



Appeal Decision

Site visit made on 17 December 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/P4415/W/24/3349672

12 High Street, Laughton-en-le-Morthen, Rotherham S25 1YF

- 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 C Naylor against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2023/0776.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. I must determine the appeal against the most up-to-date information and therefore, I have determined the appeal on this basis. Both parties were provided with an opportunity to comment upon the revised Framework and therefore, have not been prejudiced. I have also referenced the revised paragraph numbers, where necessary.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character, appearance and significance of the Laughton-en-le-Morthen Conservation Area ("the CA");
 - b) the effect of the proposal on highway safety; and
 - c) whether sufficient information has been provided to assess the effect of the proposal on archaeology, biodiversity, and a scheme of comprehensive development for the wider area.

Reasons

Significance of the CA

4. The appeal site is within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

5. The CA extends either side of High Street (a road that travels through the village) and continues into the surrounding roads. It encompasses the historic core of the village which includes numerous notable stone buildings, the remains of the Motte and Bailey castle and All Saints Church. The CA has a diverse character and appearance with buildings of a variety of materials, storeys, designs and ages sited at differing distances from the roads. The significance of the CA derives from its historical and aesthetic values.
6. The appeal site comprises 12 High Street, a detached two-storey stone dwelling that directly abuts the pavement. To the rear of the dwelling is an extensive rectangular-shaped garden that, at the time of my site visit, had been subdivided by a fence.
7. As with the general character and appearance of the CA, the area immediately surrounding the appeal site is varied with pitched roofed bungalows and 1.5 to 2-storey dwellings constructed of buff/red brick or stone. Immediately to the east of the appeal site is a commercial use with a variety of older stone/brick buildings adjacent to a large yard. An open field is accessed from the northeast corner of the appeal site.
8. It is proposed to construct a detached, two-storey dwelling in the northern portion of 12 High Street's garden. The proposed dwelling would have two forward projecting gables of differing depths (the larger of which would incorporate an integral garage) and a two-storey fully glazed entrance hall/landing would be positioned in-between. It would have a pitched roof and would be constructed of natural stone and concrete pantiles.
9. The proposed dwelling would reflect the roof shape, number of storeys and exterior materials of other dwellings in the surrounding area. I acknowledge the dwelling's front elevation would include a two-storey glazed entrance hall/landing that would be contemporary in appearance and an integral garage. However, these features complement the design of the proposed dwelling and do not result in a mismatch of contemporary and vernacular designs. Furthermore, there is no uniformity in window size or design within the CA and I observed a dwelling within the CA with an integral garage. Consequently, these features would not detract from the character, appearance or significance of the CA.
10. There would be some glimpse views of the proposed dwelling between the buildings fronting the surrounding roads. However, it would be sited a generous distance from both High Street and Hooton Lane and would be largely surrounded by built development. Consequently, even though it would have a greater height than the adjacent bungalows, it would not appear prominent within the CA.
11. In reference to the main issue, the proposal would preserve the character, appearance and significance of the CA. As I have not found harm to the CA, it is not necessary for me to undertake a balancing exercise in respect of the public benefits of the proposal as required by paragraph 215 of the Framework. As such, it would comply with Policy CS23 of the Rotherham Local Plan Core Strategy 2013-2028, adopted 2014 ("CS") and Policy SP41 of the Rotherham Local Plan Sites and Policies, adopted 2018 ("LP") which, amongst other things, seek to ensure developments preserve or enhance the special character or appearance of Rotherham's conservation areas and their settings.

Highway Safety

12. Access into the appeal site is gained from High Street to the east of No 12 via a dropped kerb across the pavement. The access is bounded by a stone wall of over one metre in height to the east and the gable wall of No 12 to the west. The access is wider adjacent to the highway, then narrows alongside a stone wall that demarcates the rear garden of No 12, before opening out again. There is a gate within the northeast corner of the appeal site that provides access to a field.
13. I have not been provided with a drawing showing pedestrian and vehicle visibility splays. However, it was clear from my observations on site that visibility from the access is severely restricted by the boundary wall and the gable wall of No 12. Therefore, vehicles exiting the access must emerge into the road before an acceptable degree of visibility is available. Furthermore, the Council's Transportation Infrastructure Service states that the existing access cannot facilitate two-way traffic as it is not sufficiently wide. This has not been disputed by the appellant. For these reasons, the access is substandard.
14. The appellant asserts that the existing access has been utilised for many generations without incident. However, this has not been substantiated with evidence. Even if evidence was provided, the absence of accidents does not indicate that an access is safe in highway safety terms, or that an accident could not occur in the future.
15. I acknowledge the appeal site provides access to a field and that agricultural vehicles and farm machinery could utilise the access in association with this use. However, no comparative trip generation assessment has been provided to assess whether the proposal would result in a reduction in vehicular movements and therefore, an improvement in highway safety.
16. The appellant asserts that the use of the access by farm vehicles and machinery would cease if the dwelling was constructed. However, I am not aware of another access into the field and therefore, I am unclear how the field would be accessed without utilising the existing access.
17. The access would be substandard in terms of its width, vehicle visibility and pedestrian visibility. Evidence has not been provided to indicate the proposal could operate safely without complying with the required width for two-way traffic, or that the proposal would result in a reduction in vehicle movements than the existing use. Consequently, in reference to the second main issue, the proposal would have an unacceptable impact on highway safety. Paragraph 116 of the Framework states, amongst other things, that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Sufficient Information?

Biodiversity

18. The Council assert that no information has been submitted to demonstrate there would be no net loss of biodiversity at the appeal site. The mandatory requirement for Biodiversity Net Gain is not applicable as the proposal is for a "smaller development" and the planning application was made prior to 2 April 2024. LP Policy SP33 requires development to conserve and enhance existing, and create new, features of biodiversity and geodiversity value.

19. At the time of my visit, the access route and northernmost section (where the dwelling would be sited) was devoid of vegetation. The proposal significantly exceeds the minimum size for private amenity space associated with a dwelling of 3+ bedrooms. Consequently, I am satisfied that there would be sufficient space within the appeal site for a landscaping scheme to be agreed by condition that would enhance the site's biodiversity value. Consequently, the proposal would comply with LP Policy SP33, the relevant content of which I have previously described.

Comprehensive Development

20. LP Policy SP12 relates to the development of residential gardens and states that proposals will only be permitted subject to three criteria. Criterion (a) requires the proposals to allow for a comprehensive scheme in the wider area to be achieved in the future.
21. The land to the east of the appeal site comprises a commercial use. It has its own access onto High Street and therefore, the proposal would not inhibit the redevelopment of this land in the future. Accordingly, the proposal would comply with part (a) of LP Policy SP12.

Archaeology

22. Paragraph 207 of the Framework states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This is supported by LP Policy SP43 which requires a Heritage Statement to be submitted that includes a detailed archaeological assessment and the results of a field evaluation if development would affect a known or potential heritage asset.
23. The South Yorkshire Archaeology Service ("SYAS") states that the appeal site lies within the historic core of the village, a settlement of at least Saxon origin with good survival of traditional narrow plots, or tofts, along the main street indicative of its medieval extent. They assert that given the possible medieval origin of the appeal site, there is the potential for buried remains of archaeological interest to survive.
24. The appellant has not submitted any archaeological information such as a desk-based assessment or a field evaluation. Consequently, I am unable to determine whether the proposal would have the potential to affect a heritage asset.
25. The appellant asserts that planning permission was granted for a rear extension to No 12 with no conditions imposed for archaeology nor any request for additional archaeological information. However, limited information has been provided regarding the planning permission to determine whether it is directly comparable to the appeal proposal. Furthermore, the proposed dwelling would be located on land that, although forms part of No 12's garden, is a significant distance from the extension.
26. I acknowledge the appellant's comments regarding the time taken for the Council to receive the consultation response from SYAS; that the SYAS comments were received after the 21-day expiry of the consultation period; and the SYAS

comments were received in response to an email sent by the Planning Officer. However, this has not prevented me from forming a decision on the matter.

27. The appellant asserts that the Council did not request the submission of additional information to satisfy the SYAS comments prior to the determination of the planning application. However, this did not prevent the appellant from submitting the additional information to support their appeal.
28. Accordingly, insufficient information has been provided to determine that the proposal would not have a harmful effect on archaeological features. It would therefore conflict with LP Policies SP42 and SP43 which, amongst other things, state that the preservation of archaeological sites is an important consideration.

Other Matters

29. Across the road from the appeal site are two Grade II listed buildings (9 and 11 High Street). Accordingly, I have a statutory duty under Section 66(1) of the Act to pay special regard to the desirability of preserving the setting of these listed buildings.
30. No 9 is an imposing two-storey stone farmhouse with a double pitched slate roof. Its side elevation abuts the back edge of High Street and has a date stone of 1859. No 11 is a double-fronted stone dwelling with a pitched roof that fronts High Street. It is set behind a small front garden bounded by a stone wall. The setting of the listed buildings is the built-up developed character of the settlement.
31. The proposed development would be sited a significant distance from the listed buildings, with intervening built development in-between. Consequently, it would not harm the setting of these listed buildings.
32. The appellant has raised various concerns regarding the Council's handling of the planning application. However, this has not prevented me from forming a decision on the main issues.
33. Paragraph 78 of the Framework requires Council's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
34. The appellant asserts that paragraph 78 of the Framework is applicable to the proposal, however no substantive evidence has been provided to suggest the Council is unable to demonstrate a five-year supply of deliverable housing sites. The Council has not responded to my request for comments regarding the Framework. Therefore, it is unclear whether paragraph 78 is applicable.
35. Even if the Council could not demonstrate a five-year supply of deliverable housing sites, the adverse impacts I have found to highway safety and insufficient information in respect of archaeology would significantly and demonstrably outweigh the limited benefit of one additional dwelling, a limited amount of short-term employment through the construction of the proposal, and the limited support for the settlement's services and facilities by future occupiers.

Conclusion

36. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR