residential development in this location.
25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
26. For the reasons given above, I conclude that the proposal would conflict with the development plan when taken as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

N Kempton

INSPECTOR