



Appeal Decision

Site visit made on 22 August 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/J4423/W/23/3320360

143 Top Warren, Chapeltown, Sheffield, South Yorkshire S35 2XT

- 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 Mrs Susan Housley against the decision of Sheffield City Council.
 - The application Ref 22/04488/FUL, dated 14 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is for the erection of a detached domestic double garage and provision of associated driveway and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached domestic double garage and provision of associated driveway and landscaping works at 143 Top Warren, Chapeltown, Sheffield, South Yorkshire S35 2XT in accordance with the terms of application Ref 22/04488/FUL, dated 14 December 2022, and subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: site plan; proposed garage – elevations and layout (drawing no 0422-03-101); site layout and elevations with proposed garage (drawing no 0422-03-100 Revision D).
 3. Prior to the commencement of development, full details of the foundations to the proposed garage shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. The description of development as set out above has been taken from the Council's Decision Notice and the Appeal Form, as it includes all the relevant details of the proposal.
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Main Issue

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

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

5. 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. At my site visit I saw that the bungalow on the appeal site was substantially completed. Therefore, in the context of paragraph 149 (c) of the National Planning Policy Framework (the Framework), I find that it must be considered to be a building.
6. Paragraph 149 of the Framework lists the types of development that are not considered inappropriate in the Green Belt. These include, for the purposes of the appeal, the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building.
7. Policy GE3 of the Sheffield Unitary Development Plan 1998 (UDP) seeks to protect Green Belt land through resisting the construction of new buildings, subject to certain limited exceptions. This policy pre-dates the Framework and is not entirely consistent with it, as it is more restrictive in relation to the construction of new domestic development in the Green Belt. Consequently, and having regard to paragraph 219 of the Framework, the weight I attach to UDP Policy GE3 is limited.
8. Whilst the garage would not be an extension of the building's fabric, it would provide an incidental function within its curtilage, within proximity of the main building. Taking the principles of case law into account¹, it is reasonable therefore to consider the appeal scheme as an exception under paragraph 149 (c) of the Framework.
9. Whilst the garage would be sited forward of the front elevation of the host dwelling and at an angle, its footprint, height and overall volume would be considerably smaller than those of the bungalow. Its position, at a lower level than the bungalow, together with its matching materials, would also contribute to its subservient appearance. Accordingly, given its overall scale and siting, the proposal would not result in a disproportionate addition over and above the size of the original building.
10. Consequently, I find that the proposal would not be inappropriate development in the Green Belt and would accord with the provisions of the Framework.
11. With respect to openness and the purposes of the Green Belt, given my findings, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Therefore, it is not necessary to assess the effect of the development on the openness of the Green Belt any further.

¹ Sevenoaks District Council v Secretary of State for Environment & Dawe [1997] EWHC 1012 (Admin)

Conditions

12. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
13. In addition to the above, the appeal site is located in a Coal Mining Development High Risk area and the Coal Authority raised concerns to the planning application owing to the lack of a Coal Mining Risk Assessment (CMRA). However, the previously submitted, and approved, CMRA from the bungalow has been provided as part of the appeal submissions. It is noted that the CMRA indicates that further information should be sought in respect of opencast workings and that the presence of a former opencast will require special consideration on respect of foundation design. I am also mindful that the same report has been agreed as part of the construction details of the host dwelling which gives a clear indication that there is no objection in principle to the development from a land stability point of view.
14. The submitted plans indicate a concrete raft foundation to a structural engineer's detail. Whilst such details have not been provided, this is a level of detail which could be agreed through a suitably worded planning condition.
15. Such condition would require the submission of details for approval prior to the commencement of the development on site, as it relates to the foundation of the proposal. I consider the pre-commencement element is necessary to ensure that the development would be safe and stable, and I note the appellant's agreement to this condition.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the above conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR