
Appeal Decision

Site visit made on 27 April 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/J4423/W/20/3265666

Bennet Cottage, Mayfield Road, Sheffield S10 4PR

- 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 Robert Rusling against the decision of Sheffield City Council.
 - The application Ref 17/02756/FUL, dated 30 June 2017, was refused by notice dated 25 June 2020.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. The main parties have been given the opportunity to draw my attention to any implications this may have on this appeal. The appeal has been determined accordingly.

Main Issues

3. The main issues are:
 - whether or not the appeal proposal is inappropriate development in the Green Belt, for the purposes of the Framework and development plan;
 - the effect of the appeal proposal on the openness of the Green Belt and its purposes;
 - whether or not there is any other harm that would result, with particular regard to the effect on local landscape character and heritage;
 - whether or not any other considerations exist and the weight that should be afforded to them; and
 - if inappropriate development, whether or not any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the appeal proposal.

Reasons

Whether or not inappropriate development

4. The appeal site comprises a detached dwelling and associated outbuildings set within substantial grounds. The existing building group reads as a range of rustic buildings that are of a modest scale due to their external dimensions, incremental form, massing and roof design. The appeal site is located within a sporadically developed rural landscape context beyond the built up form of any settlement and falls within the designated Green Belt. The appeal proposal seeks to replace these existing buildings with a bespoke, contemporary designed dwelling and associated landscaping.
5. Policies GE1, GE3, GE4 and GE5 of the Sheffield Unitary Development Plan (the UDP) set out the scope of circumstances whereby development in the Green Belt will and will not be permitted. Policy CS71 deals with matters of permanency but provides some support to reuse of previously developed land. These policies predate the Framework which provides the most up to date policy on the approach to development within Green Belt. With the exception of Policy GE4, these local policies have some consistency with the Framework's overall approach to development in the Green Belt.
6. Paragraph 149 of the Framework confirms that the construction of new buildings is inappropriate in the Green Belt, unless the proposal meets one of the exceptions listed. Criterion (d) of that paragraph allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Furthermore, criterion (g) allows limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The proposed dwelling would be sited in a similar position within the plot to the existing building group, although the resulting built form would be very different. A much larger rectangular footprint would replace the existing smaller 'L-shape' building footprint and would extend beyond the limits of the existing dwelling. The resulting volume of the proposed dwelling would represent a significant increase in built development, even when taking the lesser of the appellant's 2 calculations. The overall height of the proposed dwelling would be similar to the ridge height of the lowest ridge on the eastern wing which rises in sections up the slope. Consequently, the appeal proposal would sit lower in the landscape than the existing building group. Furthermore, as the proposed dwelling would be cut into the sloping bankside the amount of above ground level volume would be lessened.
8. However, overall, the proposed dwelling would be perceived as a materially larger single building mass in comparison to the existing range of buildings. This would not be sufficiently off-set by the proposed reduction in floor levels, materials or the level of containment and screening that could be achieved through landscaping measures. Therefore, the appeal proposal would not meet exception (d) of paragraph 149 of the Framework or the terms of Policy GE5 of the UDP. Furthermore, for the same reasons the appeal proposal would have a greater spatial and visual impact on openness than the existing development within the site. Therefore, the appeal proposal would not meet the terms of exception criteria (g) of paragraph 149 of the Framework.
9. For these reasons, the appeal proposal is inappropriate development in the Green Belt. Paragraph 147 of the Framework states that inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, the appeal proposal would conflict with policies GE1, GE3, GE4 and GE5 of the UDP, unless very special circumstances are demonstrated.

Openness of Green Belt

10. The Government attaches great importance to Green Belts. The fundamental aim of this policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. I have already determined that the appeal scheme would not represent one of the development exceptions afforded by the Framework. However, having regard to the Framework's 5 purposes of Green Belt, I find that the reduction in openness would be limited given the relatively small visual envelope when viewed in the context of this extensive Green Belt and also having regard to the proposal's positioning within the confines of the existing residential plot relative to the surrounding countryside and settlements.
11. Nonetheless the appeal proposal would constitute a permanent change and because of being materially larger and having a greater impact than the existing development within the site, it would not preserve openness of the Green Belt. That impact amounts to limited harm in this instance.

Other harm

Local landscape character

12. The site falls within the Area of High Landscape Value (AHLV) which is characterised by agricultural fields interspersed by small areas of woodland, sporadically placed traditionally designed farmsteads and dwellings. The prevailing traditional appearance and design of the existing building group reinforces this important landscape character. The value of the character and appearance of the appeal site's context is also articulated through the local heritage driven Mayfield Valley Area of Special Character (MVASV) designation. Whilst the status of this designation as a non-designated heritage asset is disputed, at the very least it assists in understanding the important components of the appeal site's context when applying extant development plan policies.
13. Paragraph 174 of the Framework states that decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The appeal proposal would result in the loss of a traditional farmstead form of development which positively contributes to the local distinctiveness of the area. Furthermore, the form of the particular replacement dwelling, by virtue of its roof design, regularity of footprint and low solid to void ratio does not adequately articulate the prevalent character of the built fabric that makes up this important landscape context. Therefore, regardless of the level of innovation and eco credentials advanced, I find that this particular bespoke design solution does not adequately respond to its important valued context.
14. In making my assessment, I have had regard to the narrowness of the visual envelope within which this loss and the replacement dwelling would be observed which is a consequence of the surrounding steeply sloping valley

sides and small woodlands. I have also noted that other contemporary design solutions have been employed within the wider area. Nonetheless, the particular appeal proposal would not comfortably assimilate with its important context to a degree that would at least achieve a neutral impact. This is at odds with the National Design Guide's characteristics of well-designed places that contribute towards the cross-cutting themes of good design set out in the Framework. The attempts to hide the appeal proposal from its context through design measures only reinforces my findings.

15. Consequently, the particular appeal scheme would erode the special character and appearance of the landscape within which it sits. This would cause significant harm to the character and appearance of both the AHLV and MVASV.
16. Policy GE8 of the UDP seeks to protect and enhance the AHLV. Moreover, policy BE15 of the UDP seeks to ensure that development which would harm the character or appearance of Areas of Special Character are not permitted. Policy BE18 of the UDP seeks to protect the character of such areas by retaining features which contribute to the character of the area and by requiring new development to respect their character and appearance. Furthermore, policy CS74 of the Core Strategy seeks to achieve high quality development which respects and enhances distinctive features of the city's rural setting amongst other things. The identified harm means that there is conflict with these policies.

Heritage

17. The submitted evidence confirms that the appeal building is a former farmhouse which dates back to the 18th century with later 19th and 20th century modifications, additions and rebuilding. As such, it is built of traditional materials and although its original roof and windows have been replaced with modern alternatives, some of the original internal features have been retained. Overall, its outward appearance is of a traditional form and materials which contribute positively to the character and appearance of its particular rural context. The Council has placed great importance on this context through its development plan policies relating to the AHLV and the MVASV.
18. The submitted evidence does not convince me that the building group does not have potential to qualify as a non-designated heritage asset. Given the direct effects that would ensue through the appeal proposal, paragraph 203 of the Framework requires a balanced judgement to be undertaken having regard to the scale of any harm or loss and its significance. The appeal proposal would result in the total loss of this building group. The evidence before me indicates that the significance of this building group stems from its agriculturally derived historic and architectural value.
19. As evidenced by the appellant, I agree that the heritage value of the building group has been reduced given the subsequent alterations. Nonetheless, its important qualities are not obliterated, and its structural integrity does not necessarily mean there is no alternative future for it other than demolition. Consequently, despite its current physical state, the appeal site continues to contribute positively to the defining characteristics of the surrounding historic landscape context. This includes the sporadic pattern of rural development which reflects the traditional building design and appearance which is distinctive to this locality. The appeal scheme would result in the total loss of a building group whose significance helps define the character and appearance of

this locality. Crucially, this is in an instance where the proposed replacement building has been found to be harmful to its important context.

20. This leads me to conclude that the total loss of this non-designated heritage asset has not been adequately justified through this particular scheme. This conclusion is reached in the context of paragraph 130 of the Framework which states that planning decisions should ensure, amongst other things, that developments add to the overall quality of the area, are visually attractive, are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change and establish and maintain a strong sense of place.
21. For these reasons, the appeal proposal would cause unjustified harm to a non-designated heritage asset through its total loss. Policy BE20 of the UDP encourages the retention of historic buildings which are of local interest but not listed. The harm that would be incurred by this particular proposal would conflict with this policy.

Other considerations

22. The submitted evidence relating to the actual level of the housing land supply shortfall is inconclusive. However, as the appeal scheme is a replacement dwelling it would not result in an increase in the supply of housing in the Council's area. Therefore, this contribution weighs neutrally in the balance.
23. It is advanced that the appeal proposal has been designed to meet the particular medical needs of the appellant and would create a lifetime home for later life. Although this is an emotive matter, the evidence before me does not sufficiently convey that those personal needs demand this particular location and could not be met by employing a more appropriate design solution for the site's context that would address the identified harm. Therefore, this consideration attracts moderate weight in favour of the appeal proposal.
24. The sustainable design and construction credentials of the appeal scheme are noted. These along with the resulting energy self-sufficiency and efficiency credentials of the appeal proposal are benefits which are not specific to this location and as such weigh moderately in favour of the appeal proposal.
25. A structural report sets out the current physical condition of the existing buildings and confirms that there are practical and economic barriers to restoring it to modern day habitable standards. However, in the absence of a replacement dwelling which is appropriate to this particular landscape context, moderate weight is afforded to the practical and economic constraints facing the appellant in this regard. The benefits of providing a new building on a previously developed site are also afforded moderate weight given the appeal site is not in a physical condition which detracts from its landscape context. This does not conflict with Policy CS71 of the Core Strategy.
26. Over time, the effects of the proposed tree felling could be suitably mitigated through the imposition of a planning condition to secure the implementation of an appropriate landscaping scheme which is beneficial to the area. This weighs moderately in favour of the appeal proposal from both a visual and biodiversity perspective.
27. It is noted that the appeal scheme had a favourable officer recommendation. However, the Councillors having considered all of the evidence before them

were minded to arrive at a different view, which is consistent with my findings. They were entitled to do this, and the officer support is of neutral weighting. My attention has been drawn to a number of decisions. Overall, the decisions advanced show that variable levels of weight can be attributed to matters according to the circumstances of a particular case. It is for the decision maker in each case to undertake a planning balance. In undertaking my assessment, I have had regard to those principles which are material to this appeal.

Whether very special circumstances exist

28. The appeal proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. It would also cause some limited harm to openness of the Green Belt, significant harm to the character and appearance of the local landscape and the unjustified loss of a non-designated heritage asset. In accordance with paragraph 148 of the Framework any harm to the Green Belt must be given substantial weight. However, I have also found that there are other considerations which weigh in favour of the appeal proposal.
29. In summary therefore, even when taken collectively, I conclude that the other considerations in this particular case do not clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, and the identified heritage and landscape harm. As a result, very special circumstances have not been demonstrated to justify allowing the appeal proposal.

Planning balance

30. This appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal proposal conflicts with Policies GE1, GE3, GE4 and GE5 in terms of Green Belt matters, Policies GE8, BE15 and BE18 of the UDP and CS74 of the Core Strategy in terms of landscape matters, and Policy BE20 of the UDP in terms of heritage matters. With the exception of Policy GE4 these policies are not inconsistent with the Framework. Moreover, I have found that very special circumstances have not been demonstrated to justify the appeal proposal in this Green Belt location. The adverse impacts arising from the appeal proposal would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole, including the contribution to the supply of housing. Consequently, both the national and local policies provide clear reasons for refusing the development.
31. In conclusion therefore, in this particular case the other material considerations weighing in favour of the appeal scheme do not justify allowing the appeal, given the harm that has been identified and the resulting conflict with the development plan when taken as a whole.

Conclusion

32. For the reasons given above, the appeal should be dismissed.

C Dillon

INSPECTOR