



Appeal Decisions

Site visit made on 15 February 2022

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an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal A Ref: APP/J4423/C/21/3279059

The Hall, The Old Mayfield School, David Lane, Sheffield S10 4PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Philip Prince against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 11 June 2021.
 - The breach of planning control as alleged in the notice is the unauthorised execution of operational development being an excavation within the land and failure to comply with condition 4 of planning permission 19/01513/FUL.
 - The requirements of the notice are (i) Restore the area of excavation by the importing of inert material and the application over the surface of the restored area of top soil to a depth of 100mm; (ii) Ensure the profile of the land achieved in performing the requirements of paragraph (i) is at a level which matches the level of the unexcavated land surrounding the area of excavation; and (iii) Following performance of the requirements of paragraph (i) and (ii) above carry out the works specified in the landscaping scheme reference A900 (Landscaping Masterplan) shown at Appendix B and in the Discharge of Conditions Application document 'Site Boundary and Landscaping Materials' shown at Appendix C submitted and approved pursuant to condition 4 of planning permission reference 19/01513/FUL.
 - The period for compliance with requirements (i) and (ii) is 12 weeks and with requirement (iii) is 4 months after compliance with requirements (i) and (ii).
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/J4423/C/21/3279069

The Hall, The Old Mayfield School, David Lane, Sheffield S10 4PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Philip Prince against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 7 July 2021.
 - The breach of planning control as alleged in the notice is the unauthorised execution of operational development being an excavation within the land.
 - The requirements of the notice are (i) Restore the area of excavation by the importing of inert material and the application over the surface of the restored area of top soil to a depth of 100mm; and (ii) Ensure the profile of the land achieved in performing the requirements of paragraph (i) is at a level which matches the level of the unexcavated land surrounding the area of excavation.
 - The period for compliance with the requirements is 12 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal C Ref: APP/J4423/W/21/3284757

The Hall, The Old Mayfield School, David Lane, Sheffield S10 4PH

- 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 Philip Prince against the decision of Sheffield City Council.
 - The application Ref 21/03066/FUL, dated 6 July 2021, was refused by notice dated 23 August 2021.
 - The development proposed is 'Demolition of existing outbuilding (former shelter) and erection of a single storey building to provide home office and storeroom, erection of single storey flat roofed building (part subterranean) to provide garden store and garage for 2 vehicles with provision of soft landscaping (resubmission of application 20/01220/FUL)'.
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Decisions

Appeal A Ref: APP/J4423/C/21/3279059

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B Ref: APP/J4423/C/21/3279069

2. The appeal is dismissed and the enforcement notice is upheld.

Appeal C Ref: APP/J4423/W/21/3284757

3. The appeal is allowed and planning permission is granted for 'Demolition of existing outbuilding (former shelter) and erection of a single storey building to provide home office and storeroom, erection of single storey flat roofed building (part subterranean) to provide garden store and garage for 2 vehicles with provision of soft landscaping (resubmission of application 20/01220/FUL)' at The Hall, The Old Mayfield School, David Lane, Sheffield in accordance with application ref. 21/03066/FUL, dated 6 July 2021, subject to the following conditions:

1. The development hereby permitted shall be begun no later than three years after the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawing nos. A501, A2000, A2200, A2201 and A2202 published by the local planning authority on 6 July 2021.
3. Details and, if requested, samples of all external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. Development shall be carried out in accordance with the approved details.
4. A hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence or within an agreed alternative timeframe. The approved landscape works shall be implemented prior to the development being brought into use or within an agreed alternative timeframe. Thereafter the landscaped areas shall be retained and shall be cultivated and maintained for a period of 5 years and if any plant dies or becomes seriously damaged or diseased within that period it shall be replaced with a plant of the same size and species.

Reasons

Appeal C

Background information

4. The Old Mayfield School, built in the late 19th century, has been converted to three dwellings in accordance with planning permission 19/01513/FUL (PP1513); unit 3 is The Hall and is the subject of the appeal. The Hall is the north-east half of the former school building and the property includes, at the rear, the former playground and an outbuilding, a former play shelter.

5. The Old Mayfield School has a main frontage to David Lane and a side frontage to Mayfield Road. To the north-east is a short terrace of dwellings with a frontage on David Lane and to the north-west is Mayfield Wesleyan Reform Chapel. The group of buildings is in the Green Belt, an Area of High Landscape Value (AHLV) and the Mayfield Valley Area of Special Character (MVASC).

6. In 2020 planning application 20/01220/FUL was submitted for 'alterations and extensions to outbuilding (former shelter) and the erection of a new building (part subterranean) to provide two home offices, games room, two en-suite guest bedrooms, storeroom and a garage for 3 vehicles with associated landscaping and terracing'. The application was refused in December 2020.

7. The application that is the subject of the appeal is for a similar but smaller scheme than that refused in December 2020. The proposed scheme does not, unlike the previous scheme, encroach beyond the residential curtilage of The Hall as defined by PP1513. The appeal scheme, being within the residential curtilage and on the former playground, is on previously developed land.

8. The Appellant's Agent has compared, in spatial terms, the appeal scheme with that previously refused. A development proposal will not be acceptable simply because it causes less harm than a refused scheme. The appeal scheme, in this regard, will be considered on its individual merits.

The main issue

9. The main issue is whether the proposed scheme would be inappropriate development in the Green Belt.

Reasoning

10. Paragraph 149 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt except where, amongst other things, c) it is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and g) it is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

11. The proposed development comprises two elements; firstly, the demolition of the former shelter and erection of a single storey building to provide home office and storeroom, and secondly, the erection of a part subterranean single storey flat roofed building to provide garden store and a garage for two vehicles. PP1513 granted permission for the replacement of the former shelter and a nearby toilet block with a building to provide a home office and a domestic store. The first element of the proposed development is in the same position as the building permitted under PP1513 and is marginally smaller in volume.

12. The proposed home office and domestic store building, the first element of the proposed development, is, in spatial terms, slightly smaller than the fall-back position provided by PP1513. It has a slightly different roof form than the fall back

building but would not be materially different in visual terms and would not reduce views across the site from either the west or north. The first element of the proposed development would not undermine the openness of the Green Belt when compared against the development permitted under PP1513. This element of the proposed scheme is not therefore inappropriate development in the Green Belt.

13. It is claimed in a representation made to the Council at application stage, with regard to the former Old Mayfield School site being previously developed land, that "...the current proposals do not fall to be considered in relation to...(NPPF paragraph 149 g)...as the site has already been redeveloped and now comprises three dwellings, which are presumably held under separate ownership". Ownership of the dwellings is not a relevant matter and just because the site has been developed in accordance with a planning permission does not justify a conclusion that the site is not previously developed land.

14. The second element of the proposed development falls to be considered under NPPF paragraph 149 g) because it would constitute the partial redevelopment of previously developed land. The building would be located to the north of the dwelling and to the north-east of the former shelter. The site of the building has been excavated but the former ground levels are known. The only full elevation would be its south-east frontage which would include partially glazed doors into the garage and a solid door into the garden store. The north-east side elevation would diminish in height and the rear elevation would be wholly underground, as would the south-west elevation which would be under the north-east elevation of the home office/domestic store building.

15. The proposed garage and garden store would be below the top of a stone boundary wall along the north-east boundary of the site. Given also ground levels around the site of the proposed building and even if the former shelter building didn't exist the building would not be visible in views from the north, west and east. Furthermore, a high stone wall alongside the pavement to David Lane would obscure views of the proposed building from this road. The proposed building would only be visible from rear first floor windows in the adjoining terrace of dwellings and from these windows the building would have the appearance of a wall retaining a lawn that would extend into a small meadow outside the curtilage of The Hall but in the Appellant's ownership. In visual terms the proposed garage and garden store building would not undermine the openness of the Green Belt.

16. Taking into account former ground levels about 150 cubic metres of the overall volume of the proposed building of 370 cubic metres would be above ground. The Council accepts, in the delegated report on which they rely, that for "...the purposes of paragraph 149 g) the existing development is limited to the extended dwellinghouse and its associated outbuildings". The precise volume of the extended dwellinghouse and its associated outbuildings is not known but it is likely to be, based on figures that have been provided and from accurately scaled plans and elevations submitted with the application, in excess of 2200 cubic metres. In this accepted context and as a matter of planning judgement, the additional above ground level built form of the proposed garage and garden store building would not result in a material loss of spatial openness.

17. The proposed development would not undermine visual openness and would not result in a material loss of spatial openness. The proposed scheme would be the partial redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and is not therefore

inappropriate development. The proposed scheme complies with Green Belt policy in the NPPF and with Sheffield Unitary Development Plan policies GE1 and GE3.

Other matters

18. The Council has not expressed any concern with regard to the effect of the proposed development on the AHLV or the MVASC. The development would be hidden in views from Mayfield Lane and from in front of the former school from David Lane. In more distant views from David Lane, as it climbs up a hillside to the east, the sedum roof of the building would be seen to be a natural extension of the meadow. The proposed development would not cause any harm to the character and appearance of the AHLV and the MVASC. There is no prospect that the development or any part of it would be used as a separate dwellinghouse and this would require, in any event, the grant of planning permission for independent residential use. All matters mentioned by third parties have been taken into account but they do not, either individually or collectively, affect the overall conclusion to be reached in this appeal decision.

Conditions

19. The Council has suggested four conditions and these have been imposed though they have been amended in the interests of clarity and precision. Condition 1 is the standard time limit condition, condition 2 is for the avoidance of doubt, and conditions 3 and 4 are necessary to ensure that the development has a satisfactory appearance and is properly landscaped.

Conclusion

20. The partial redevelopment of the previously developed site would not have a greater impact on the openness of the Green Belt than existing development and is not therefore inappropriate development. The appeal thus succeeds and planning permission has been granted for 'Demolition of existing outbuilding (former shelter) and erection of a single storey building to provide home office and storeroom, erection of single storey flat roofed building (part subterranean) to provide garden store and garage for 2 vehicles with provision of soft landscaping (resubmission of application 20/01220/FUL)' at The Hall, The Old Mayfield School, David Lane, Sheffield.

Appeals A and B

21. Only (f) and (g) appeals have been made so the enforcement notices must be upheld. The Appellant accepts that the requirements of the notices are reasonable and only argues that it would be unreasonable to seek compliance with the requirements before the planning application has been determined, possibly at appeal. Similarly, in the ground (g) appeals he argues that sufficient time should be provided to allow the planning application and possible appeal to be determined. The application was determined and the subsequent appeal has also been determined in this decision. The ground (f) and (g) appeals therefore fail.

John Braithwaite

Inspector