
Appeal Decision

Site visit made on 6 February 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/J4423/W/16/3164770

Land adjacent to Slackfields Farm, Slack Fields Lane, Sheffield S35 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Burgin against the decision of Sheffield City Council.
 - The application Ref 15/04377/FUL, dated 2 December 2015, was refused by notice dated 13 June 2016.
 - The development proposed is demolition of storage building and erection of bungalow with associated car parking and garden area.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of storage building and erection of bungalow with associated car parking and garden area at Land adjacent to Slackfields Farm, Slack Fields Lane, Sheffield S35 0DU in accordance with the terms of the application, Ref 15/04377/FUL, dated 2 December 2015, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. The main issues of this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, including the effect on the openness of the Green Belt and the purposes of including land within it;
 - The effect on the character and appearance of the area, including an Area of High Landscape Value (AHLV), and;
 - If the proposal 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

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site consists of an existing single storey building with surrounding land and a raised hardstanding area at the western side of the building. The site, aside from its shared access and driveway, is located to the north east of existing buildings at Slackfields Farm which consist of residential properties and associated outbuildings. The site lies in the Green Belt and is designated within
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an AHLV by the Sheffield Unitary Development Plan (UDP), adopted March 1998.

4. The existing building is timber boarded with a corrugated asbestos roof and has doors on the side elevations, together with existing windows on the front elevation facing towards Slack Fields Lane. The building and surrounding land within the site has been most recently used for storage associated with a business falling within Class B8 of the Use Classes Order¹ and has a Certificate of Lawful Use which was granted by the Council in June 2015². During my visit, I observed external storage consistent with such a use. The appeal proposal seeks to demolish the existing building and erect a replacement bungalow with an associated garden area and car parking.
5. Saved Policies GE1, GE3 and GE5 of the UDP relate specifically to the principle of development in the Green Belt, but significantly predate the publication of the Framework. Saved Policy GE1 has wording similar to four of the five purposes of the Green Belt, excluding preserving the setting and special character of historic towns, listed under paragraph 80, and the wording of paragraph 87 of the Framework. However, the interpretation of the policy as part of the development plan is supplemented by Saved Policies GE3 and GE5 in so far as the proposal relates to a new building consisting of housing.
6. Saved Policy GE3 of the UDP states that in the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses which would comply with Policy GE1. In addition, Saved Policy GE5 permits new housing in the Green Belt only where it would involve either the infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage, or; replacement of an existing house on the same site, providing that the house is not significantly larger than the one it replaces.
7. Having regard to the above, the replacement of the existing building would not fall within the listed exceptions within Saved Policies GE3 and GE5 of the UDP and as such, there is conflict with those policies and insofar as they relate to the interpretation of Saved Policy GE1. However, paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The approach of paragraph 89 of the Framework and its listed exceptions are significantly different to those in Saved Policies GE3 and GE5 of the UDP and in this respect, Saved Policy GE1 is also not consistent with the Framework. Consequently, I can afford those policies, and any conflict thereto, very limited weight insofar as they relate to the proposal before me.
8. Paragraph 89 of the Framework asserts that construction of new buildings should be regarded as inappropriate in Green Belt. However, this is subject to exceptions which include, amongst other things, limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than existing development.

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

² Ref: 15/00223/LU1

9. The definition of previously developed land provided by the Framework³ states that it is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition, excludes amongst other things, land that is or has been occupied by agricultural or forestry buildings. However, in this regard, as the building and the surrounding land in its curtilage have a lawful B8 use, the site falls within the definition of previously developed land.
10. The exception under paragraph 89, in so far as the partial or complete redevelopment of previously developed sites are concerned, requires that the development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. The siting, footprint, bulk and volume of the new dwelling would be comparable to that of the existing storage building with a limited increase in height. However, the difference in height would be largely imperceptible and would not have a greater impact on Green Belt openness, given the presence of raised hardstanding at the rear of the building and the increased land levels and taller buildings beyond against which the dwelling would be viewed.
11. The development does not include additional hardstanding as there is an existing access and driveway from Owler Gate, which is shared with Slackfields Farm, together with associated car parking areas on elevated land to the rear of the building and within the curtilage that is currently used for external storage. The new dwelling would introduce residential activity and paraphernalia to the site, including the formation of a garden. However, this would result in a consequent reduction of hardstanding currently used for storage. Additional hedgerow planting or necessary boundary treatments could be appropriately sited to be largely imperceptible in the context of existing trees and hedging that surround the site. Taken together, such features would not have a greater impact on the openness of the Green Belt than external storage associated to the building's existing use, or an adverse effect on the purposes of including land within the Green Belt, including safeguarding the countryside from encroachment.
12. In reaching the above findings, I have taken account of a previous appeal decision relating to change of use of the storage building to a dwelling⁴ which has been drawn to my attention. However, I can give little weight to the conclusions of the previous Inspector as it related to a different scheme and pre-dated the publication of the Framework and the Certificate of Lawful Use granted by the Council. A more recent appeal decision at Fern Gate Farm⁵ in Sheffield after publication of the Framework, is before me and relates to demolition of a storage building and erection of two houses which has some parallels to the main issues relating to this appeal. However, it is evident that the individual schemes and locations are different and I have, therefore, necessarily considered the proposal on its own merits.
13. I conclude that the proposal is not inappropriate development in the Green Belt when having regard to paragraph 89 of the Framework given that the redevelopment of the previously developed site would have no greater impact on the openness of the Green Belt and the purposes of including land within it.

³ Annex 2: Glossary

⁴ APP/J4423/A/07/2054162 - Dismissed - 18 March 2008

⁵ APP/J4423/A/13/2191301 - Allowed - 22 May 2013

Such a conclusion outweighs the conflict with Saved Policies GE3 and GE5 of the UDP given that those policies are not consistent with the Framework.

Character and appearance

14. Saved Policy GE4 of the UDP states that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area, and wherever possible, conserved and enhance the landscape and natural environment. With respect to locations designated within an AHLV, this is supplemented by Saved Policy GE8 which, amongst other things, states that protection and enhancement of the landscape will be the overriding consideration. The policies are broadly consistent with the Framework in so far as it seeks to protect and enhance valued landscapes⁶ and that once Green Belts have been defined local planning authorities should plan positively to enhance its beneficial use including, amongst other things, to retain and enhance landscapes⁷.
15. The existing building is located in an attractive hillside location in the countryside on the upward slope from Slack Fields Lane which runs from the north east as it approaches Slackfields Farm. From Slack Fields Lane, a public right of way that runs to the east of the site and distant views from the north, the utilitarian appearance of the existing building is viewed against the backdrop of other taller buildings of different character at Slackfields Farm which are located on higher ground. There are elevated views of the site and hillside along Owler Gate and the section of the public right of way to the south due to undulating topography. However, the modest scale and form of the existing building and the surrounding land are not prominent features within the landscape from those perspectives due to the more substantial built form of surrounding buildings and screening provided by groupings of nearby trees.
16. The proposed design of a modest detached bungalow consisting of stone and slate materials would more closely reflect the appearance of surrounding buildings at Slackfields Farm, subject to the agreement of sample materials, than the existing storage building. The design and appropriate materials would assist the assimilation of the dwelling into the landscape given its similar scale and form to the existing building and subservient position relative to taller buildings at Slackfields Farm. Additional planting would further reduce the prominence of the dwelling. Lighting associated with the dwelling at night time would be viewed in the context of the more abundant lighting of surrounding buildings and therefore, would not significantly alter the character of the site and its surroundings. Furthermore, the removal of external storage associated to the existing use of the site would benefit the rural character and appearance of the site.
17. Having regard to each of the above factors, the dwelling would consist of an appropriate design within its setting and the wider landscape which would not be unduly prominent or out of character relative to its surroundings. The proposal would not, therefore, have an unacceptable or intrusive effect upon the contribution that the site makes to the open countryside and the rural character of the AHLV and Green Belt landscape within which it is located.

⁶ Paragraph 109

⁷ Paragraph 81

18. I conclude that the development would not have a detrimental effect on the character and appearance of the site and the surrounding area, including the AHLV. The proposal would not, therefore, conflict with Saved Policies GE4 and GE8 of the UDP or the Framework in that respect.

Other Considerations

19. I have found that the proposal is not inappropriate development in the Green Belt and have found no harm with respect to the character of the site and the surrounding area, including its location in a designated AHLV. It is, therefore, unnecessary to consider whether there are other considerations in favour of the appeal which would amount to very special circumstances necessary to justify the development.

Other Matters

20. The building is in a rural setting adjacent to Slackfields Farm, but is not particularly isolated given the proximity to the settlement of Wharncliffe Side and other settlements in the Oughtibridge district of Sheffield nearby that provide local services. There is no evidence before me that the loss of a B8 use at the site would have a significant economic impact upon the local area or result in a loss of employment. Furthermore, the dwelling would make a limited contribution to housing supply and offer a suitable living environment for its occupants, along with appropriate amenity space. The proposal would not harm the living conditions of occupiers of neighbouring dwellings due to the difference in land levels to Ivy Cottage, other buildings in Slackfields Farm and the distance to other dwellings along Slack Fields Lane. The existing access and proposed car parking arrangements would not have a detrimental impact on highway and pedestrian safety.
21. With regard to ecology, a bat survey was submitted with this appeal. No evidence either internally or externally was found to indicate that bats or nesting birds had inhabited any part of the building. Furthermore, no part of the building was considered suitable for roosting bats or nesting birds. The limited number of trees in the locality would be unaffected by the proposal and no evidence of bat activity or nesting birds was found in any case. Based on my observations of the site and its surroundings, I have no reason to take a different view to the evidence.

Conditions

22. The Council provided a suggested list of conditions. Where appropriate, the wording has been slightly amended to accord with paragraph 206 of the Framework. Conditions specifying the time limit for commencement of development and compliance with the approved plans are necessary to provide certainty. Further conditions requiring samples of materials as previously mentioned, together with details and implementation of boundary treatments, landscaping and hardsurfacing are also necessary in the interest of an appropriate appearance of the dwelling and preserving the character and appearance of the landscape and the Green Belt location.
23. A number of conditions have been requested relating to site investigation to be undertaken in terms of the possible presence of land and ground gas contamination, together with remediation measures to be undertaken if required. A condition of this nature is justified given the proposal involves the

demolition of a former agricultural and storage building. However, I have used more concise and consolidated wording as a single condition, which necessarily requires the submission and agreement of details and works to be undertaken (if necessary) before any development, including demolition, takes place.

24. A condition has been requested to remove permitted development rights for extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations to the dwelling. Planning Practice Guidance⁸ advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. Nevertheless, the acceptability of the development is contingent upon no greater impact on the openness and the purposes of including land in the Green Belt than existing. Furthermore, the AHLV landscape is sensitive to new development and therefore, assessment of any future development proposals within the site is required. Consequently, the suggested removal of permitted development rights is reasonable and necessary to make the development acceptable in the particular circumstances of the site and its surroundings which are, therefore, exceptional.
25. The existing access to the site and proposed parking arrangements are indicated within the submitted plans, including drg.no 195/354/03B, and are safe and satisfactory arrangements for the scale of development permitted. Consequently, a condition for further details of car parking or a restriction on its use is not necessary to make the development acceptable.

Conclusion

26. The development would make a limited contribution to housing supply in circumstances where the Council accepts it cannot demonstrate a five year supply of deliverable housing sites. Furthermore, I have found that a number of saved UDP policies relevant to the proposal are out-of-date. In such circumstances, paragraph 14 of the Framework has been engaged and my conclusion with respect to the main issues reflects the decision-taking approach set out.
27. I have found that the proposal is not inappropriate development in the Green Belt and no other harm has been identified in terms of the character and appearance of the area, including the AHLV. There is no conflict with the specific policies of the Framework that are relevant to the proposal and the conflict with saved policies in the development plan that are not consistent with the Framework are outweighed. Consequently, permission should, therefore, be granted in accordance with the Framework given that I have also not identified any adverse benefits of doing so which would demonstrably outweigh the benefits.
28. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be allowed and planning permission granted subject to conditions set out in the attached schedule.

Gareth Wildgoose

INSPECTOR

⁸ Use of Planning Conditions, Paragraph: 017 Reference ID: 21a-017-20140306 Revision date: 06 03 2014

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 195/354/01; 195/354/02; 195/354/03B; 4098 Rev 0.
- 3) No development shall commence until an assessment of the risks posed by any actual or potential land contamination, ground gas contamination or pollution of controlled waters has carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 4) Notwithstanding condition 2, before any above ground development hereby permitted is commenced, full details of all proposed hard and soft landscape works, including details of boundary treatments, paved areas and other hard surfaces and landscape planting, shall be submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season either following the first occupation of the dwelling or the substantial completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 5) Before any above ground development hereby permitted is commenced, samples of the materials to be used in the construction of the external surfaces of the dwelling hereby approved, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration of the dwelling hereby permitted, including no extensions, no alterations to the roof, no insertion or

replacement of doors and windows, no porches, no development within the curtilage including no garages, no ancillary curtilage buildings and no swimming pools, and no enclosures, fences or walls, other than those expressly authorised by this permission.

END OF SCHEDULE