



Appeal Decision

Site visit made on 22 October 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2024

Appeal Ref: APP/F4410/W/24/3347513

Land to the south east of 9 Norton Common Road, Norton, Doncaster DN6 9HP

- 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 Tony Young against the decision of City of Doncaster Council.
 - The application Ref is 23/02538/FUL.
 - The development proposed is proposed erection of a single dwelling and garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the planning application the Parish Council informed the Council that part of the appeal site was in their ownership. The appellant subsequently confirmed that part of the site is within their ownership and the remainder owned by the Parish Council. Therefore, the appellant had failed to serve notice on relevant landowners. However, notice of the appeal was served on the Parish Council on 4 July 2024 and received on 22 August 2024. As the Parish Council is aware of the application, no parties have been prejudiced as a result.
3. The site is subject to a High Court injunction which prevents unauthorised development taking place on the land, however the Council have confirmed that this does not prevent the submission of a planning application.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the area; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to the very special circumstances required to justify the proposal.

Reasons

Site context

5. The appeal site is an area of overgrown vegetation which adjoins Norton Common Road. The site has been previously enclosed by concrete posts and timber fence panels or wrought iron fencing, although a number of sections are now missing. The evidence suggests that garages were previously located on the site, however structures are no longer visible due to the vegetation growth.
6. To the east of the site is an area of grassed open space, with a number of mature trees. To the west, there is a road which provides vehicle access to the two rows of residential terraces that front onto Norton Common Road and Hawthorne Avenue. These dwellings are segregated from the main part of Norton village by the railway line and are within the Green Belt. To the northwest of the site are two further rows of terraced dwellings, which front onto Quarry Road, which sits at a right angle to Norton Common Road. Beyond Quarry Road and the other side of Norton Common Road is countryside.

Whether inappropriate development

7. Policy 1 of the Doncaster Local Plan 2015-2032 (2021) (LP) states that national policies will be applied for development within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. The Framework establishes that development within the Green Belt is inappropriate with the exceptions of the types of development listed in paragraph 154. One such example, g), is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would: not have a greater impact on the openness of the Green Belt. The Framework definition of previously developed land in Annex 1 excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. As there is little remaining visible evidence of the previous structures, the site therefore cannot be considered as previously developed land.
9. A further exception in paragraph 154 e) is the limited infilling in villages. The appeal site itself is detached from nearby dwellings by the access road to the north and west and the open space to the east. The area beyond the main road is countryside. Although there is no definition of limited infilling within the Framework, there are sizeable spaces between the appeal site and the nearby dwellings, and the proposal would not be close enough to the Quarry Road terraces to represent infilling of a gap. In addition, the site is located on the edge of the village with countryside beyond. Therefore, the proposal would not constitute limited infilling.
10. The appellant has put forward that the site is part of the village due to the location of the 30 mph speed signs. However, these signs are intended to support the safety of road users accessing the properties and approaching the railway crossing, rather than providing an indication of the main built form of the village.
11. The appellant states that the Council have used the appeal at Land off Stockport Road, Oldham as the basis for their decision. In this case the

Inspector concluded that 'infilling' implies the development of a site that is between existing buildings. The appellant has referred me to the case of *Wood v SSCLG and Gravesham Borough Council [2015]*. In this case the court held that a village boundary as defined in a local plan is not necessarily determinative. In considering whether the appeal site comprises infilling I have not only considered the development boundary but also how it relates to the village, nearby properties and the countryside.

12. The proposal does not comprise limited infilling in a village, nor does it comprise the limited infilling or the partial or complete development of previously developed land, whether redundant or in continuing use. Consequently, the proposal comprises inappropriate development within the Green Belt.

Openness

13. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has a spatial aspect as well as a visual aspect. The site is prominent from public views when entering the village and along with the adjoining land has an open appearance. Construction of a new dwelling on the site would result in built development where there is presently none. The proposed footprint of the house, garage, garden and boundary treatments would lead to a loss of openness both visually and spatially. Accordingly, the proposal would cause moderate harm to the openness of the Green Belt.

Character and appearance

14. The nearby residential terraces are a mix of two storey brick-built or rendered buildings of similar style, with two storey outriggers to the rear. Each dwelling along the terrace has one window and a door on the ground floor and one window at first floor level, giving them a simple well-balanced appearance. The terraces have small, enclosed garden spaces to the front and gardens to the rear. Together these features provide the terraces with a regular, consistent appearance.
15. The proposal is for a detached house, which would face onto Norton Common Road with a detached garage. The dwelling would have a protruding central gable feature, pitched dormers and two external chimney stacks. The eaves of the roof line would sit behind a parapet wall. The gable would have three windows at first floor level, with double entrance doors and slender windows to each side. The wings to either side would have a total of four windows on the front elevation, plus two windows in each of the dormers. As a result, the fenestration would dominate the front elevation, which contrasts significantly with the balanced proportions of the nearby terraces.
16. The ridge height of the proposal would be slightly higher than the neighbouring terraces. In addition, the vertical difference would be emphasised by the central gable, pitched dormers and external chimneys. This difference in height, together with the overall bulk of the dwelling would be incongruous to the context of the simple, well-proportioned appearance of the nearby terraces. Furthermore, the parapet wall and external chimney stacks are not features which would be in keeping with the local vernacular.

17. The appellant contends that the design could read as three separate dwellings. However, the dwelling would only have one front door and one garden so would have a different appearance to a terrace of three units.
18. The appeal site and adjoining open space marks a transition between the open countryside and the built-up area. The proposal would erode this open site to the detriment of the character and appearance of the surrounding area.
19. Consequently, the proposal conflicts with policies 41 and 44 of the LP, which seek amongst other things to ensure that new development reflects the principles of good urban design and demonstrate an understanding of local context.

Other Considerations

20. The appeal site is close to village facilities and a bus stop, with access to other towns. The proposal is for an open market dwelling which would make a minor contribution to the Council's housing supply and support the viability of local facilities. These benefits therefore provide modest weight in favour of the proposal.

Very Special Circumstances

21. The proposal would be inappropriate development within the Green Belt. In addition, there would be moderate harm to openness. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. There would also be harm to the character and appearance of the area which carries significant weight. Taken together, the other considerations put forward have modest weight. Therefore, the benefits do not clearly outweigh the harm to the Green Belt and other harms arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with LP policies 1, 41 and 44 and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.

Conclusion

22. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR