



---

## Appeal Decision

Site visit made on 6 July 2021

**by C Coyne BA (Hons) DipTP DipERM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 July 2021**

---

**Appeal Ref: APP/J4423/D/21/3273129**

**The Dairy, New Hall Farm, New Hall Lane, Sheffield S36 4AE**

- 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 Dr Joanne Perera against the decision of Sheffield City Council.
  - The application Ref 20/03611/FUL, dated 15 October 2020, was refused by notice dated 25 January 2021.
  - The development proposed is detached single storey oak framed garden outbuilding.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. On the 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. Apart from changes to paragraph numbering and one minor amendment, no major changes have been made to the Framework in relation to national Green Belt policy. Similarly, no major changes have been made to the paragraphs referred to in the 2<sup>nd</sup> reason for refusal apart from a change in their numbering.
3. As a result, given the nature of the refusal reasons, the main issues and the Development Plan policies upon which the refusal reasons are based, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal. The relevant updated paragraph numbers have been used in my reasoning below.

### Main Issues

4. The main issues are:
  - whether the proposal would represent inappropriate development in the Green Belt having regard to the Framework and any relevant Development Plan policies;
  - the effect of the proposed development on the openness of the Green Belt;
  - the effect of the proposed development on the character and appearance of the area; and
  - if the proposed 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 necessary to justify the proposal.

## Reasons

5. The appeal site is within the large open rear garden of the appeal property which itself is a two-storey terraced dwelling with a traditional stone exterior finish and tiled roof. Towards the end of its back garden, the land level drops to where it meets that of New Hall Lane. The appeal property and the other within its terrace appear to be converted former agricultural buildings that belong to a wider cluster of similarly converted buildings with comparable traditional rural designs and external material finishes. The appeal property and the others nearby as well as their relatively large open back gardens, positively contribute to the area's intrinsically rural character. In addition, given its proximity to New Hall Lane I consider the appeal site to be in a visually prominent location.

### *Whether inappropriate development*

6. The National Planning Policy Framework (the Framework) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 149 of the Framework.
7. Policies GE1 and GE3 of the adopted Sheffield Unitary Development Plan (UDP) aim to ensure that new development within the Green Belt is not inappropriate except in very special circumstances. As a result, I consider these policies to be broadly consistent with the Framework.
8. The proposed detached single-storey outbuilding does not meet any of the exceptions specified by paragraph 149 of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt. in conflict with the aims of the Framework. It would also conflict with the aims of policies GE1 and GE3 of the UDP in this regard.

### *Openness*

9. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137.
10. The proposal would be located within an open garden where there is currently no development. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of a detached outbuilding on the appeal site would therefore bring about development where there is presently none. Accordingly, the proposal would spatially and visually reduce the openness of the Green Belt thereby harming it. The proposal would therefore have adverse spatial and visual impacts on the openness of the Green Belt.
11. Consequently, I find that the proposal would not preserve the openness of the Green Belt in conflict with paragraph 137 of the Framework. The proposal would therefore also conflict with policies GE1 and GE3 of the UDP which aim to ensure that development proposals are not inappropriate in the Green Belt.

### *Character and Appearance*

12. The proposal's utilitarian design and oak-framed material finish would be markedly different to the more traditional rural designs and stone exterior finishes of the host property and the other buildings nearby. This combined with the appeal site's visually prominent location means that it would represent a discordant addition to

the street scene. As a result, it would have a significant adverse visual impact on the area's intrinsically rural character.

13. I therefore conclude that the proposed development would materially harm the character and appearance of the area thereby failing to meet the requirements of policy BE5 of the UDP. It would therefore also conflict with paragraphs 130 and 174 of the Framework.

#### *Other considerations*

14. The appellant has cited other developments in the area that have been granted planning permission including (Ref. 16/04069/FUL) and (APP/J4423/D/17/3183261). However, I do not have all the details of these cases before me. In addition, given that the first scheme was for a detached garage for which there was a justified need and that the second scheme was for an extension to a property, I consider that the circumstances applicable to these schemes are not exactly the same as those presented in this case, which I have determined on its own merits. I therefore afford this consideration limited weight.
15. The appellant has also put forward several 'special circumstances' to justify the appeal scheme including: a lack of living, playing and storage space within the host property; a lack of dry storage in the existing detached garage; and that it would provide a fit for purpose home working space/office. However, no substantive evidence has been submitted to show that this would be the case or indeed why the host property could not be extended to provide this additional storage, play and office space. It has also not clear to me why the existing detached garage could not also be converted or renovated to make it fit for purpose in relation to such uses. As a result, this consideration does not weigh in favour of the proposal.

#### **Planning balance and conclusion**

16. Paragraphs 147 and 149 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances as do policies GE1 and GE3 of the UDP. Paragraph 148 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight.
17. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm. I have given limited or no weight to the other considerations cited in favour of the development. In my view, these would not clearly outweigh the substantial harm to the Green Belt and the harm to the character and appearance of the area. The very special circumstances necessary to justify the development do not therefore exist.
18. Accordingly, the proposal would conflict with paragraphs 147 and 149 of the Framework and policies GE1 and GE3 of the UDP, which aim to ensure that only appropriate development is permitted in the Green Belt. The proposal would also conflict with policy BE5 of the UDP and paragraphs 130 and 174 of the Framework. For these reasons and having regard to all relevant matters I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR