



Appeal Decision

Site visit made on 11 March 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/F4410/W/24/3352188

Slated House Farm, Stone Hill, Hatfield Woodhouse, Doncaster DN7 6NJ

- 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 J Middleton and Sons against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref is 19/01745/OUTM.
 - The development proposed is an outline planning application for residential development with means of access to be agreed.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by J Middleton and Sons against Doncaster Metropolitan Borough Council. This matter is the subject of a separate decision.

Preliminary Matters

3. The proposed development consists of two parcels of land, either side of Stone Hill. The larger of the two is located to the south of Stone Hill and the smaller is to the north. Purely for convenience I shall refer to these as 'Site A' and 'Site B' respectively.
4. The proposed development is in outline form, with all matters reserved apart from means of access. A masterplan drawing¹ has been included within the evidence that demonstrates one way that the scheme could be delivered. This shows housing arranged around informal development clusters with green pockets of open space creating some relief from built form. It also shows the proposed convenience unit, on the frontage, within Site B. The Council states it has not seen this plan. However, as the drawing is indicative only, and the Council has had ample opportunity to consider it as part of the appeal evidence, it would not be prejudiced by my taking it into account, which I shall do. Nonetheless, as this layout plan is indicative only, it can only be afforded limited weight in my consideration of this appeal.
5. A Draft Heads of Terms, as a framework to a S106 Legal Agreement, has been submitted in evidence. This makes provision for an affordable housing provision (26%), an education provision, provision of on-site public open space, and the commitment to provide a biodiversity off-setting scheme if required. However, this

¹ Drawing Reference: Revised indicative masterplan (RevB)

is not accompanied with a completed and executable S106 Legal Agreement and therefore attracts limited weight in my consideration of the merits of this appeal.

Main Issues

6. The main issues are:

- Whether the proposed development would be in a suitable location with regard to local and national policies,
- The effect of the proposal on the character and appearance of the area's local character, history and sense of place,
- The effect on Highway safety,
- The effect of the proposed development on agricultural land, and
- Whether the proposal would make a suitable provision towards biodiversity.

Reasons

Suitability of location

7. The Doncaster Local Plan [2021](LP) establishes the Council's approach to the distribution of housing across the borough. LP policy 1 seeks to focus around 45% of its housing within its key settlement of Doncaster, with around 40% targeted towards its Main Towns and Service Towns and Villages. Lesser development is targeted towards its Defined Villages. The village of Hatfield Woodhouse is identified by LP policy 1 as a Defined village, having a limited range of goods and services, which do not include new housing allocations and where development within the defined limits will be considered against other policies in the LP.
8. The appeal site is beyond the development limits of Hatfield Woodhouse and therefore within the open countryside for policy purposes. LP Policy 25, in relation to development in the countryside, identifies a limited range of housing development that would be considered suitable. This refers to conversions and replacement dwellings. It also identifies, at part 3, that proposals for new dwellings would be suitable where they would meet an essential need for agriculture, forestry and other enterprises that can justify a need to be in a rural location. As such, none of these provisions would be deemed to be applicable to the proposal.
9. Although the criteria do not refer to seeking development on sustainable travel terms, these relate to development that prioritises housing needs to meet specific circumstances. This policy, in terms of new housing, could result in housing being isolated from other development. As a restrictive countryside policy, it is silent on development proposals that are on the edge of settlements, such as that proposed, and as such the proposal does not gain support from LP policy 25 on these terms.
10. Whilst paragraph 72 of the National Planning Policy Framework (the Framework) in seeking a 5-year supply of housing, does not place a ceiling on further housing, it is appropriate to direct most new growth to larger centres. The Framework requires, when seeking sites for housing, to ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an

unrealistic level of self-containment) or to larger towns to which there is good access.

11. Therefore, whilst recognising that the appeal site is adjacent to a Defined Village, locational proximity is not a stated requirement of policy 1, which would only support development within the settlement. The sites are outside the settlement and would infill a gap connecting an adjacent hamlet to Hatfield Woodhouse. Accordingly, the proposal would deliver housing on a site that would be seen as visually part of the built form along Stone Hill. However, whilst the sites are well related to the existing settlement, the proposal would be a disproportionate scale in comparison to the existing settlement, in consideration of its hierarchical settlement ranking.
12. The village of Hatfield Woodhouse is relatively small, providing a limited range of goods and services. The appellant identifies that the site is within walking distance of a range of services. However, several of these are beyond the 800 metres or 10-minute walk recommended by national guidance², including the nearest Post Office in Hatfield, some 2.4 kms away. Although this is not an upper limit it is important for development to be able to access a range of facilities in locations where daily needs are within the walking distance of most residents.
13. As such, the limited range of goods and services within a reasonable walking distance of the location of the sites would reduce both sites' sustainable travel benefits. In terms of public transport, two buses pass through the adjacent village per hour during peak hours then one per hour throughout the rest of the day. This would not be a high frequency bus service and would not offer future occupiers with a genuine choice for sustainable travel, this plus the limited access to goods and services in the village, would lead to a dependence on private car travel.
14. Whilst the Framework is clear that sustainable transport solutions will vary between urban and rural areas, the site is regarded as being poorly located with only moderate accessibility benefits. Consequently, the proposal would conflict with LP policies 1 and 25 and the Framework with respect to matters of location. These policies seek, among other matters, for development to accord with the Council's Settlement Hierarchy and for new housing in the countryside to only be allowed if it would meet the listed exceptions.

Character and appearance

15. Site A is a field currently in arable use, enclosed by a combination of hedge and tree field boundaries. Site B is a paddock and consists of rough grass, it is used for grazing and is partly enclosed by hedge boundaries. Both sites are undeveloped and make a positive contribution to the surrounding countryside as gaps between built form in a countryside setting. The gaps, especially with respect to Site A, provide opportunities for passing observers to take in wide and distant views of the countryside beyond, increasing their importance of providing a natural visual interruption in built form and that assist in creating a strong sense of place.
16. The proposed development would infill the gaps between the edge of the settlement and the hamlet beyond. Although the proposal would consolidate the local settlement pattern, it would also remove these important gaps.

² Manual for Streets, paragraph 4.4

17. The indicative plan shows dwellings that would be set away from the highway with two pockets of green space alongside the highway. This would retain part of the open character of the sites as viewed from Stone Hill, but built form beyond would be relatively close-knit, forming limited gaps between them. This would erode the visual relationship between the highway and the distant countryside. As a result, and being indicative only, the layout plan does not provide any reasonable comfort that the proposal could be arranged in a manner that would retain the existing open character of the sites. As such, whilst the proposed development would inevitably change the appearance of the sites, due to the number and arrangement of homes proposed, the proposal would demonstrably harm the existing character of the site.
18. The appellant describes the proposed design of housing to be of an agricultural and semi-rural traditional vernacular found in the area, surrounded by a naturalistic planting scheme. Such a design approach would complement the character of the area. These measures could be taken forward as a design code and statement of intent, through the imposition of a condition, to be fully realised at the reserved matters stage. However, the specific design of the homes and their setting within landscape grounds, whilst of merit, do not outweigh the overall harmful effect of the development of these sites on the character of the surrounding area.
19. Consequently, the proposal would harm the character and appearance of the local character, history and sense of place of the two sites. The proposed development would therefore conflict with LP policy 44 which seeks new housing to respond positively to its context and character and create high quality residential environments through good design.

Highway safety

20. Stone Hill is a main road that runs through the centre of Hatfield Woodhouse. Upon entering the village, and in passing sites A and B, the road is subject to a 30mph speed restriction. Motorists leaving the village, southwest bound, are subject to a 40mph speed restriction which commences around 45 metres north-east of the Remple Lane junction. The highway has footpaths and a grass verge on both sides of the carriageway and benefits from streetlights. The road curves in front of the sites. Site A is on the inner side of the curve, where Site B is on the outer edge of the curve.
21. The Highway Authority requires a lorry, with a fixed wheel base, to be capable of undertaking a left-in/left-out manoeuvre without crossing the opposing lane on the A614. The appellant's submission includes swept path analysis³, showing the turning requirements of a 'Phoenix 2' style fixed-base lorry. This demonstrates that both access points, with minor widening to aid turning left on exit, can be successfully navigated by a large vehicle without crossing the median of Stone Hill. As such, although not appraised by the Highway Authority, the submitted swept path analysis adequately demonstrates how a large vehicle would be able to turn in and out of both sites in a safe manner without any over-run.
22. The visibility splay drawing⁴, shows the visibility splays, for Site A of 2.4 metres by 48 metres (left) and 58 metres (right). For Site B the visibility splay shows 2.4 metres by 58 metres (left) and 48 metres (right). The visibility splay for the right-

³ Drawing Reference: S11024-JNP-66-XX-DR-T-7001 rev P02

⁴ Drawing Reference: NE1824-10-10 rA

hand side of vehicles exiting Site B touches the corner of the neighbouring plot of Hatfield Woodhouse Primary Academy. The school site is enclosed by a brick wall boundary of about one metre in height. As this access is on the inner side of the curvature of the road, this obstruction would hamper the visibility of motorists if the visibility splay should be wider than is currently shown.

23. The appellant's Transport Assessment⁵ (TA) explains that speed surveys were undertaken on Stone Hill (A614). These illustrate that most traffic, the 85th percentile, heading north-east travelled at 35mph or less and most traffic, the 85th percentile, heading south-east travelled at 37mph or less. These recorded speeds exceed the 30mph speed restriction placed on traffic when entering the village. If accurate, these recorded speeds demonstrate that the visibility splays at both access points would need to accommodate the speed of traffic beyond the visibility splays typically required by national guidance⁶ at junctions onto a 30mph road.
24. As the recorded speeds appear to be above the local speed limit, increased visibility splays would be required. However, no details of the speed surveys or results have been provided. Therefore, the shown visibility splays cannot be confirmed as appropriate, and these may be insufficient to provide a safe means of access. The appellant's addendum⁷ to the Transport Assessment also appears to provide no further information with respect to speed survey data.
25. The TA identifies that in terms of accidents, one series collision was reported in 2016, and three slight accidents have also been recorded. As such, there have been no recorded collisions involving pedestrians in the vicinity over the 5 years preceding the submission of the Assessment. Whilst the TA is now rather dated, being prepared in 2018, I do not have more up-to-date evidence that demonstrates that the safe use of the highway has materially altered since the drafting of the Assessment. Therefore, whilst the proposed additional trips on the network may increase the risk of conflicts with pedestrians and users of the adjacent Primary School, I see no reason within the evidence that would demonstrate that the access points would demonstrably affect the capacity of the local highway network.
26. Accordingly, the visibility splays shown are based on incomplete speed survey data and it has not been adequately demonstrated that these would function in a safe manner. This results in concerns with respect to the safe operation of the access points. Consequently, the proposal would conflict with LP policy 13 which requires development to not result in an unacceptable impact on highway safety and to consider the impact of new development on the existing highway.

Agricultural land

27. Paragraph 187 of the Framework seeks proposals to contribute to and enhance the natural environment. At paragraph 187(b) this seeks to achieve this by recognising the intrinsic character and beauty of the countryside, the wider benefits of its natural capital and ecosystem, and including the economic and other benefits of the best and most versatile agricultural land (BMVAL). The Framework's Glossary describes BMVAL as land within Grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 188 states that plans should allocate

⁵ Transport Assessment, newall Edwards, December 2018

⁶ Manual for Streets, figure 7.1

⁷ Transport Assessment, Addendum December 2019

land with the least environmental or amenity value and footnote 65 explains that where significant development of agricultural land is demonstrated as being necessary, areas of poorer quality land should be preferred to those of higher quality.

28. The appeal sites are fields, with Site A being actively used for arable farming and Site B being used as a paddock. The appellant's planning statement⁸ describes the appeal sites as being grade 2/3 agricultural land, but it has not explained how this classification was determined. Furthermore, the appellant informs that Site A was previously used to grow barley and sugar beet, but the yields have been limited due to its sandy soil condition, typically yielding 40-50% less than the better bodied land on the rest of the farm. Nonetheless, no assessment as to the quality of agricultural land of Site B has been disclosed. The assertions, with respect to Site A and the absence of comments with respect to Site B, are insufficient to demonstrate a proper analysis of the land to enable a decision maker to conclude whether BMVAL would be lost through the proposal.
29. The appellant has provided a plan that shows the availability of agricultural land in the area and asserts that no further information was requested from the Council with respect to business accounts. This information is not comprehensive and adds little evidence as to the agricultural value of the sites themselves.
30. As the proposal fails to demonstrate the quality of the agricultural land affected by the development, and thus the benefits of its natural capital and its economic benefits, the proposal would conflict with paragraph 187(b) of the Framework.

Biodiversity interests

31. LP Policy 29 explains that the Council will only support proposals that would deliver a net gain for biodiversity. LP Policy 30 seeks to value biodiversity and geodiversity and identifies a series of protection principles. Part (B)1 of this policy states that a proposal which may harm features of biodiversity interest will only be supported where the DEFRA biodiversity metric demonstrates that it will deliver a minimum of 10% net gain for biodiversity.
32. Site A is in arable use and Site B consists of semi-improved grassland and grazed by horses. Both sites are open fields with boundary hedging, with hedgerows that most of which are considered by the Council to be of county/district importance.
33. The appellant's Ecological Impact Assessment⁹ (ECIA) includes field studies that were undertaken in 2018. This is now a dated document and the surveys undertaken at that time are deemed to be no longer valid. Nonetheless, in terms of biodiversity net gain, the Assessment finds that there would be a net loss of semi-improved grassland, arable land and some hedgerows. The appellant's biodiversity Metric calculation¹⁰ demonstrates that the on-site habitat units would experience a loss of 58%, but that the hedgerow units would gain by 82%.
34. The ECIA identifies that most losses could be compensated with on-site measures to ensure that there is no net loss to biodiversity as a result of the scheme. These compensation and enhancement measures would include strengthening retained hedgerows, sowing the open space grassland with rich grass and wildflower

⁸ Planning Statement, DCH Consulting, May 2019

⁹ Ecological Impact Assessment, LM ecology, March 2019

¹⁰ Biodiversity Metric 2.0 Calculation metric, December 2019

mixes, planting a variety of aquatic, emergent and marginal species in the new attenuation basin and planting native trees and shrubs on site. In terms of enhancement, the ECIA proposes the delivery of bird and bat boxes and the construction of two hibernacula features close to the pond. I am satisfied that, with compensation and enhancement, the proposal would deliver benefits for wildlife that would off-set some of the effects of the proposed development.

35. However, the ECIA does not adequately address the required compensation for the loss of arable habitat, quantified in Biodiversity Metric 2 as a loss of 58%. It is not established whether this loss can be fully addressed on site or would require off-site habitat creation, to achieve a net gain in biodiversity. Without a clear assessment of this loss, the requirement for any off-set habitat creation cannot be determined.
36. Consequently, the proposal does not adequately demonstrate how a 10% biodiversity net gain would be delivered. As such, the proposal would conflict with LP policies 26, 29 and 30. These require, among other matters, for development to protect, maintain and enhance the Council's green infrastructure.

Other Matters

37. The appellant's Design and Access Statement¹¹ illustrates that the scheme is intended to consist of a 'passivhaus' development. If delivered as such, the proposed development is claimed to reduce overall CO2 emissions by around 70%. The scheme also includes the provision of an innovative sustainable urban drainage scheme. This would create a network of permeable surfaces linked to verge swales and attenuation basins throughout the site. The proposed drainage scheme would be a naturalistic drainage solution, delivering wider environmental benefits and aiding the overall scheme. The overall layout, whilst only in indicative form, would include an innovative design that would promote high levels of sustainability as supported by the Framework. These design measures could be secured by appropriate conditions and provide significant benefits in favour of the proposal.
38. The scheme includes the provision of public open space and 26 affordable housing units. The open space could be secured in design layout terms with a condition for the scheme's reserved matters to be consistent with the indicative layout plan. Nonetheless, as the affordable housing provision is not secured with a legal mechanism this can only be afforded limited weight for the proposal.
39. The appellant explains that a public consultation event identified the local needs of participating residents. This identified a range of requests including the call for a shop on site, public open space and the need for affordable housing. The scheme appears to have been well considered and tailored to meet some of these aspirations. However, some of these would have been required to meet policy objectives and as such the combined response to the public consultation event weighs only moderately in favour of the proposal.

Conclusion

40. The Framework seeks to significantly boost the supply of housing. The proposal is for a large number of family houses, on two adjacent sites that are adjacent to a

¹¹ Amended Design & Access Statement, enzygo, undated

settlement. The delivery of housing and the benefits of the proposal with respect to its innovative design and sustainable design principles weigh in favour of the scheme to a modest extent.

41. Whereas, the sites are beyond the defined settlement boundary of Hatfield Woodhouse, which has a limited range of goods and services, on sites that are deemed to be only moderately well connected to sustainable travel means. The conflict found with the Council's spatial housing policies and detailed policies result in the proposal that would not accord with the development plan when taken as a whole.
42. The Council has an up-to-date development plan and a 7-year housing land supply position, a matter undisputed by the appellants. The Framework is clear that the planning system is plan led where spatial policies determine where growth of an area should be directed to best achieve the Framework's economic, social and environmental objectives.
43. Accordingly, the identified material considerations, to which I ascribe limited to moderate weight, do not outweigh the conflict found with the development plan and therefore the appeal should be dismissed.

B Plenty

INSPECTOR



Costs Decision

Site visit made on 10 March 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Costs application in relation to Appeal Ref: APP/F4410/W/24/3352188

Slated House Farm, Stone Hill, Hatfield Woodhouse, Doncaster, DN7 6NJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by J Middleton and Sons for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for an outline planning application for residential development with means of access to be agreed.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG advises that a Council may be vulnerable to a procedural award if there is shown to be a lack of co-operation with other parties. A substantive award could be given if a Council fails to provide evidence to substantiate each reason for refusal or found refusing planning permission on a planning ground that is capable of being dealt with by conditions, where conditions would allow the proposed development to go ahead.
3. The appellants assert that the Council was provided with a series of documents, following discussion, that it has failed to take into account in the decision it made. The appellant states that it provided a revised design and access statement, revised indicative masterplan, and biodiversity net gain metric during the application consideration process. It asserts that communication with the Council has been poor, and feedback limited.
4. The appellants state that they have suffered unnecessary and wasted expense in the appeal through its submission of the further documents and the lengthy discussion with the Council's urban design officer. It further states that as this information was then stated as having not been received by the Council and did not form part of the assessment resulted in a wasted expense.
5. The appellants have provided a series of emails dated from March 2022 to June 2023. These demonstrate dialogue between the applicant and the Council's case officer, and an email of the 1 July 2022 includes extracts of the revised design and access statement. This email also demonstrates that messages between parties were largely amicable and collaborative. The March 11 email includes a link to the

revised design and access statement, but this does not confirm the document was sought to become a formal part of the application's submission, and this is therefore inconclusive. Furthermore, there is no evidence that the revised masterplan or swept path analysis had been submitted. Accordingly, the appellant has provided limited evidence that the stated submissions were made.

6. Also, in terms of timescales, the Council has demonstrated that the application was delayed due to the pandemic and a change in case officers. The Council contacted the appellant in February 2024, due to a prolonged period of inactivity, and they were invited to withdraw the application. In response the applicant requested that a decision be made, and the proposal was determined in March 2024. The actions of the Council with respect to these matters appear to be reasonable.

Conclusion

7. Accordingly, whilst the consideration process of this application was extremely protracted, I have found no material evidence that the Council has acted unreasonably in either procedural or substantive terms. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

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