
Appeal Decision

Site visit made on 19 February 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2020

Appeal Ref: APP/J4423/W/19/3241781

25 Pickard Crescent, Richmond, Sheffield S13 8EY

- 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 Makhan Dosanjh against the decision of Sheffield City Council.
 - The application Ref 17/04593/FUL, dated 6 November 2017, was refused by notice dated 5 June 2019.
 - The development proposed is erection of new detached dwelling house within the existing site curtilage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is located within the Green Belt and in this context, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and the relevant development plan policies;
 - the effect of the proposed development on the character and appearance of the area, with particular reference to the loss of protected trees on the site;
 - if the development is inappropriate, 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 required to justify the proposal.

Reasons

Whether the proposal is inappropriate development

3. The site is located within a residential estate which was built in the early 2000s on the site of a former college. Although the estate now effectively forms part of the built up area of Richmond, it remains within the Green Belt. I therefore must determine the appeal on that basis, and to assist with this, the Council has provided copies of its Green Belt policies.
4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Framework paragraph 143 states that inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This approach is reiterated in Policies GE1 and GE3 of the Sheffield Unitary Development Plan 1998 (UDP).

5. I note that Policy GE5 of the UDP allows for new houses in the Green Belt where this would involve the infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage. I acknowledge that Policy GE5 could be interpreted as applying in this case. However, such an interpretation would not be consistent with national policy in Framework paragraph 145, which says that the construction new buildings should be regarded as being inappropriate in the Green Belt, except in specific circumstances, which are listed. In relation to infill development, the exceptions include limited infilling in villages, or the redevelopment of previously developed land, but neither of those apply here.
6. The proposal would not meet any of the exceptions set out in Framework paragraph 145 and would therefore constitute inappropriate development in the Green Belt.

Character and appearance

7. No 25 Pickard Crescent (No 25) is similar to other houses on the estate, which are generally two storey detached properties. However, No 25 and neighbouring property No 23 both have gardens which are significantly larger than those of the surrounding properties.
8. No 25 is set well back from Pickard Crescent and its long garden extends to the front, side and rear. The proposed four-bedroom detached house would be sited in the side garden, slightly forward of the existing house. The style and design of the house would reflect those in the surrounding area and would be acceptable in this context.
9. Within the side garden of No 25 is a lime tree (identified in the appellant's tree report as tree 2) and a sycamore (tree 3), with a group of ash trees in front of the rear boundary fence. The plans show the site of a previously removed tree in the garden, and the position of a large ash tree (tree 1) located within the curtilage of No 23 but close to the boundary, which was removed but has yet to be replaced. The remaining trees in the garden are mature and, although not of large girth, are of significant height.
10. As a whole, the estate has a built up character, with mature trees limited to the peripheries. The large garden areas at Nos 23 and 25 were specifically retained in the original estate layout to allow the group of trees here to be integrated into the new development. The trees in the side and rear garden of No 25 form part of a larger group, which are subject to a Tree Preservation Order (TPO) imposed in May 2001.
11. Due to their size and height, the trees at No 25 continue to provide a green backdrop to this part of the estate, both individually and as part of a group, and make a significant positive contribution to the character of the area.
12. The proposed dwelling would involve the loss of part of the space between Nos 23 and 25. Although this is private rather than public space it nonetheless provides a gap in the otherwise built up nature of this part of the estate, and allows views of the trees within and behind the site. If the proposal were to go

- ahead, the trees behind No 25 would still be visible, but the loss of part of this gap would cause a limited amount of harm to the character of the area.
13. The appellant has referred to permitted development rights which would allow the extension of the existing property into this space, as well as the provision of outbuildings within the curtilage. However, the impact of development which could be built under such rights would be less than that associated with a two storey house, and I therefore give this little weight.
 14. The proposal would result in the loss of trees 2 and 3. The appellant's tree report has identified these trees as displaying low vigour, and moribund. Measurements of the girth in 2016 and 2018 showed no increase, suggesting poor health, and there is evidence of damage on other trees on the site. I note the comments in the tree report that the site's trees are beyond the point where they have much of a future life and that the best management strategy would be to remove and replace all of them. The Council's tree officer has also commented that two of the ash trees at the rear of the site are diseased and will need to be removed in the near future, though as TPO trees their replacement can be required.
 15. However, trees 2 and 3 are identified in the tree report as being category C trees, which could still have a remaining life expectancy of at least 10 years, and considerably longer in the view of the Council's tree officer. The two trees contribute positively to the character of the area. The suggested strategy of complete replacement does not take account of the considerable amenity value that the trees 2 and 3 still have, and could continue to have for some years to come. Furthermore, some trees have already been lost in and around the site, and the further loss of some of the ash trees at the rear of the site is likely to increase the amenity value of trees 2 and 3 in the street-scene.
 16. No replacement planting is shown on the plans although I note that the appellants have indicated that they would agree to submitting a landscaping scheme if the appeal was allowed. The site could accommodate replacement planting, but this would take a number of years to reach a similar scale and amenity to the existing trees on the site.
 17. The appellant has referred to additional planting which was proposed in the vicinity of 23 and 25 Pickard Crescent as part of the original planning permission for the estate. This was intended to form a landscape buffer but, according to the appellant, the planting has never been carried out. However, my analysis of this case is limited to the situation before me now and the effect of the development on the environment as it now is, and I have given this matter little weight.
 18. I conclude that the proposed development would cause harm to the character and appearance of the area, with particular reference to the loss of protected trees on the site. It would conflict with Policy GE15 of the UDP which protects trees and woodlands and requires developers to retain mature trees wherever possible. There is also conflict with criterion f) of UDP Policy BE5 which requires designs to take full advantage of the site's natural and built features, and Policy CS74 of the Sheffield Core Strategy, which requires high quality development which, amongst other considerations, respects the landscape character of the city's districts and neighbourhoods, and contributes to creating attractive, sustainable and successful neighbourhoods. In addition, the proposal would conflict with Framework paragraph 127 which requires that

developments add to the overall quality of the area and are sympathetic to local character.

Other Considerations

19. The provision of an additional dwelling, which would make a limited contribution to meeting local housing needs, and the lack of a five-year supply of deliverable sites for housing in this area, are considerations to which weight should be afforded.
20. The proposal would represent inappropriate development in the Green Belt, to which substantial weight must be attributed. However, due to its location within an existing housing estate and surrounded by development, the appeal site does not contribute to the openness of the Green Belt and the proposal would not cause harm to openness either. This is an unusual situation which has arisen because the Green Belt boundary has not been adjusted to take account of the construction of the estate, and I give significant weight to the locational characteristics in this particular case.
21. Despite the built-up nature of the location, the site is still within the Green Belt and it is necessary to consider whether very special circumstances exist. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. In this case, although the Green Belt harm would be limited, the overall harm resulting from the proposal, including the harm to the character and appearance of the area due to the loss of protected trees, to which I accord substantial weight, is not clearly outweighed by other considerations. Accordingly, the very special circumstances required to justify a grant of planning permission do not exist.
23. The proposal therefore conflicts with UDP Policies GE1 and GE3, and Section 13 of the Framework, all of which seek to protect the Green Belt.
24. I note the views expressed by the Council and the Inspector in an appeal decision for a similar development at the neighbouring property¹, that the location of the site within a built up area would in itself represent very special circumstances, and that this would outweigh the harm by reason of inappropriateness. However, these conclusions did not take account of any other harm caused by the proposal, as required by Framework paragraph 144.
25. For all the reasons given above, the proposal fails to comply with the development plan. However, due to the Council's inability to demonstrate a five-year supply of deliverable housing sites, it is also necessary to consider the proposal against Paragraph 11d) of the Framework, which directs that where the policies which are most important for determining an application are out-of-date because a five-year land supply cannot be demonstrated, planning permission should be granted unless specific circumstances apply.
26. The first of these, set out in paragraph d)i., is that the application of policies in the Framework that protect areas of particular importance provides a clear

¹ Appeal Ref APP/J4423/W/19/3237645

reason for refusing the development. Land designated as Green Belt is listed in footnote 6 of paragraph d)i. as such a protected area. However, in this case, the harm caused by the proposal results from the loss of protected trees rather than harm to the Green Belt. Harm to the Green Belt does not provide a clear reason for refusing the proposal, so paragraph 11d)i. does not apply.

27. It is therefore necessary to consider paragraph 11d)ii, which says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. The Framework outlines the overarching interdependent objectives for planning to achieve sustainable development: social, economic and environmental.
29. In terms of social benefits, the scheme would provide an additional dwelling within an existing settlement, which would contribute to the borough's housing requirement by a small amount. There would be a modest economic benefit relating to construction and future residents' support for local services.
30. Turning to the environmental objective, harm would be caused through the failure of the proposal to protect trees or to contribute to, or enhance, the local environment. This harm, and the associated conflict with the development plan, clearly outweighs the very modest social and economic benefits identified above.
31. The adverse impacts of the proposal therefore significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does not, therefore, apply.

Conclusion

32. The proposal constitutes inappropriate development in the Green Belt. Although the harm to the Green Belt in this case is minimal, the proposal would cause harm to the character and appearance of the area as a result of the loss of protected trees. Very special circumstances therefore do not exist which would justify the development. For these reasons, the appeal is dismissed.

R Morgan

INSPECTOR