



Appeal Decision

Site visit made on 3 June 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Appeal Ref: APP/F4410/W/24/3353584

The Smallholding, Common Lane, Norton, Doncaster DN6 9HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs J Cousins against the decision of City of Doncaster Council.
 - The application Ref is 24/00670/PRIOR.
 - The development proposed is conversion of an agricultural building into two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) was amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (2024/579). It took effect on 21 May 2024 but contained transitional arrangements. The application that is the subject of this appeal was submitted to City of Doncaster Council prior to 21 May 2024. In line with the transitional arrangements, as both parties have referred to the 'old' Class Q within the GPDO in their evidence, I have proceeded to determine it accordingly.

Background and Main Issue

3. Under the GPDO, Class Q (a) allows change from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order. Class Q.2(1) sets out matters upon which the developer must apply to the local planning authority for a determination as whether prior approval will be required. Class Q.2.(1)(a) relates to transport and highways impacts of the development. The Council refused prior approval in this case owing to the proposed access road.
4. The Council contend that the access road to the site is unsuitable to serve the proposed two dwellings, due to its poor surfacing and lack of appropriate passing places. They further refer to the access road comprising a public right of way (PROW).
5. Therefore, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to the transport and the highways impacts of the development, with regards to the proposed access road.

Reasons

6. The appeal site is located beyond the settlement edge in open countryside, on the west side of Common Lane, approximately 230 metres south of its junction with High Street in Norton. The first 90 metres, approximately, of Common Lane from the junction is built to an adoptable highway standard and includes a PROW. Beyond this, the remaining length of Common Lane, at least up to the appeal site entrance, becomes an unmade track and does not meet adoptable highway standards. Common Lane is rural and tranquil in character, flanked by green verges either side and by a drainage ditch to the west side. It has dense hedgerows and hedgerow trees along much of its length.
7. The appeal site comprises two block-built agricultural buildings, within a smallholding. Woodland borders the site to the south.
8. The proposed two dwellings would generate associated domestic traffic from future occupants, visitors, deliveries, and would also need to utilise domestic waste collection services. Although the number of vehicles connected with the proposed uses would be relatively modest, they would be additional to the existing smallholding. Moreover, the vehicles would generally be domestic and ill-equipped to frequently use unmade surfaces.
9. As outlined, the present condition of Common Lane is unmade for a considerable length. It is also single track, which inhibits the smooth passage of vehicles travelling in opposite directions. The evidence fails to substantiate that any repairs recently undertaken have altered these fundamental attributes, nor that this is likely to change in the future or as a result of the proposal. Consequently, these factors mean that as an access road, Common Lane falls below an appropriate standard to serve new dwellings.
10. Consequently, harm would arise from the future vehicular use of Common Lane when serving the proposed dwelling units due to the more frequent use of a road with an inadequate surface. There would likely be detrimental knock-on effects for other users of the road, including those seeking to use the public right of way.
11. Moreover, instances of conflict between opposing traffic would be more common. It is foreseeable that some of the of these vehicles would be large and agricultural in nature given the context. There is little technical evidence to show that field gate openings would remain available or would function safely as a passing space in such circumstances. Hence, it is likely that in such instances, vehicles would need to reverse considerable distances. This would be a difficult manoeuvre in combination with the surface condition.
12. In addition, despite the provision of a sketch to indicate how a waste disposal vehicle might access the appeal site, the evidence does not show that the Council's service vehicle would do so. Rather the evidence suggests a collection point should be provided within 5 metres of the adopted highway. Hence, the present access would be likely to require future residents to transport domestic waste a considerable distance themselves.
13. Overall, this leads me to find that Common Lane would not provide a safe and suitable access route to the dwellings. In this respect the proposal would fall short of the expectations of paragraph 115b) of the National Planning Policy Framework.

In coming to this view, I have given considerable weight to the views of the Highway Authority given their expertise and local knowledge.

14. Accordingly, I find prior approval for the transport and highways impacts of the development should be required, and refused because the access road is unsuitable to serve the proposed dwellings.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

N Kempton

INSPECTOR