



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/24/3356439

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 planning permission.
- The appeal is made by Mr Richard Hill against the decision of City of Doncaster Council.
- The application Ref is 24/00964/FUL.
- The development proposed is the erection of detached light industrial building on previously developed land.

Decision

1. The appeal is allowed and planning permission is granted for the erection of detached light industrial building on previously developed land at Hunters Cottage, Wellgate, Conisbrough, Doncaster DN12 3HN in accordance with the terms of the application, Ref 24/00964/FUL, subject to the conditions in the attached schedule.

Application 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 other appeals on the site for a commercial retail/storage building and tourist accommodation¹, and for a detached house and garage², are the subject of separate appeal decisions.
4. 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 Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. 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.

¹ Appeal Ref: APP/F4410/W/24/3356515

² Appeal Ref: APP/F4410/W/24/3356614

Remnants of this past development on the site remain and provide evidence of its historically more built-up character.

7. 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.
8. In this context that, upon completion of the proposed development, a building 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.
9. Painted render and roof slates are typical in the surroundings to the appeal site. The use of such materials would be appropriate but, regardless, the final and precise material choices can be controlled via the imposition of conditions.
10. 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.
11. The part dwelling/part store the subject of the allowed appeal in November 2024⁴ may have been proposed in a slightly different position, had different dimensions and a smaller footprint than the industrial building the subject of my decision. This does not mean the industrial building would be unacceptable. For the reasons I have given, the siting and scale of the proposed industrial building would be appropriate within its context.
12. 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.

³ Appeal Ref: APP/F4410/W/23/3331393

⁴ Appeal Ref: APP/F4410/W/24/3344395

Other Matters

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. Owing to the set-back of 22 Wellgate (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.
21. 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 building from that direction. Nearest to this wall, the proposed building's roof would slope downwards to its eaves level. These factors would ensure that the proposed development would not create an overbearing effect upon properties to the east, nor would it unduly reduce 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. Finally, whilst the Council's delegated report does not contain an authorising officer signature or date, there is insufficient evidence before me to conclude that, as result, the Council's decision to refuse planning permission was unlawfully made.

Conditions

27. The Council has provided a schedule of suggested conditions that it considers would be appropriate and the appellant has had the opportunity to comment upon them. I have considered this schedule 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.

28. Condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the proposed development is carried out in accordance with the approved plans and documents for the reason of certainty.
29. I have imposed condition 3 to restrict the hours of operation of the premises in the interests of the living conditions of neighbouring occupiers. Conditions 4, 5, 6, 7 and 8 are included in my schedule so that control is exerted over detailed elements of design and material finishes in the interests of the character and appearance of the area. Also in the interests of the character and appearance of the area, but so that the premises is served by essential waste and recycling provisions, I have imposed condition 9. Condition 10 will ensure that the development is served by appropriate parking and condition 11 will ensure that the development is served by an adequate drainage system.

Conclusion

30. 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) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings:

Location Map and Site Layouts 21 May 24
Elevations 21 May 24
- 3) The use of the premises 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.
- 4) No doors, windows or rooflights, including any associated heads or sills, shall be installed until details of their design, appearance and material finish have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall take place until a sample panel of the external wall materials has been provided to, or made available for inspection by,

the local planning authority and, thereafter, has been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample panel.

- 6) No development above ground level shall take place until samples of the roofing materials to be used have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved samples.
- 7) All rainwater goods, fascias and barge-boards shall be black.
- 8) No flues or vents (including any heating, plumbing or air extract vents), or meter boxes shall be installed unless details of the design, size, location, materials and colour of those flues, vents or meter boxes have first been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) The building hereby permitted shall not be occupied or brought into use 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.
- 10) The building hereby permitted shall not be occupied or brought into use until all vehicular parking and manoeuvring areas within the site have been completed in accordance with details which shall have first been submitted to, and approved in writing by, the local planning authority. The details to be approved shall include the location and surface treatment of the vehicular parking and manoeuvring areas. Once completed, the vehicular parking and manoeuvring areas shall be retained thereafter.
- 11) 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.