



Appeal Decision

Site visit made on 4 November 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/F4410/W/25/3370331

Land adjacent St Johns Church, Church Road, Adwick upon Dearne, South Yorkshire S64 0NE

- 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 BR Palframan & Sons against the decision of City of Doncaster Council.
 - The application Ref is 25/00587/FUL.
 - The development proposed is erection of 2no. detached 2 storey dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. One of the reasons for refusal relates to the setting of a listed building. Accordingly, I have had regard to the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in relation to the listed building.
3. The Council's seventh reason for refusal related to drainage. However, following the submission of further information during the appeal, the Council has not sought to defend this reason. This has informed the following main issues.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - Whether the proposal would preserve a grade II* listed building, known as Church of St John, or its setting and any features of special architectural or historic interest which it possesses;
 - The effects of the proposed development on the character and appearance of the surrounding area;
 - The effects of the proposed development on the living conditions of the occupiers of No 5 The Hedgerows with particular reference to outlook and shadowing effects;
 - The effects of the proposed development on protected species and biodiversity;

- The effects of the proposed development on trees; and
- If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

5. Policy 1 of the Doncaster Local Plan (LP) stipulates, amongst other things, that proposals for development in the Green Belt will be determined in accordance with relevant national policy. Paragraph 153 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are several exceptions to this general restriction such as paragraph 154 (e) which refers to limited infilling in villages.
6. Adwick-upon-Deerne is defined in Policy 1 of the LP as a village. The appeal site lies adjacent to, but outside of its defined development limits. However, in the Court of Appeal case in *Julian Wood v SSCLG and Gravesham Borough Council (2015)* it was established that the boundary of a village defined in a local plan would not necessarily be determinative but would be a relevant consideration. Therefore, when considering whether the appeal site is in a village, I shall have regard to the situation “on the ground” as well as any relevant policies. This also broadly accords with paragraph 4.4.37 of the Council’s The Rural Development Supplementary Planning Document (RDSPD).
7. The appeal site is a paddock accessed from Church Road. Housing to the north of the appeal site lies within the development limits, as does housing along Church Road to the west. To the south, the Church and its grounds lie within the Green Belt, as does the open pasture land to the east of the appeal site.
8. The Church, as a place of worship, forms a key part of the village on the ground even though it lies beyond the development limits. There is no sense of having left the village when walking to the Church along Church Road, due to the footpath, the width of the frontage of the appeal site, the lengths of boundary walling along the road, along with the buildings and housing to the west. This is despite passing the open paddock of the appeal site and the increasingly semi-rural characteristics of this part of Church Road. This is also reflected on the ground within the appeal site where, despite the number of trees, the presence of buildings, and their associated grounds in three directions, leads me to conclude that the appeal site is in a village for the purpose of paragraph 154 (e) of the Framework.
9. The appeal site has a rectangular plot shape with a long depth but a smaller frontage width. This more modest gap between buildings, the small number and the low density of development proposed are such that the scheme would, in my view, constitute limited infilling within the village of Adwick-upon-Deerne. It would therefore accord with paragraph 154 (e) of the Framework. As such, the proposal would not be inappropriate development within the Green Belt and it is not therefore necessary for me to consider whether any very special circumstances exist.

Church of St John

Special interest and significance

10. The grade II* listed Church of St John (the Church) is a modest sized church constructed of pebble-dashed rubble sandstone and a slate roof with a 12th century core with later alterations. Its historical use as a religious site dating from the 12th century, surviving 13th century windows and historic fabric, its battered bellcote, and its external ecclesiastical architectural character, all contribute to its special historical and architectural interest and significance.
11. The Church is divorced from the core of the village along Church Road. From Church Road the Church is not prominent due to its modest height, and the number and height of trees. Instead, it is within close proximity, on the approach to the Church, and from within its grounds, that the significance of the Church, as a building of considerable social and cultural importance to the local community, is experienced.
12. The Church is set within grounds containing, amongst other things, several maturing trees, and a graveyard. The graveyard makes a significant contribution to the understanding of the historic use of the building as a church, as the graveyard would have historically been used for quiet contemplation and to pay respects to the deceased. Indeed, it appears to be still in use as I saw more recent graves, some with flowers laid in the eastern portion of the graveyard.
13. The historic maps show how the Church's setting has evolved, and its historically more rural setting has been eroded. However, it has not been completely severed despite my findings in relation to the location of the Church being in the village in the Green Belt main issue. The Church's position beyond the core of the village, with maturing trees in its grounds, and with open undeveloped pasture fields immediately to the north, south and east, results in a semi-rural tranquil setting to the Church. The undeveloped, soft, and spacious qualities of the appeal site can be seen over the stone boundary wall on the approach to the Church along Church Road and through the gaps between trees, from within the graveyard. They are part of the way that the Church and graveyard is, and historically has been, experienced. In this regard, these physical qualities make a positive contribution to the peaceful setting of the Church and thus the significance of the listed building.

Appeal proposal and effects

14. The proposal would involve two large dwellings and large areas of hardstanding for the access and parking in what has historically been an open undeveloped parcel of land. In doing so, it would erode the contribution that the appeal site's open setting makes to the significance of this designated heritage asset.
15. Views of the Church from Church Road would not be obscured by the positioning of the proposed dwellings set back within the appeal site. However, they would still be seen in combination with the Church, and their size and contemporary design would detract and distract from how the listed building would otherwise be experienced.
16. The proposed dwelling at Plot Two would be located near the boundary wall of the Church grounds and would be prominent in views from both the rear of the Church and parts of the graveyard. Here, it would be an imposing building, and its form

and use would be harmful to the peace and tranquillity within the grounds to the rear of the Church.

17. The design of the buildings has sought to draw inspiration from converted barns. However, the position and formal layout of the buildings, and the replication of design features albeit handed are such that this design ethos would not succeed, and they would appear contrived. Whilst I note the suggestion that the materials could be altered, this alone would not overcome my concerns on this matter.
18. The additional planting proposed would take time to establish and it would not be sufficient to mitigate the harm from the loss of the open undeveloped parcel of land, the scale and position of the dwellings and the erosion of the semi-rural qualities, peace and tranquillity that form part of the setting of the Church.
19. Drawing the above together, the proposed development would fail to preserve the special interest of the grade II* listed building, known as the Church of St John, and its setting. As a result, the expectations of the Act have not been met, and the proposal would harm the significance of this designated heritage asset.

Public benefits and heritage balance

20. Paragraph 212 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
21. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage asset, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
22. In this instance, as the harm would be confined to one, but nonetheless important, part of the setting of the listed building, the harm to the overall listed building would be 'less than substantial' and at the moderate to low end of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.
23. Notwithstanding the Council's housing supply figure, the proposal would provide social benefits from an additional two dwellings boosting the supply of housing within the village. Moreover, any future occupiers would bolster the demand for nearby services and facilities. The occupation of the dwellings would bring economic benefits too from the spending of future occupiers in the local area, as well as from the construction works. This would stimulate employment, the commissioning of services, and the retention of building craft skills. However, the limited range of services in the village moderates the weight I afford the social and economic benefits from housing in this location. The proposal would achieve more than a 10% gain to biodiversity, which also represents a benefit of moderate weight.

24. Drawing the above together, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the great weight that I attach to the harm I have identified. Accordingly, the proposal would be contrary to the requirements of the Act, the Framework and Policy 36 of the LP, when taken together and in so far as they relate to this main issue. These say, amongst other things, that proposals that harm the significance of a listed building or its setting will not be supported other than in circumstances where that harm is clearly outweighed by the public benefits of the proposal having regard to the significance of the heritage asset affected.

Character and appearance

25. The narrowness of Church Road as it passes the front of the appeal site, the stone walling and stone buildings, the extent of mature trees, the appeal site's open pasture land and high quality of the historic Church create a pleasing verdant and semi-rural character to this part of Church Road. This contrasts with the more suburban qualities of the red brick housing within The Hedgerows immediately to the north of the site. In this regard, the appeal site's soft open undeveloped qualities make a positive contribution to the character and appearance of this part of the village as it transitions toward the countryside.
26. Due to the loss of the open undeveloped parcel of land, the scale and position of the dwellings and the erosion of the semi-rural qualities of this part of the village and given my findings above in relation to the setting of the listed building, the proposal would, in turn, harm the character and appearance of the surrounding area.
27. As such, the proposal would conflict with the requirements of Policies 41, 42 and 44 of the LP and paragraph 135 of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that in all cases, applications and design proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, adjacent neighbourhood and the wider area, to inform the appropriate design approach.

Living conditions – No 5 The Hedgerows

28. No 5 The Hedgerows (No 5) is located to the north of the appeal site and sits on a lower ground level. It has a single storey extension, which projects considerably towards its rear boundary such that its main private external amenity space is to the side of the dwelling.
29. The proposed dwelling at Plot One would be near this external amenity space and the single storey extension. Due to the height of the proposed dwelling, change in ground level and the close proximity, the proposed dwelling at Plot One would appear as a large and overbearing feature. The front of Hawthorn House is already near this garden and in combination with the proposal's visual impact this would, in my view, result in an unduly hemmed in feeling and sense of enclosure. This would result in significant harm to the outlook from this part of the garden and thus have a harmful effect on the living conditions of the occupiers of No 5.
30. The proposed dwelling would be located to the south east and south of the garden of No 5, and I accept that the sun would be at its highest at this point. The garden and property's access to sunlight is already impacted by Hawthorn House,

increasing the importance of the open aspect to the south and south east. In this regard, considering the height of the proposal, the change in ground levels and the orientation, based on the evidence before me I share the Council's concerns that there would be an unacceptably harmful degree of shadowing effects.

31. I therefore find that the proposed development would have an unacceptable effect on the living conditions of the occupiers of No 5 with particular reference to outlook and shadowing effects. As such, I find conflict with the requirements of Policy 44 of the LP and paragraph 135 of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.

Protected species and biodiversity

32. Great Crested Newts are legally protected species and Circular 06/2005 states that the presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it '...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision' (paragraph 99). Consequently, it advises that surveys should only be required by a condition on a planning permission in exceptional circumstances. This is reinforced in advice within the Planning Practice Guidance (PPG).
33. As part of the application a Preliminary Ecological Appraisal (PEA) was submitted following a site survey. The PEA confirmed that great crested newts, or evidence of their presence, were not detected within the site during the survey or within the desktop search area. However, the site is within an amber risk area for great crested newts and suitable habitats for the species were detected within the site, in the form of rubble, and near the site in the form of a stream. In this regard, the PEA made a recommendation for an eDNA test to be conducted in the stream.
34. I am mindful that the site survey is a snapshot in time and whilst the desktop search did not show any records of Great Crested Newts that does not mean they are not present. In this regard, and mindful of the recommendations within the PEA to undertake an eDNA test, the circumstances in this instance are not of such an extraordinary nature as to warrant a different course of action to that outlined in national policies and advice. As such, in the absence of any survey work to understand the potential effects on protected species, I am unable to conclude that the proposal would not have a harmful effect on such species.
35. If allowing this appeal, the proposal would be subject to the statutory pre-commencement biodiversity gain condition (the Condition) as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended) (the Act). The Council do not dispute the baseline map and the pre-development biodiversity value of the site, and I have no reason to disagree.
36. The proposal would incorporate a communal landscaped area which would result in a biodiversity net gain of 15.64%. The PPG states that it would generally be inappropriate, when determining a planning application for a development subject

to biodiversity net gain, to be refused on the grounds that the biodiversity gain objective will not be met. The plans confirm that the biodiversity enhancements would be in the communal area not in the private gardens of the properties. In this regard, I am satisfied that any legal agreement to secure this in the long term could be secured and resolved through the Condition discharge process. Given my other concerns in this main issue this matter has not therefore been determinative.

37. To conclude on this main issue, I cannot be satisfied that the proposal would not have a harmful effect on protected species. The proposal would therefore conflict with the requirements of Policies 29 and 30 of the LP and paragraph 187 of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that proposals which may harm designated Local Wildlife Sites, Local Geological Sites, Priority Habitats, Priority Species, protected species or non-designated sites or features of biodiversity interest, will only be supported where they protect, restore, enhance and provide appropriate buffers around wildlife and geological features and bridge gaps to link these to the wider ecological network.

Trees

38. There are numerous trees within and bordering the site. These include some very large trees within the grounds of the Church along the boundary with the appeal site. Several of these trees overhang the appeal site including near the proposed dwelling at Plot Two.
39. I'm told that the proposed dwelling is positioned beyond the root protection area of the trees, and the scheme would accord with BS5837. However, without firm evidence prepared by a suitably qualified individual I can not be satisfied that the positioning of the building at Plot Two would not compromise the roots or long-term health of the nearby trees. It would not be appropriate to require details relating to the protection of trees by way of a condition, were I minded to allow the appeal, as I have no certainty that the scheme could be implemented without prejudicing their health.
40. In addition, several young trees lie within the site and would be directly impacted by the design. These would be compensated by additional planting within the site including in the communal landscaped area and having regard to the extent of this area and my findings in relation to biodiversity net gain I am satisfied that the loss of these young trees would be capable of being mitigated and do not therefore consider this matter to be determinative in relation to this main issue. However, this does not alter or overcome my concerns in relation to the long term health of the large mature trees along the boundary of the Church.
41. I therefore can not conclude that the proposal would not have a harmful effect on trees. As such, I find conflict with the requirements of Policy 32 of the LP and paragraph 136 of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that planning policies and decisions should ensure that existing trees are retained wherever possible.

Other Matters

42. Although the appellants were willing to make changes to the proposed development with the view to finding a solution, I must determine the appeal based on the merits of the scheme before me.

43. I have been referred to several appeal decisions. However, from the evidence that is before me none share the same balance of considerations as the appeal proposal. In this regard, whilst I have had regard to them and the approach taken in those decisions, they are not directly comparable to the appeal proposal. I have, in any case, considered the scheme on its own merits.

Conclusion

44. For the reasons given above, the proposal would conflict with the development plan when taken as a whole and I find there to be no material considerations, that would indicate that the appeal decision should be taken other than in accordance with it.
45. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR