



Appeal Decision

Site visit made on 31 August 2022

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/J4423/C/21/3285589

Land at Hagg Lane and Long Lane, Sheffield, S10 5PJ, 431448, 387607

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Steven Nichols against an enforcement notice issued by Sheffield City Council.
- The notice was issued on 30 September 2021.
The breach of planning control as alleged in the notice is (1) the change of use of the Land to use for the storage of motor vehicles, plant, machinery, equipment, waste and other miscellaneous material; and (2) without planning permission the undertaking of the following operational development:-
 - (i) laying of concrete hard surfaces and paving on the Land.
 - (ii) the erection of Buildings B, D and E (identified in the plan No.2 and photo appendix to this notice).
 - (iii) the erection of timber screen close to building D (identified in the plan and photo appendix to this notice).
 - (iv) the erection timber clad metal gates, identified as 'TCG' in the photo appendix to this notice.
 - (v) the laying of a hard core track across the Land, identified in the plan No 2 and in the photo appendix to this notice.
 - (vi) the laying of a hard core surface, (formerly occupied by the now removed, building C), identified in the photo in the appendix to this notice.
 - (vii) the erection of blockwork retaining walls to the south end of building B.
 - (viii) the laying of concrete foundation to building B.
- The requirements of the notice are to:
 - (i) cease the use of the land for storage purposes, described in paragraph 3.1 of this notice and
 - (ii) remove from the land all the stored items and materials described in paragraph 3.1 of this notice
 - (iii) demolish and remove from the land the items of operational development detailed in sub paras (i) to (viii) inclusive of this notice
 - (iv) remove from the land any materials that arise from the demolition of the items of operational development detailed in paragraph 3.2 sub paras (i) to (viii) inclusive of this notice
 - (v) on completion of steps 5(i) to (iii) inclusive make the land good by laying grass turf on the land or sowing the land with grass seed.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) & (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision:

The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails and the enforcement notice as varied is upheld as set out below in the Formal Decision.

Formal Decision

1. It is directed that the enforcement notice is varied by:

in parts 5.(iii) and 5.(iv) of the notice, replacing "paragraph 3.2 sub paras (i) to (viii) inclusive of this notice" with "paragraph 3.2 sub paras (i), (ii), (iii), (iv), (vii) and (viii) of this notice".

Subject to the variation, the appeal is allowed insofar as it relates to:

- (a) the laying of concrete hard surfaces and paving on the land;
- (b) the erection of Buildings B and D (identified in the plan and photo appendix to this notice)
- (c) the erection of blockwork retaining walls to the south end of Building B; and
- (d) the laying of a concrete foundation to Building B

and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the above items (a) to (d) on land at Hagg Lane and Long Lane, Sheffield S10 5PJ.

The appeal is dismissed and the enforcement notice is upheld as varied insofar as it relates to:

- (e) the change of use of the land to use for the storage of motor vehicles, plant, machinery, equipment, waste and other miscellaneous material;
- (f) the erection of Building E (identified in the plan no.2 and photo appendix to this notice);
- (g) the erection of a timber screen close to Building D (identified in the plan and photo appendix to this notice);
- (h) the erection of timber clad metal gates, identified as 'TCG' in the photo appendix to this notice;
- (i) the laying of a hard core track across the land identified in the plan no.2 and the photo appendix to this notice; and
- (j) the laying of a hard core surface (formerly occupied by the now removed Building C) identified in the photo in the appendix to this notice

and planning permission is refused in respect of the above matters (e) to (j) on land at Hagg Lane and Long Lane, Sheffield S10 5PJ on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (b)

2. This ground is only submitted in relation to the alleged material change of use for the storage of motor vehicles, plant, machinery, equipment, waste and other miscellaneous material. It is for the appellant to demonstrate that such development has not taken place as a matter of fact. However, the appellant accepts that storage of the various items has occurred, whether temporarily or otherwise, albeit claiming that such storage was permitted development. Such storage is also depicted on the photographs attached to the notice. On this basis, the appeal on ground (b) fails.

The appeal on ground (a) and the deemed application

3. The appeal site is within the Green Belt. It comprises a grassed paddock of less than 1 ha on a sloping hill side, enclosed by Hagg Lane to the west and Long Lane to the north. The alleged material change of use and operational developments are largely confined to the uppermost, southern part of the site.
4. The National Planning Policy Framework (NPPF) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is reflected in the development plan, comprising the saved policies of the UDP and the Sheffield Core Strategy.
5. Accordingly, the main issues in this case are i. whether the development is inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies; ii. the effect of the development on the openness of the Green Belt; iii. the effect of the development on the character and appearance of the area; and iv. whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
6. On the question of the material change of use, such a use may not be inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. However, in this case, the storage of motor vehicles, plant, machinery, equipment, waste and other miscellaneous material does not accord with this proviso. Whilst the site appears to have been tidied up by the time of my visit, such a use reduces the openness of the Green Belt and fails to safeguard the countryside from encroachment. It would appear out of character with, and harmful to, both the character and appearance of this semi-rural setting, contrary to the aims of the development plan. There are no circumstances put forward that would outweigh the harm to the Green Belt.
7. Turning to the operational development, the Council has not disputed that the land was for many years used for the keeping of donkeys and that a shelter for that purpose was approved; this is shown on the notice as Building A. The use by horses instead of donkeys does not appear to me to be a material change of use. In any event, the Council appears to accept that, in principle, the erection of a stable on the site and the use of the land for grazing by horses would not be inappropriate development, falling within the category of the provision of appropriate facilities for outdoor sport or recreation.
8. The additional Buildings B and D are attached to the side and the rear of Building A, effectively forming a compact single structure. Therefore, whilst they inevitably reduce the openness of the Green Belt to some degree, the visual impact is minimised. From most public viewpoints, they are seen against the backdrop of the rising land and the woodland to the rear. In their impact on the landscape, they do not appear incompatible with the character of the wider locality, where there are other examples of buildings associated with the keeping of horses and other animals.

9. The original Building A has been converted to storage use associated with the keeping of horses (tack, feed etc), the new Building B is used for stabling and the new Building D is used for storage. To my mind, this does not appear an unreasonable amount of accommodation for the number of horses I saw on site, or which the land appears able to support.
10. By way of contrast, Building E is said to be used for storage associated with the maintenance of the land but there is little detailed information as to its actual use and I was unable to gain access to the interior. This appears to be an unduly large building for the stated purpose and I doubt its functional necessity, given the modest size of the land holding and the amount of storage space available in the complex of Buildings A, B and D. As such, this appears to be an inappropriate form of development in the Green Belt, which reduces the openness of the Green Belt. It is sited nearer to Hagg Lane than the stable complex and, despite its dark stained timber finish, appears obtrusive and unacceptably out of character with its surroundings.
11. I have seen no other considerations relating to Building E that might outweigh the harm to the Green Belt.
12. The erection of the timber clad metal gates and the timber screen in the region of 2.5m in height are inappropriate forms of development which reduce the openness of the Green Belt and are visually obtrusive in, and out of character with, this semi-rural landscape. They are said to be needed for security. However, there are other, less obtrusive ways of achieving this purpose, such as cameras and/or an alarm system. Furthermore, the gates and screen only close off a small proportion of the boundary and could be circumvented by a determined intruder. As they do not appear to form a means of enclosure, the claimed fall-back position of erecting similar structures up to a height of 2m under permitted development rights does not appear to apply. This development is inappropriate and harmful to the Green Belt.
13. The hard core surface on which Building C once stood and the hard core track which leads to it are engineering operations which, in use to facilitate the movement or parking of vehicles or the erection of the building, would have reduced the openness of the Green Belt. As such, they would be an inappropriate form of development which will be refused planning permission. However, following the removal of the building, they are now of little functional use and appear to be becoming overgrown with grass. Therefore, they now have little impact on the openness of the Green Belt or the impact on the character and appearance of the area. Accordingly, there appears to be little reason to require the removal of the hard core. Any further operational development or material change of use would be the subject of planning control.
14. The laying of concrete hard surfaces and paving is an engineering operation which appears functionally related to the use of the stables and the adjoining field for the keeping of horses, a use compatible with the site's location in the Green Belt. It enables the siting of circular feeders to feed the horses in the winter months and parking of vehicles of those tending to the horses. The limited impact on the openness of the Green Belt appears proportional to the type of use.
15. I have found the alleged material change of use and some of the operational development as unacceptably harmful to the Green Belt and the remaining

operational development to be acceptable in line with the policy background set out in the NPPF and the development plan. Accordingly, the appeal succeeds in part and permission for that part is granted. But otherwise, the appeal fails and the enforcement notice, as varied, is upheld as set out above in the formal decision.

The appeal on ground (f)

16. As I concluded above that Building B is an acceptable form of development, it follows that the concrete base and its blockwork retaining structure are also acceptable. The grant of planning permission for this building includes these structures and there is no need to vary the notice, as explained in para.18 below.

The appeal on ground (g)

17. It is claimed by the appellant that there may be bats present in one or more of the buildings, although there is no evidence of this. Under the circumstances, 6 months appears to be a more than adequate time in which to undertake compliance with the (now reduced) requirements of the notice. The appeal on ground (g) fails.

Conclusion

18. For the reasons given above, I conclude that the appeal should succeed in part only, and I will grant planning permission for part of the matters the subject of the enforcement notice but otherwise I will uphold the notice with a variation and refuse to grant planning permission for the other part. The requirements of the upheld notice will cease to have effect so far as is inconsistent with the permission which I will grant by virtue of S.180 of The Act.

B S Rogers

INSPECTOR