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# Appeal Decision

Site visit made on 26 April 2023

**by L Hughes BA (Hons) MSc MRTPI**

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

**Decision date: 23 May 2023**

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**Appeal Ref: APP/J4423/W/22/3312391**

**Fern Glen Barns, Hathersage Road, Sheffield S17 3AB**

- 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 Simon Russell of the Redcar Brook Company Ltd against the decision of Sheffield City Council.
  - The application Ref 22/02815/FUL, dated 29 July 2022, was refused by notice dated 17 November 2022.
  - The development proposed is the erection of an open-sided extension with roof to existing unit for use as storage area.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The original description of development on which the Council based its decision, was described as "*The erection of an open-sided extension with roof to existing unit for use as storage area, and additional storage unit with roof on existing hardstanding.*" The appellant included amended plans within the appeal documentation which no longer include the additional storage unit. This would reduce the size of the scheme overall, and the Council has had the opportunity to comment. In accepting these revised plans, I therefore consider that no party's interests would be prejudiced. This description is therefore reflected in the banner heading above.

## Main Issues

3. The main issues are:
  - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2021) and any relevant development plan policies;
  - 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 necessary to justify the proposal.

## Reasons

### *Inappropriate Development in the Green Belt*

4. The appeal site is within open countryside defined as Green Belt and an Area of High Landscape Value (AHLV) by the Sheffield Unitary Development Plan (UDP) (1998). It comprises a parcel of land accessed via a long drive sloping down off

Hathersage Road. The site contains a single storey metal profiled warehouse with an attached office, and associated hard surfaced areas. The proposal is to create an open-sided extension to one end of the existing building, partially cut into the hillside. Its width, height, and finish would match that of the main existing building.

5. The Framework identifies at paragraph 137 that 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. 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.
6. The Sheffield Unitary Development Plan (UDP) (1998) Policies GE1, GE2, and GE3 broadly take the same approach to Green Belt as in the Framework, by setting out the circumstances which would allow for development, and seeking to protect and improve the Green Belt landscape. Policy GE8 identifies that in the AHLV, protection and enhancement of the landscape will be the overriding consideration. Policy CS71 of the Sheffield Development Framework Core Strategy (CS) (2009) maintains the Green Belt boundaries, alongside some support to the re-use of land and buildings.
7. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. The first relevant exception at paragraph 149(c) 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. The Framework and the development plan do not define 'disproportionate additions' or specify acceptable percentage increases. While the appellant suggests 33% volume increase as a proxy guideline based on the Council's Green Belt house extensions policy, the proposal is not for a house extension, and I have not been provided with any policy details in this regard. An assessment of whether a proposal would amount to a disproportionate addition is therefore a matter of planning judgement.
8. Annex 2 of the Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. Following a recent appeal decision for a larger but relatively similar proposal at the site<sup>1</sup>, the parties agree that the original building comprises the 175sqm warehouse, prior to the addition of the 65sqm office extension.
9. I find it clear that the size of the extension proposed at 119sqm of additional floorspace and a volume of 611 cubic metres, would result in a substantial increase against the original building. This is notwithstanding that neither party fully clarifies the proposed increase in percentage terms. The appellant's stated 33% volume increase is only compared to the existing building, and also excludes part of the extension which would be cut into the embankment. The Framework paragraph 149 does not exclude partially underground buildings in determining whether new buildings may be inappropriate. The proposal's volume increase would therefore be substantially higher than 33%.

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<sup>1</sup> Reference APP/J4423/W/22/3303139, appeal dismissed January 2023.

10. My finding overall is therefore that the proposal would result in a disproportionate addition. Consequently, it would not meet the exception under paragraph 149(c) of the Framework.
11. The main parties agree that the site is defined as previously developed land, and I find no reason to conclude otherwise. The second relevant exception within the Framework paragraph 149(g) is therefore 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.
12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, the erection of the extension would result in built development where there is presently none, and therefore unavoidably result in a reduction in the openness of the site. Although the appellant provides other local examples in support that subterranean development volume can be discounted in this regard, I do not have full details of these other schemes and therefore I cannot be certain that there is any direct comparison with the proposal before me. Each case must be assessed on its own merits. Furthermore, the proposal is not so subterranean or cut into the bank to such an extent that it would be hidden from view. It therefore would have some visual impact on openness as well as spatial.
13. Visually, the openness of the Green Belt is very evident around the property and the wider area, and in views from the Peak District National Park. It has a rural character of predominantly open fields plus tree belts. The site is clearly visible from its junction with Hathersage Road and from along the part of the road, notwithstanding the separation distance and that some views are screened by vegetation. The proposal would create a clear increase in the presence of the built form across the site, despite the wider context of the land level change and the proposed embankment cutting. While the design would be simple and functional to reflect the existing building, this would not sufficiently mitigate its visual impact in juxtaposition with the surrounding openness.
14. The proposal would not be adequately concealed by the existing building and vegetation. Even with the proposed additional landscaping and tree planting, this visual containment would not in itself remove the harmful loss of openness of the Green Belt that I have identified.
15. I note that the site has a Certificate of Existing Lawful Use for external storage<sup>2</sup>, and that bulky materials are currently stored there. However, such storage is relatively transient and of a varying spatial extent. The proposed extension would be permanent, and thus would have a consistent impact on openness. It would also have significantly more massing, height, and presence than general open storage. The impact of this on the openness of the Green Belt is therefore less than that which would occur under the appeal proposal.
16. In drawing together my findings on spatial and visual impact, I find that the scheme would result in significant harm to openness, and so it does not constitute an exception within paragraph 149(g) of the Framework. I conclude the appeal proposal would be inappropriate development in the Green Belt. Overall, the proposal would conflict with Chapter 13 of the Framework, particularly the exceptions set out in paragraph 149, and would also conflict

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<sup>2</sup> Reference 18/00004/LU1.

with the Sheffield UDP Policies GE1, GE2, GE3, and GE8, and the Sheffield Core Strategy Policy CS71.

### *Other Considerations*

17. The appellant identifies numerous considerations in support of the proposal, which largely mirror those recently considered by the previous Inspector. It would incorporate additional landscaping and screening, and through the imposition of a condition I could also require cessation of the existing open storage on the site. Together these elements would visually benefit the Green Belt compared to at present. I give this benefit limited weight in favour.
18. The proposal would support the continued economic growth of an established business, with economic benefits to the wider community and contractors. Expansion on the site would allow for reduced vehicle movements between sites and thus provide environmental benefits, as well as environmental benefits from the business model itself of recycling of finite resources. The proposal would make an efficient use of previously developed land. I also acknowledge the appellant's conclusion that no suitable alternative site is either available or economic. I give these benefits overall moderate weight in favour.
19. Previously refused schemes are not viable fallback positions, and so it is not a benefit of the proposal that it may cause less harm. The absence of objections from interested parties does not indicate that no harm would be caused.
20. I have considered the comparison with the nearby Norfolk Arms site, also located in the Green Belt, and which benefits from several approved extensions. While I acknowledge that several of the stated 'very special circumstances' for the Norfolk Arms display similarities with the current appeal, a number do not, and the balancing exercise as to whether very special circumstances exist comprises the totality of matters. Specific differences include the visual enhancement of the setting of the Norfolk Arms as a listed building, that there was a large marquee inferred by the Council to be a valid fallback position, that it was a different type of business with a different economic impact, and that the site had a community asset status. From the evidence before me, I find it apparent that its site context and circumstances are sufficiently different such that the example has no direct bearing on my decision. The previous appeal decision reached a similar conclusion.
21. The appellant also refers to other Green Belt appeal decisions. However, I do not have detailed information before me to allow comparison of factors such as the position of those sites within the landscape. Even if I did, the assessment of Green Belt impact is necessarily a matter of planning judgement which depends on a range of specific site circumstances.

### **Planning Balance**

22. In summary, as a disproportionate addition and due to its effects on openness, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in very special circumstances. It goes on to explain that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

23. Against the totality of the harm I have identified, the other considerations advanced by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would thus conflict with the Green Belt policies in the Framework, the Sheffield UDP Policies GE1, GE2, GE3, and GE8, and the Sheffield Core Strategy Policy CS71.

### **Conclusion**

24. In conclusion therefore, the proposal would be contrary to the development plan and the Framework taken as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

*Lora Hughes*

INSPECTOR