



Appeal Decision

Site visit made on 24 August 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/J4423/W/22/3295735

Garage Site adjacent to 73 Dungworth Green, Sheffield S6 6HE

- 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 Winson and Miss Johnson against the decision of Sheffield City Council.
 - The application Ref 21/03010/FUL, dated 1 July 2021, was refused by notice dated 11 November 2021.
 - The development proposed is the erection of a single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the purposes of the Green Belt; and,
 - if the proposal is inappropriate development, 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 development.

Reasons

Whether inappropriate development

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
4. A number of saved policies from the Sheffield Unitary Development Plan (UDP) are referenced by the main parties which relate to the Green Belt. This includes UDP Policies GE1, GE3 and GE5, the former two of which are referenced in the refusal notice. These saved policies are inconsistent with some of the exceptions set out in the Framework relating to the construction of new buildings, so they are out of date, but this does not result in them carrying no

weight, particularly as the policies are broadly consistent with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. I therefore attach moderate weight to them and have proceeded to determine the appeal on this basis and with reference to the Framework.

5. The appellant has set out that the development can be considered against different exceptions found in the Framework at paragraph 149, including limited infilling in villages which is set out at paragraph 149 e) of the Framework.
6. The Framework does not define 'limited infilling', and although reference is made in UDP Policy GE5 to 'infilling' being permitted in certain circumstances, this policy does not provide a definition of this term. Nonetheless, case law¹ says that it is a matter of planning judgement for the decision-maker.
7. Up to the appeal site, travelling from the west, there is a continuous ribbon of semi-detached housing on the northern side of Dungworth Green. Dungworth Green is washed over by the Green Belt. The main parties agree that the appeal site forms part of this substantially developed road frontage and is at the edge of a village. The site is however at the end of this linear area of development, with open land beyond to the east.
8. The appellant considers the Council has applied a very narrow definition of infill as a gap between development or between two comparable land uses. The term infilling, as it is commonly understood, refers to the filling of a gap or space. As the appeal site is the last developed area of land in the village, it does not infill a gap.
9. Although the appellant states this should not be determinative, I have not been provided with any other information on how the appeal site could reasonably be considered as an 'infill' type of development. I do not disagree that the site is previously developed, comprises of a single plot and is closely related to the nearby built form. In this regard, the proposal meets certain requirements of saved UDP Policy GE5, but this does not explain how the proposed scheme's conformance to these requirements would make the development an 'infill' form of housing which is required to satisfy part a.) of the policy.
10. My attention has been drawn to a recent planning permission for an agricultural storage building on an adjacent site². Limited information has been provided on this case, but even by adding a single storey structure some 70m from the appeal site would not alter the site's position at the end of ribbon development on Dungworth Green and nor would screening provided by soft landscaping in the form of tree planting on this adjacent site.
11. It has also been advanced that the site, which is in a dilapidated condition, could be considered under the exception at paragraph 149 g) relating to the limiting infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. In this regard, the recycling and re-use of previously developed (brownfield) land, which the development plan seeks to prioritise for new housing weighs in its favour and receives support from UDP Policy GE2. In order to meet the exception at paragraph 149 g), it is necessary for the development to not have a greater impact on the openness of the Green Belt than the existing development. I will

¹ [2018] EWCA Civ 1519 R Tate v Northumberland County Council and Susan Leffers-Smith

² LPA Reference: 21/05365/FUL

consider this as part of the next main issue and this will determine whether or not the proposal is inappropriate development in the Green Belt, having regard to exception g).

Openness and conclusion on whether the proposal is inappropriate development

12. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has spatial and visual aspects.
13. It is common ground between the main parties that there would be a reduction in the sprawl of development across the site, including reduced hardstanding areas. The proposed mainly two storey dwelling would have a significantly greater volume than the existing structures and would thereby result in the spatial loss of openness.
14. A Landscape and Visual Impact Appraisal (LVIA) has been submitted which shows from distant viewpoints, there would be limited visibility of the proposal. Mitigation planting and increased soft landscaping would further soften views. However, the proposed dwelling's single mass and taller height would make it more visible than the existing garages, particularly from nearby views along Dungworth Green. It would also limit views of the countryside towards the north-east from the road and from the open space on the opposite side of the road. It would, as a consequence, result in the loss of visual openness. Therefore, the proposal would have a greater impact on the openness of the Green Belt than the existing site and it would not meet the exception set out at paragraph 149 g) of the Framework.
15. Although I have considered the proposal's effect on openness in the context of Framework paragraph 149 g), the appellant's case also relies on exception e) from that same paragraph. This exception does not include an assessment on the openness of the Green Belt, so it is necessary to consider this issue separately bearing in mind my finding against Framework paragraph 149 e).
16. The appellant has made reference to the provisions of saved UDP Policy GE2 which seeks to improve poor landscapes in priority areas within the Green Belt. The proposal would remove detracting features and improve derelict land on the appeal site and in this respect, it would comply with this policy. It would however fail to preserve the openness of the Green Belt for the reasons stated.
17. I therefore conclude that the proposal, would have a greater impact on the openness of the Green Belt than the existing development. This would harm the openness of the Green Belt and the appeal scheme would not accord with exceptions e) or g) of Framework paragraph 149. As such, the appeal scheme would be inappropriate development in the Green Belt. Despite the proposal gaining support from saved UDP Policy GE2, this would not alter my conclusion that the proposal is inappropriate development, which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a planning application, substantial weight should be given to any harm to the Green Belt. I also find that the proposal would not comply with saved UDP Policies GE1, GE3 or GE5, which seek, amongst other matters to prevent inappropriate development and maintain the open character of the Green Belt.

Purposes

18. It is common ground between the main parties that there would be no conflict with a number of purposes that the Green Belt serves, including in relation to unrestricted urban sprawl, preventing neighbouring towns from merging, preserving the setting and character of historic towns and to assist in urban regeneration. In respect of some of these purposes, I agree that the proposal would have a beneficial effect.
19. Whilst the proposed development would see a reduction in the spread of development across the site, the proposed dwelling would result in the replacement of the existing single storey structures with a taller, more prominent dwelling that would appear as an encroachment into the countryside and would detract from the quality of the open rural landscape.
20. Given the above, I conclude that despite the proposal not conflicting with a number of Green Belt purposes, it would not assist in safeguarding the countryside from encroachment. As such it would conflict with Paragraph 138 of the Framework and with saved UDP Policies GE1 and GE3 which seek, amongst other matters to ensure that development would not lead to encroachment of urban development into the countryside.

Other Considerations

21. I am mindful that the proposal would provide a self-build opportunity which will assist in addressing an uncontested shortfall in the five-year supply of housing for the Council. The Framework seeks to significantly boost the supply of housing and windfall sites can make an important contribution to housing delivery. The provision of a new dwelling therefore weighs in favour of the appeal, although as it involves a single dwelling, this would attract moderate positive weight.
22. The proposed development would make a positive contribution to the economy, through the employment of tradespeople and spending on materials during the construction phase as well as expenditure by future residents on local services and facilities which would help sustain the vitality of Dungworth. The dwelling would make a contribution to the New Homes Bonus for the Local Authority. But, given the proposal is for one net additional dwelling, the economic and other benefits, including biodiversity enhancements and the support to the local school would be modest.
23. The proposal would result in an energy efficient, high-quality dwelling which there have been a number of supporting comments in favour of. These matters weigh in favour of the proposal, albeit this weight is moderately supporting given that the appeal scheme consists of a single house.
24. The appellant refers to the lawful storage use of the site as a fallback position. Whilst the use of the site could be intensified from its current state and may involve external storage, there is no evidence before me that this would take place should the appeal be dismissed. Even if it was put to such a storage use, this would largely utilise the existing single storey structures, unlike the predominantly two storey form of the proposal. This would not be as or more harmful than the appeal scheme, which would, due to its greater height and volume, have a greater impact on the Green Belt. I therefore attach limited weight to this consideration.

25. The proposal would not give rise to any adverse impacts on living conditions, highway safety in terms of access and parking or in relation to trees. It would also cause no unacceptable effects in respect of drainage, flood risk, heritage, coal mining or biodiversity. It would also provide a good standard of living accommodation for future occupants. The proposal would also not result in neighbouring towns merging or conflict with other Green Belt purposes, including preserving the setting and special character of historic towns or assisting in urban regeneration. The appeal site is also accessible to a range of leisure and recreation opportunities. I have taken account of all matters raised, including the number of design iterations made. These are however neutral matters that do not weigh in favour of the proposal, as is the lack of conflict with a number of development plan policies. The dwelling would also generate Council Tax revenue, but this is a mitigation for the additional demands that would arise on Council services from the additional occupants.

Conclusion

26. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
27. I have attached moderate weight in favour of the scheme to the provision of a net additional dwelling on this brownfield site, to the economic and social benefits, the supporting comments as well as the high-quality design and visual improvement of the Green Belt landscape. The other considerations raised, such as those in relation to living conditions, are neutral matters.
28. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. Therefore, having regard to footnote 7 of the Framework, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed.
29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR