



Appeal Decision

Site visit made on 9 January 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal Ref: APP/J4423/W/23/3323734

Existing agricultural land off Mayfield Heights, Fulwood, Sheffield S10 3TT

- 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 Mary Chapple against the decision of Sheffield City Council.
 - The application Ref 22/03993/FUL, dated 2 November 2022, was refused by notice dated 4 April 2023.
 - The development proposed is a horse-riding arena, including associated engineering works, soft landscaping and parking area for two horse boxes on a parcel of existing agricultural land off Mayfield Heights.
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Decision

1. The appeal is allowed, and planning permission is granted for a horse-riding arena, including associated engineering works, soft landscaping and parking area for two horse boxes at existing agricultural land off Mayfield Heights, Fulwood, Sheffield, S10 3TT in accordance with the terms of the application, Ref 22/03993/FUL, dated 2 November 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the main issue below is considered. Therefore, it has not been necessary to seek further comments from the main parties in respect of the amended Framework. References in the decision are to the December 2023 Framework.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Fulwood Conservation Area.

Reasons

4. Fulwood Conservation Area (the Conservation Area) includes the old core of the village south and east of the parish church, open pastureland important to the village's setting on the Sheffield urban fringe, and Porter Brook's wooded valley bottom. Views out from the Conservation Area encapsulate its urban/rural fringe location. The south facing slopes afford views over the Porter Brook valley towards the open pastureland beyond. The site lies within character area 2 of the Conservation Area, which comprises the fields between the village and the wooded valley of the Porter Brook. Key characteristics of this area include south facing open space sloping down to Porter Brook, views across Porter

Brook valley, open fields bounded by stone walls and timber post and rail fences, a predominance of horse paddocks, and a rural atmosphere. The significance of the Conservation Area is, in part, derived from these characteristics.

5. The appeal site comprises a paddock on a south facing slope bounded mainly by a stone wall and post and rail fencing. The site lies within an area identified as 'green open space important to semi-rural setting' in the 2008 Fulwood Conservation Area Appraisal (the Conservation Area Appraisal) and it includes some of the key characteristics of the Conservation Area. The site therefore makes a positive contribution to the significance of the Conservation Area.
6. The proposal would entail a cut and fill operation to provide a level surface for the arena. The application form states that the floor covering would be sand. Although the post and rail fencing that would enclose the arena is a characteristic feature of the area and the proposed parking area would sit quite unobtrusively within the site, the proposal would nevertheless alter to an extent the current open grassed nature of part of the site.
7. However, the arena would be located at the northern end of the paddock, near to the existing stable block. Most of the paddock, which extends down to the wooded valley to the south, would remain unaffected by the proposal. Due to the sloping nature of the land, the arena would sit around six metres below Mayfield Heights, the road which provides access to the site and the residential properties to the east.
8. Views across the paddock towards the wooded valley and open land beyond are possible from certain vantage points along Mayfield Heights closer to the site. The Conservation Area Appraisal identifies southward views from Mayfield Heights as a significant view. However, due to the steeply sloping topography, it is the southernmost part of the paddock that is most apparent in such views. The northern part of the paddock where the proposal would be located is not readily discernible due to the notable change in land level. Furthermore, when looking south from such vantage points, one's eye is drawn across and upwards to the rolling open pastureland to the south rather than down to the proposed arena location.
9. In views from the footpaths to the south which run through the valley bottom, the proposal would only be visible from certain limited vantage points due to the screening effect of the topography and built form. From these locations, views of the proposal would be heavily filtered by the trees and vegetation of the linear woodland along Porter Brook. This woodland would continue to provide screening during the months when the trees are not in leaf, as I observed during my site visit. In such views, the proposal would be seen against the backdrop of the sloping land, and in the context of the nearby dwellings, the existing stables associated with the site and those of the neighbouring property on Oriel Road, and the domestic paraphernalia of residential gardens.
10. For these reasons, the arena would not be a prominent feature in views to the south. The proposal would not interrupt views of the Porter Brook and its wooded valley or the pastureland beyond, nor would it diminish the open pastoral character of the landscape or the semi-rural setting provided by the grassland between the village and the valley bottom. This would be the case

when considered individually, but also cumulatively with the existing stable block, which in my view sits relatively unobtrusively in views to the south.

11. Consequently, I conclude that the proposal would not harm, and would therefore preserve, the character and appearance of the Conservation Area. As such, the proposal would accord with the historic environment objectives of Policies BE15 and BE16 of the 1998 adopted Sheffield Unitary Development Plan and paragraphs 203 and 205 to 208 of the Framework.

Other Matters

12. There are several listed buildings within the Conservation Area. Their significance lies in part from the evidence they provide of the architectural style of the time and the historical associations with the development of Fulwood. Given the topography, separation distances and intervening built form, I am satisfied that the proposal would preserve the setting of the listed buildings and would not harm the significance of the Porter Valley Parks Grade II Park and Garden.
13. The main parties agree that the proposal would not be inappropriate development in the Green Belt. From the evidence before me and what I observed during my site visit, I have no reason to take a different view.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
15. The relevant conditions concerning the timescales for the commencement of development and the approved plans are necessary in the interests of certainty. A condition to secure details of tree protection measures during the construction phase is necessary in the interests of the character and appearance of the area. This is required pre-commencement to ensure that the relevant details are acceptable and compliance with the requirements at a later time could result in unacceptable harm. In the interests of the character and appearance of the area, conditions are necessary to secure details of the cut and fill works, a landscaping scheme, and to control lighting. To protect the living conditions of nearby residents, a condition is necessary to restrict the use of the horse-riding arena to personal use only. I have not imposed the Council's suggested condition to require any apparatus or paraphernalia associated with the use to be stored away when not in use as I do not consider it necessary to limit the visual impact of the development.

Conclusion

16. The proposal would accord with the development plan as a whole. There are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR

SCHEDULE OF 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: 257-LP (Location Plan); 257-14 (Proposed Site Plan); 257-15 (Proposed Site Plan Fragment); 257-16 (Proposed Site Plan Fragment - Project Area); 257-17 (Proposed Cross Section A-A); 257-18 (Proposed Cross Section B-B); 257-19 (Proposed Cross Section C-C).
- 3) No development shall commence until full details of measures to protect the existing trees to be retained have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development hereby permitted.
- 4) Details of all cut and fill works including the finished ground levels and retaining structures and bunds of the horse-riding arena shall be submitted to and approved in writing by the Local Planning Authority prior to any excavation works being carried out on site. Thereafter, the development hereby permitted shall be carried out in accordance with the approved details.
- 5) 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. The approved landscape scheme shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained. They shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced in the next planting season.
- 6) At no time shall the horse-riding arena hereby permitted be illuminated by floodlights or other means of illumination.
- 7) The horse-riding arena hereby permitted shall be for personal use only and at no time shall it be used for business purposes.