



Appeal Decision

Site visit made on 1 July 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/F4410/W/25/3362127

The former Star Inn Public House car park, The Star Inn, Moss Road, Moss, Askham, Doncaster DN6 0HQ

- 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 and Mrs Bulmer against the decision of City of Doncaster Council.
 - The application Ref is 24/01568/OUT.
 - The development proposed is erection of three No. custom/self-build bungalows with associated access arrangements.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Bulmer against City of Doncaster Council. That application is the subject of a separate Decision.

Preliminary Matter

3. The appeal is for outline planning permission for the erection of three custom/self-build bungalows with matters sought in relation to access. The remaining matters including layout would be required as part of a reserved matters application. The appellant has submitted an illustrative block plan indicating three, two-bedroom bungalows with parking to the front. Although I recognise that this is an indicative layout only, I have had regard to it in my decision.

Main Issues

4. The main issues are whether:
 - the site is a suitable location for housing having regard to the development strategy and the effect on the character and appearance of the site and surrounding area; and
 - the proposal would provide appropriate net gains in biodiversity (BNG).

Reasons

Suitable location

5. The appeal site is an area of hardstanding, which formed the car park of the former Star Inn Public House, which is being converted into three dwellings. The site is approximately 600m from the development boundary of the village of Moss. The site is bounded on two sides by mature hedging. To the east there is a detached

bungalow and large agricultural building. Beyond this dwelling is an access road to two other dwellings and agricultural buildings. To the west is the railway-line, the other side of which are two pairs of semi-detached dwellings. Although there are clusters of dwellings and other agricultural buildings/stables in the surrounding area its predominant character is open countryside.

6. The appeal site is outside of the defined development limit of the village of Moss and is therefore categorised as a Countryside Policy Area (CPA) within the settlement hierarchy set out in Policy 1 of the Doncaster Local Plan 2015-2035 (2021) (LP). Policy 25 of the LP sets out the types of development which will be supported in the CPA, which includes new dwellings to meet the essential needs of an existing agriculture, forestry or other enterprise which justifies a rural location or for 'entry level' exception sites in line with national policy. The proposed development is for three custom/self-build, open market dwellings and therefore would not comprise the type of development which would be supported by the development plan.
7. Although the appeal site is near to a cluster of other dwellings it is somewhat distant from services and facilities. Services within the nearest village of Moss are limited to an equestrian supply shop and tearoom. A greater range of services and facilities are available in Askern, which is categorised as a Service Town and located approximately 1.5km distance from the appeal site. However, there are no pavement links to either of these settlements and the roads are subject to the national speed limit. Moreover, the distances are in excess of the 800m for walkable neighbourhoods as set out in the Manual for Streets and there are no bus stops in proximity to the appeal site. Therefore, future occupiers would be reliant on the use of the private car in order to access services and facilities especially when trying to meet their day-to-day needs. The proposal for the development of three dwellings in this location would therefore undermine the Council's development strategy which seeks to direct the majority of new development towards more sustainable settlements.
8. The local area is characterised by dispersed development located within a countryside setting. Although the appeal site is an area of hardstanding there are currently open views across the site to the countryside which would be eroded by the proposed development. Whilst the proposal is in outline only, the indicative layout shows three detached bungalows, which would extend the built form along the road encroaching further into the countryside. Whilst the existing dwellings in the surrounding area vary in form and scale, three detached bungalows in a linear form would appear at odds with the existing pattern of development. Whilst I note that the site has been subject to fly tipping, this does not outweigh the harm to the character and appearance that I have identified.
9. I have been referred to the appeal case at Starland¹, which adjoins the former Star Inn Public House building. In this case the proposal was for a single dwelling and the appeal site was located in a gap between existing buildings, which was screened from wider views. It is therefore not directly comparable to this case, where the appeal site is for three dwellings and does not comprise infilling.

¹ APP/F4410/W/20/3248545

Custom/self-build delivery

10. The Self Build and Custom Housebuilding Act 2015 (the Act) imposes duties on local authorities to both maintain a register of persons seeking to acquire serviced plots in the area for custom/self-build housebuilding and to give enough suitable development permissions to meet the identified demand.
11. The LP does not contain a specific policy on how it will meet the requirements of the Act. However, Policy 7 of the LP states that new housing developments will be required to deliver an appropriate mix of house types to address housing needs and market demand, having regard to the Council's latest Housing Needs Study.
12. I have been provided with information relating to the number of individuals entered onto the Council's custom/self-build register according to the Annual Monitoring Report (AMR) dated 2023. The AMR shows that there were 47 entries on the register at this time and the appellant contends that based on information obtained from the Council that this figure is now 49, which indicates moderate demand for such housing.
13. The main parties agree that the Council is able to demonstrate in excess of five years housing land supply. However, the Council has not submitted any details in relation to the supply of custom/self-build dwellings. The AMR lists two housing schemes with permission, which have the potential to provide custom/self-build house plots at Carr Lodge and the Unity Project, which would deliver 57 dwellings. The appellant contends that 27 units would be provided at Carr Lodge in comparison to the figure of 45 units set out in the AMR and that the trigger for identifying self-build plots on the Unity Project scheme has not yet been reached. However, I also note that the AMR states that over the past 5 years that there has been an average of 50 single plot housing developments per annum, many of which are likely to fall into the category 'self-build'. Therefore, the Council has a significant supply of custom/self-build housing permissions which would contribute towards meeting the identified need.
14. Nevertheless, the provision of three additional custom/self-build dwellings would be a modest contribution to the demand identified on the Council's register and carries moderate weight in favour of the proposal.

Securing custom/self-build housing

15. The Planning Practice Guidance makes clear that in considering whether a home is a self-build or custom-build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
16. The Council initially considered that a S106 legal agreement would be required to secure the custom/self-build housing but changed this view because in the absence of a concrete policy requiring self-build provision to be secured by a legal agreement it would be difficult to enforce such a requirement. As part of the appeal a Statement of Common Ground has been submitted which confirms that the main parties agree that the custom/self-build element of the appeal would adequately be secured by a suitably worded condition. Consequently, a signed and executed S106 legal agreement has not been submitted.
17. However, the suggested condition set out in the Statement of Common Ground would be unlikely to pass the tests within paragraph 57 of the National Planning

Policy Framework with regards to being enforceable, sufficiently precise and reasonable in all other aspects. A Section 106 legal agreement would therefore be the most appropriate method to secure matters which ensure that first occupants have had primary input into the design and layout of the dwelling, the ownership of the custom/self-build dwelling for a period of three years as well as to bind the requirement to successors in title should the property be sold in the future in order to fulfil the requirements of the Act.

Overall

18. I have found that the proposed development is not in a suitable location for housing having regard to the development strategy and would harm the character and appearance of the site and surrounding area. Given the level of existing permissions for custom/self-build housing, I do not consider the provision of three additional dwellings of this type amounts to a justification for setting aside the development strategy. This is a matter which carries significant weight as the Council has a positive record in respect of housing delivery. Thereby, the proposed development conflicts with Policies 1 and 25 of the LP, which seek amongst other things to focus new development in the most sustainable locations and support development for new dwellings which justify a rural location.

Biodiversity

19. Policy 30 of the LP states that where development is permitted the Council will require developers to use the DEFRA biodiversity metric to demonstrate that a proposal will deliver a minimum 10% BNG, however the metric was not submitted as part of the proposal.
20. Since the application was determined the mandatory requirements for developers to deliver BNG of 10% has come into force and the appellant contends that custom/self-build housing for three dwellings would be exempt from meeting this requirement. In order to qualify for this exemption, the proposal should be accompanied by a planning obligation that secures the dwelling for this purpose. In the absence of a legally binding mechanism there is no certainty that the proposed scheme would be carried out or occupied as a custom/self-build scheme. Therefore, it follows that the proposal must demonstrate how it would deliver 10% BNG.
21. In the absence of details pertaining to BNG, the proposal would conflict with Policies 29 and 30 of the LP, which seek to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.

Planning Balance and conclusion

22. There would be some economic benefits delivered during the construction process and use of services and facilities in nearby villages by future occupants, which weighs in favour of the proposal. The provision of 3 custom/self-build dwellings would contribute positively to the demand for such plots in the area. Although the appellant contends that there would be benefits with regards to new planting, no details have been submitted at this stage and therefore I attribute this limited weight. However, the proposed development is not in an appropriate location for new, open market housing and would undermine the development strategy approach, which seeks to focus new development towards more sustainable

settlements. I have also found that the proposal would harm the character and appearance of the site and surrounding area.

23. Taking all these matters into consideration I conclude that the benefits associated with the proposal would not outweigh the conflict with the development strategy and harm to the character and appearance of the site and surrounding area. Even if the custom/self-build housing had been secured through a signed and executed S106 legal agreement, which would also confirm that the scheme is exempt from the requirements for BNG, I would dismiss the appeal for the reasons outlined above.
24. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR