



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/24/3356515

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 24/00966/OUT.
 - The development proposed is outline planning (some reserved matters) for the erection of a 2 storey commercial retail/storage building and the erection of 1.75 storey short term rental tourist accommodation building.
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Decision

1. The appeal is allowed and outline planning permission is granted for outline planning (some reserved matters) for the erection of a 2 storey commercial retail/storage building and the erection of 1.75 storey short term rental tourist accommodation building at Hunters Cottage, Wellgate, Conisbrough, Doncaster DN12 3HN in accordance with the terms of the application, Ref 24/00966/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. Outline planning permission is sought but with layout, landscaping and scale included for consideration at this stage. The matters of access and appearance are reserved for future consideration.
4. The application is accompanied by plans entitled Location Map and Site Layouts 26 May 24 and Proposed Plans & Elevations 9 Dec 2023. The site plan and elevation plans which are shown on these drawings are identified as being indicative. However, since layout, landscaping and scale are included at this stage, where these plans depict the size and arrangement of the buildings proposed and any landscaping within the site, I have treated such detail as definitive. The aspects of the plans which show the visual impression of the buildings and place (appearance) I have treated as indicative only. 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 hard surfaced areas toward the site's western boundary.

5. The other appeals on the site for a detached house and garage¹, and for a detached light industrial building², are the subject of separate appeal decisions.
6. 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

7. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposed development upon the living conditions of the neighbouring occupiers within 22 Wellgate with specific reference to their privacy and outlook.

Reasons

Character and appearance

8. 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.
9. 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.
10. 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.

¹ Appeal Ref: APP/F4410/W/24/3356614

² Appeal Ref: APP/F4410/W/24/3356439

11. 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.
12. A proposal for a dwelling was dismissed at appeal in May 2024³, but the main issue for the Inspector in that case, and the reason why it was dismissed, related to the living conditions of the future occupiers of that dwelling. Accordingly, there are clear and significant distinctions between the pertinent issues addressed in the cited appeal decision and those in the case currently before me. Therefore, the past appeal decision is of limited weight in my determination.
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 46 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 whilst also using land efficiently.

The living conditions of neighbouring occupiers

14. Both of the buildings proposed are positioned on the eastern extremity of the site. As a result, the separation distances from them to 22 Wellgate (No 22) would be maximised. The Council has set out that the distances from the back of No 22 to the proposed buildings would be 17 metres in one case and 18 metres in the other. In the context of a tightly-knit town centre location, such separation is reasonable.
15. The more northerly of the buildings proposed would be positioned more directly behind No 22. However, it is laid-out such that it would have a narrow gable end facing toward No 22. This would assist in ensuring that it would not appear as a dominant or imposing feature when viewed from No 22. With appearance reserved, precise window placement would be determined later but, given the proposed building's layout and scale, it is unlikely to have many first floor windows directed towards No 22.
16. As it would be positioned farther south and not directly behind No 22, the other building would also not appear as a dominant or imposing feature. The views from its first floor windows towards No 22 would also be angled. Furthermore, and in respect of both proposed buildings, the reserved matters stage would provide the means by which window positioning could be sympathetically designed and, moreover, governed by the Council. I see no reason why at that stage design solutions such as the placement of certain windows within certain elevations and the use of the likes of obscure glazing could not be used to ensure views from the proposed buildings towards No 22 were minimised whilst maintaining adequate outlook for prospective occupiers of the proposal.
17. Altogether, these factors would serve to adequately mitigate the effects of the proposed development upon the occupiers of No 22 so that their levels of privacy and outlook would not be harmfully affected.

³ Appeal Ref: APP/F4410/W/23/3331393

18. The proposed development would therefore comply with Policy 46 of the LP. In summary, and amongst other matters, this Policy sets out that developments should be designed to be of high quality and should result in no unacceptable negative effects upon the amenity of neighbouring land users.

Other Matters

19. 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.
20. 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.
21. 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.
22. 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.
23. 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 to.
24. 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.

⁴ Appeal Ref: APP/F4410/W/24/3344395

25. The Council express concern with the effects of comings and goings associated with the proposed development. 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. Nevertheless, in the context of the town centre surrounds where both commercial and residential premises are commonplace, I have no reason to conclude that the proposal would bring about a level of comings or goings which would be out of character with the area or unduly disturbing.
26. 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.
27. 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 or that hindrances to the function and use of neighbouring property would result.
28. 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.
29. The proposed development would partly 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. 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.
30. 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.
31. 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 nor that it would result in problematic trade effluent disposal.
32. 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.

33. 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

34. 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.
35. 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.
36. I have imposed condition 5 to restrict the hours of operation of the commercial retail/storage premises in the interests of the living conditions of neighbouring occupiers. In the interests of highway safety, and to ensure that the development is not occupied without the proposed parking to serve it, I have imposed condition 6.
37. In the interests of the character and appearance of the area, but also so that the premises is served by essential waste and recycling provisions, I have imposed condition 7. A permanently occupied residential dwelling is not proposed, nevertheless, the proposal involves uses 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, proportionate contaminated land conditions (8 and 9) are necessary in the interests of health and safety. Condition 10 will ensure that the development is served by an adequate drainage system.
38. Access and appearance are each reserved matters. Therefore, at the future reserved matters stage the likes of the treatment of surfaced circulation routes within the site and the architecture and material finishes of the buildings proposed can be designed and subsequently assessed and controlled by the Council. Consequently, the reserved matters stage provides sufficient control over matters such as the adequacy of materials, shop front design, fenestration and vents. Therefore, I have imposed no conditions at this outline stage which exert control over these matters. Similarly, given the control which the reserved matters stage provides, no condition is necessary to tie the proposal to details which are only shown indicatively at this stage.

Conclusion

39. 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 and appearance, "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 drawings insofar as they depict the layout, scale and landscaping of the development:

Location Map and Site Layouts 26 May 24

Proposed Plans and Elevations 9 December 2023

- 5) The use of the commercial retail/storage building hereby permitted and any operations, processes and activities within it shall only take place between 08:00 and 18:00 Monday to Friday, between 09:00 and 13:00 on Saturday and not at any time on Sundays or on Bank or Public Holidays.
- 6) The buildings hereby permitted shall not be occupied until the 3 vehicular parking spaces proposed to serve it have been provided and are available for use. Thereafter, the parking spaces shall be retained for the parking of vehicles only.
- 7) The buildings hereby permitted shall not be occupied until bin storage 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 storage shall be retained thereafter.
- 8) If, during the course of development, any unexpected contamination be found, work shall be suspended until: i. 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 the remediation works has been submitted to and approved in writing by the local planning authority.

- 9) No soil or soil forming materials shall be brought to site for use beneath hard surfacing, for filling 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.
- 10) 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 be occupied or brought into use until the drainage system has been completed. Once completed, the drainage system shall be retained thereafter.