



Appeal Decision

Site visit made on 18 June 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/F4410/W/24/3356614

Hunters Cottage, Wellgate, Conisbrough, Doncaster DN12 3HN

- 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 Richard Hill against the decision of City of Doncaster Council.
- The application Ref is 24/00965/OUT.
- The development proposed was originally described as “outline planning (with some reserved matters) for the erection of a 1 bedroom detached house and garage on previously developed land”.

Decision

1. The appeal is allowed and outline planning permission is granted for outline application for the erection of a dwelling and garage (approval being sought for landscaping and layout) at Hunters Cottage, Wellgate, Consibrough, Doncaster DN12 3HN in accordance with the terms of the application, Ref 24/00965/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Richard Hill against City of Doncaster Council. This is the subject of a separate decision.

Preliminary Matters

3. The description of the development in the banner heading above is taken from the planning application form. However, both appeal parties have confirmed that a revised description of the development was agreed. Therefore, I have used the revised description in my decision above.
4. Outline planning permission is sought but with layout and landscaping included for consideration at this stage. The matters of access, scale and appearance are reserved for future consideration.
5. The application is accompanied by plans entitled Location Map and Site Layouts 24 May 24, Proposed Elevations 24 May 24 and Proposed Elevations 6 June 24 albeit the latter actually depicts floorplans. Given that the matters of access, appearance and scale are reserved, I have treated the plans which show the elevations of the proposed development and the internal arrangement of the dwelling as indicative. Conversely, the Location Map and Site Layouts drawing, which shows the layout of the proposed buildings and the provision of the likes of private outside space and hard surfaced areas, I have treated as definitive proposals. Although access is a reserved matter, the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 are such that an outline application must set out the access points to the development proposed. I have taken the access to the site as being the route from

Wellgate, and the access into the site being via the garage and path toward the site's western boundary.

6. The other appeals on the site for a commercial retail/storage building and tourist accommodation¹, and for a detached light industrial building², are the subject of separate appeal decisions.
7. As the appeal site is within the Conisbrough Conservation Area, and a number of listed buildings are within the site's surroundings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As necessary, I comment upon designated heritage assets later in my decision.

Main Issues

8. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether appropriate living conditions would be provided for the future occupiers of the proposed development with specific reference to their private outside amenity space;
 - The effect of the proposed development upon the living conditions of neighbouring occupiers with specific reference to their privacy and outlook; and
 - Whether parking provision would be acceptable having regard to highway safety.

Reasons

Character and appearance

9. The appeal relates to an irregular shaped piece of land that is located to the rear of a terraced group of 2 and 3 storey buildings that front Church Street and Wellgate in Conisbrough. Beside the site is a cobbled courtyard area which has a gated access onto Wellgate. A sweet/confectionary premises once occupied the site. Remnants of this past development on the site remain and provide evidence of its historically more built-up character.
10. Situated within Conisbrough's town centre, the local area is partly characterised by its enclaves of tightly-knit buildings. Terraced properties are commonplace, and it is also typical of the area for there to be buildings or building projections situated to the rear of others and in close proximity. Since the appeal site is partly enclosed by terraced properties with varied heights and an assortment of projecting offshoots, its immediate surrounds form one of those enclaves of tightly-knit buildings I have cited. Buildings within the immediate surroundings to the appeal site exhibit varied orientations with roof ridges of roofscapes running in varied directions.

¹ Appeal Ref: APP/F4410/W/24/3356515

² Appeal Ref: APP/F4410/W/24/3356439

11. In this context that, upon completion of the proposed development, buildings would be introduced into the space to the rear of Wellgate and Church Street would not be incongruous, nor would it harmfully diverge from the local prevailing character. Instead, it would represent a logical and sympathetic addition to the existing concentration of buildings which are present. The area would become more built-up but not to such an extent that it would be harmfully at odds with the general density of development in the area. The proposal would not represent overdevelopment, nor would it create an unduly hard environment where an absence of significant soft planting would be detrimental to the area. In addition, the proposal would be reflective of the historically more built-up nature of the site.
12. Painted render and roof slates are typical in the surroundings to the appeal site. The use of such materials would be appropriate but, since appearance is a reserved matter, final and precise material choices could be satisfactorily resolved at that stage.
13. Therefore, I find that the effect of the proposed development upon the character and appearance of the area would be acceptable and, as a result, the proposal complies with Policies 41, 42 and 44 of the Doncaster Local Plan 2015-2035 (the LP). In summary, and amongst other matters, these Policies require development proposals to be of a high quality of design and of an appropriate form and appearance. They also require proposals to respond positively and sympathetically to their context and the character of the area, avoid cramped layouts whilst also using land efficiently.

The living conditions of future occupiers

14. The proposed dwelling would be served by two separate private outside amenity spaces. One is described as being a screened seating area. It would be situated in the far north-eastern part of the appeal site and, consequently, a generous separation distance would be maintained between it and the rear elevation and rear garden of 22 Wellgate (No 22).
15. The second space, the direct access patio would be positioned farther south than the screened seating area but the viewing angles from the rear of No 22 would be more acute. Moreover, the position of the proposed garage on intervening land between the two outside amenity spaces and No 22 would provide some screening and assist in those spaces feeling private for future occupiers. For these reasons, the private outside amenity spaces of the proposed development would not be unacceptably overlooked by occupiers within No 22.
16. In coming to these views, I have had regard to the findings of the inspector who dismissed the appeal in May 2024³. However, in that case the private outside amenity space proposed was concentrated in one area rather than being split. That area would come closer to No 22 than would be the case in the scheme before me. No garage was proposed in the dismissed scheme to assist with screening and maintaining privacy either. As a result, the design and effects of the two appeal schemes are not alike, and the dismissed appeal is therefore only a matter of limited weight in my decision.
17. Both the private outside spaces would be set on higher land than is adjacent to the north. However, the neighbouring land is used for access and parking. Comings

³ Appeal Ref: APP/F4410/W/23/3331393

and goings in this area would be quite sporadic and dwell time would unlikely be high. Positioned beyond this access road and parking, dwellings directly north are well separated from the appeal site. Consequently, the character and use of the land north of the appeal site would not result in the privacy of the proposed outside amenity spaces being unduly infringed upon.

18. Existing properties on Church Street and Wellgate partly encircle the appeal site, and the screened seating area would be right beside a wall. Nevertheless, much of the built development in the enclave the site forms a part of would be well separated from the proposed outside amenity spaces. Given this, and the open aspect to the north of the site, no undue sense of enclosure or dominance would result for the amenity space users.
19. For the above reasons, and with specific reference to their private outside amenity space, appropriate living conditions would be provided for the future occupiers of the proposed development and the proposal complies with Policies 41, 42 and 44 of the LP as a result. These Policies require the creation of high quality residential environments through good design which is informed by context, require that new homes are provided with adequate privacy and amenity space, and that developments meet the needs of residents.

The living conditions of neighbouring occupiers

20. The proposed dwelling would butt-up to an existing wall to the east. However, this wall contains no windows. The wall would partly screen the proposed development and prevent it from causing an overbearing effect upon properties to the east or significantly reducing light for the occupants.
21. The rear elevations of the terraced properties on Church Street would flank the proposed dwelling. A projecting offshoot gable end to the rear of Church Street, which would be directly opposite the eastern-most sections of the proposed dwelling, is blank, containing no window. The stepped building line of the rear elevations of the Church Street properties means that there are other parts of their rear elevations which are set farther away, and well separated from, the proposed dwelling. Some of the windows within the rear elevation of properties on Church Street are obscurely glazed and thus already have limited outlook. For this collection of reasons, the proposed development would not harmfully reduce the outlook of occupiers within adjacent properties on Church Street.
22. Hunters Cottage, positioned to the west of the proposed development has a single window within its rear elevation. It is small and it is obscurely glazed. Therefore, views out of the rear of Hunters Cottage are very limited, and the effects of the position and mass of the proposal upon the outlook of the cottage's occupiers would be very modest.
23. Rather than being set directly behind No 22, the proposed dwelling would be set at an angle to it to the south-east. This would ensure that the proposed dwelling would not appear as an imposing feature from the rear of No 22. The proposed garage would be closer to No 22 and sited beside its rear garden boundary. However, it would nevertheless be set at an angle to No 22 and the submitted layout shows that its more narrow front elevation would be orientated towards the rear elevation of No 22. There is also a shed within No 22's garden which would screen the lower reaches of the garage. Therefore, whilst some increased sense of enclosure would result for the occupiers of No 22, mitigating factors apply which

would ensure that the proposal would not unacceptably limit the outlook of the existing property occupiers.

24. Given the submitted layout, it is likely that several main windows would be within the proposed dwelling's north facing elevation. However, the views towards No 22, particularly its rear elevation would be angled, and the proposed garage would be likely to intercept some of them. As the precise internal arrangement of the proposed dwelling, and the position of the windows proposed, are not defined at this outline stage, the reserved matters would provide the means by which window positioning could be sympathetically designed and, moreover, governed by the Council. For these reasons, the proposed development would not result in any unacceptable infringements upon the privacy of neighbouring occupiers.
25. For the above reasons, the effect of the proposed development upon the living conditions of neighbouring occupiers with specific reference to their privacy and outlook would be acceptable. Policies 41, 42 and 44 of the LP, which require the creation of high quality residential environments through good design, require developments to meet the needs of residents and protect their living conditions, are therefore complied with.

Parking

26. The appeal submissions demonstrate to me that the Council now accept that the proposed garage would meet its size requirements so as to constitute a parking space. I have no reason to disagree and, furthermore, since scale is a reserved matter the precise dimensions of the garage can be clarified in the future.
27. A vehicular exiting the garage would have the option of reversing toward Wellgate for a short distance and then utilise space within the courtyard, and potentially the block paving to the south of the proposed dwelling, to turn around. Vehicles may use the courtyard areas beside the site and a management agreement may be in place to ensure that this takes place without problems arising. Despite this, I have no substantive evidence before me which leads me to the conclusion that, upon completion of the proposed development, the vehicular movements within the courtyard area as a whole could not be satisfactorily and safely managed.
28. With the plans identifying only the single parking space, the Council recommended a condition the effect of which would be to restrict the dwelling to being single-bedroomed. The site is located close to Conisbrough's town centre facilities, such as shops, and bus service provision is also nearby. Therefore, the site's accessibility credentials are good as a result. The Council's parking standards are not before me, but I note that Policy 13 of the LP permits a departure from them anyway where specific circumstances indicate it be appropriate to do so. For this reason, it has not been demonstrated to me that, on parking and highway safety grounds, the proposed dwelling must be single-bedroomed. Therefore, I have not imposed the condition recommended by the Council. It is appropriate in the circumstances for the occupancy levels of the proposed dwelling to be determined at the reserved matters stage.
29. Consequently, I find that the parking provision proposed would be acceptable, and no prejudicial effects upon highway safety would arise. The proposal therefore complies with Policies 13 and 44 of the LP which set out that developments must be provided with sufficient and safe parking arrangements and result in no unacceptable impacts upon highway safety.

Other Matters

30. Whilst refusing planning permission, the Council has not asserted that the proposal would result in any harm to designated heritage assets. Nevertheless, and particularly mindful of the statutory duties I summarised earlier, I must consider the effects of the proposal upon them.
31. The significance of Conisbrough Conservation Area (the CA) as a whole principally stems from its architectural, historic and archaeological interest. The landmarks of Conisbrough Castle and the Church of St Peter dominate the CA, and each contribute significantly to it. The CA's areas of traditionally designed housing and commercial areas, the verdant areas of land within its more north-eastern reaches and its undulating topography all also contribute markedly to the significance of the CA as a whole. The remnants of the sweet/confectionary premises within the appeal site provides some historic interest but, altogether, the site's present condition, character and backland position means that it does not make a meaningful contribution to the significance of the CA.
32. Conisbrough Castle is a grade I listed building, and it is a scheduled monument. Its imposing presence provides architectural interest, but it is also a rare tower keep castle of much historic and archaeological interest as it provides evidence of Norman Britain and the development of the feudal system. The Church of St Peter is also a grade I listed building. The special interest and significance of this asset largely stems from its architectural and historic interest. This is because it is an example of a traditionally designed historic church with Anglo-Saxon origins, because of its elevated position within Conisbrough and its leafy grounds.
33. Off Wellgate, and approximately 50 metres north-west of the junction with Church Street, is a grade II listed well cover. It is a small building, partly buried in pavement. It is of historical and archaeological interest because it is a form of well cover of late medieval origin of unique survival in the Doncaster district.
34. As the proposal would result in a logical and sympathetic addition to the existing concentration of buildings along Church Street and Wellgate, it would be in keeping with, and would preserve, the character and appearance of the CA. For this same reason and, coupled with the separation provided by intervening buildings and spaces, the proposed development would preserve the setting of Conisbrough Castle, the Church of St Peter and the listed well cover. Therefore, the proposal would result in no harm to any of the designated heritage assets I have referred.
35. The part dwelling/part store the subject of the allowed appeal in November 2024⁴ is not an identical scheme to that which is before me. This does not mean the proposed dwelling and garage would be unacceptable. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case.
36. The Council assert that as the proposed dwelling's main windows are indicated to be in the north facing elevation, it would receive insufficient light. The Council's reasons for refusal make no reference to this matter. As such, it is not clear to me that the Council objects to the proposal on these grounds to a meaningful extent.

⁴ Appeal Ref: APP/F4410/W/24/3344395

Nevertheless, in a northerly direction, the appeal site benefits from an open aspect on higher ground opposite an access road and parking spaces. For this reason, the northern elevation would receive ample daylight, moreover, the reserved matters stage would provide the opportunity for light to be maximised through a combination of internal space design and window provision.

37. I have no compelling evidence before me which indicates to me that the appellant's submissions that they own the appeal site are incorrect nor that any erroneous certification was made as a part of the planning application. Rights of access onto or across land and insurance matters are principally private issues, and the effects of the proposed development upon such matters is, as a result, of limited weight in my determination.
38. Owing to the set-back of No 22 and Hunters Cottage from the road, the wide footpaths serving Wellgate and No 22's low front railings, visibility at the junction point of Wellgate and the route to the site is good. Therefore, movements at this junction by either vehicles or pedestrians would be able to be undertaken safely.
39. In my main issue on parking, I have set out that I have no reason to conclude that vehicular movements within the courtyard area as a whole could not be satisfactorily and safely managed and, in turn, I also have no reason to conclude that those movements would result in hindrances to the function and use of neighbouring property.
40. I have no substantive evidence before me which indicates to me that the proposed development would undermine the structural stability or integrity of walls on the site's boundaries.
41. It is submitted to me that alternative, empty sites would provide more preferable locations for the proposal. However, I have limited information on which sites or why they would be preferable. Furthermore, I must assess the proposed development on its own merits.
42. By imposing a condition, details of a final drainage system to serve the development can be devised. I have no reason to conclude that the completed development could not be adequately drained.
43. Although the proposal would introduce a new development to the site, and may increase the courtyard's visitation, I have no firm grounds on which to conclude that this would result in an increase in incidents of crime. Representations before me also assert that the appeal site has not been well-maintained and trees have been removed from it in the past. However, such matters have little bearing on the planning merits of the case.
44. The appellant has submitted that the proposed dwelling would constitute a self-build home. However, there is no mechanism before me which would secure that this would be the case. Consequently, I have determined the appeal on the basis that the dwelling would not deliver a self-build unit.
45. Concerns have been expressed to me in relation to the effects of the proposed development upon property values, but this is not a matter to which I can attribute any meaningful weight. Although concerns have been expressed to me regarding the adequacy of the submitted plans, they are sufficient for me to determine the appeal.

Conditions

46. The Council has provided a list of suggested conditions that it considers would be appropriate and the appellant has had the opportunity to comment upon them. I have considered the conditions in the light of the tests for the imposition of conditions set out within the National Planning Policy Framework and the content of the Planning Practice Guidance. Consequently, my final suite of conditions differs from that suggested to me for the reasons I give below. In the interests of clarity, precision and to avoid duplication, this includes some adjustments to wording.
47. I have imposed standard outline planning permission conditions in respect of the submission of the reserved matters and time limitation (conditions 1, 2 and 3). Condition 4 is necessary to ensure that the development is carried out in accordance with the plans submitted at this stage in the interests of certainty.
48. In the interests of the character and appearance of the area, but also so that the development is served by essential waste and recycling provisions, I have imposed condition 5. With layout included at this stage, the siting of the dwelling and the garage to serve it would be set by the outline permission. In the interests of highway safety, and to ensure that the dwelling is not occupied without the garage's parking space, I have imposed condition 6.
49. Residential dwellings are sensitive to the hazards posed by site contamination and the site's historical land use indicates that the presence of contaminants is reasonably likely. Given this combination of factors, the contaminated land conditions within my schedule (7 and 8) are necessary in the interests of health and safety.
50. Condition 9 will ensure that the development is served by an adequate drainage system. Landscaping has been included as a matter for detailed consideration at the outline stage but the submitted plans do not show the full details of the landscaping scheme, including planting and hard surface materials. To enable such detail to be submitted, agreed and implemented I have imposed condition 10. This condition will also ensure that any means of enclosure devised at the site would be sympathetic to the character and appearance of the area.
51. I have set out within my fourth main issue why I have not imposed a condition limiting the proposed dwelling to a single bedroom on parking and highway safety grounds. The suggested condition would also seek to tie the proposal to indicative details. The Council also suggested that this condition would be necessary in the interests of the character and appearance of the area and to ensure adequate internal space. However, the reserved matters stage will provide the Council with sufficient control to assess the scale of the proposed development and the adequacy of the accommodation. The suggested condition is not necessary for these reasons.
52. The future assessment of scale and appearance would also enable the Council to fully consider the acceptability of the dwelling's accommodation and the proposal's architecture and material finishes. Consequently, the reserved matters stage provides sufficient control over matters such as the materials, fenestration and vents. Therefore, I have imposed no conditions at this outline stage which exert control over these matters.

Conclusion

53. The proposed development accords with the development plan as a whole, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance and scale, "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following drawing:

Location Map and Site Layouts 24 May 24

- 5) The dwelling hereby permitted shall not be occupied until a bin store has been completed in accordance with details which shall have first been submitted to, and approved in writing by, the local planning authority. Once completed, the bin store shall be retained thereafter.
- 6) The dwelling hereby permitted shall not be occupied until the garage to serve it has been completed. Thereafter, the garage shall be retained and maintained so that it provides a vehicular parking space.
- 7) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

- 8) No soil or soil forming materials shall be brought to site for use in garden areas, soft landscaping, beneath hard surfacing, for filing and level raising until the results of contamination testing of those soil or soil forming materials have been submitted to, and approved in writing by, the local planning authority. Prior to the contamination test results being submitted, the contamination testing methodology, including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information, shall have first been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details, soil and soil forming materials.
- 9) No development other than the digging of foundations and site clearance works shall take place until details of a drainage system to serve the development have been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved drainage system and the building hereby permitted shall not occupied or brought into use until the drainage system has been completed. Once completed, the drainage system shall be retained thereafter.
- 10) No development shall take place until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
 - existing and proposed finished levels or contours;
 - proposed planting including species, plant supply sizes, planting locations and plant numbers/densities;
 - establishment and cultivation details/methodology;
 - means of enclosure and boundary treatments;
 - hard surfacing materials;
 - any minor artefacts and structures; and
 - a timetable/programme for implementation of the hard and soft landscaping scheme which details the trigger points for when all the planting, seeding and turfing will take place and be completed and when all other aspects of the landscaping works (such as boundary treatments) will be provided.

The development shall be carried out in accordance with the approved details and any plants which die, become diseased, are seriously damaged or are removed within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and species.