



Appeal Decision

Site visit made on 28 May 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/J4423/W/24/3338476

Land opposite Holme Head Wheel Dam, Rivelin Valley Road, Sheffield S6 5SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Hill against the decision of Sheffield City Council.
 - The application Ref is 23/03457/FUL.
 - The development proposed was originally described as disabled toilet and men's and women's toilet block and washroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on biodiversity; and
 - If it 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 the proposal is inappropriate development

3. The appeal site is situated in the Green Belt. The Framework says (paragraph 154) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception listed includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for, amongst other things, outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
4. Policies GE1 and GE3 of the Sheffield Unitary Development Plan (UDP), also provides a list of exceptions. Although they do not fully reflect the wording contained within the Framework, it includes essential facilities for outdoor

recreation where the facilities are genuinely required for such uses of land, and which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

5. The existing use of the land includes, amongst other things, a small dog park for walking dogs. This would, in my view, constitute outdoor recreation. The proposal therefore falls to be assessed against Policies GE1 and GE3 of the UDP and paragraph 154 of the Framework. I recognise that dog wash and toilet facilities could be genuinely required and be potentially appropriate in connection with the dog park given the nature and location of the site. In this instance, the dog park is small. However, the proposed toilet facilities would have the capacity for six customers at one time and no evidence has been provided as to the need for the size of the building. In the absence of any such evidence, I do not consider that the size of the proposed building is genuinely required or appropriate for the use of the land given the small size of the dog park facility.
6. The building would be smaller than the stables building within the appeal site. Nonetheless, it would be clearly seen from the public footpath to the south of the site and its presence on an otherwise open part of the appeal site would erode the openness of the Green Belt, albeit to a small degree. The fundamental aim of the Green Belt policy as set out in paragraph 142 of the Framework is to prevent urban sprawl by keeping land permanently open. Moreover, paragraph 143 (C) stipulates that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. In this regard, even a relatively modest building, if not genuinely required or appropriate for the use of the land, such as that proposed would be at odds with the purposes of the Green Belt.
7. I therefore find that the proposal would result in a loss of Green Belt openness and would impact on the purposes of including the land within the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework and Policies GE1 and GE3 of the UDP in this regard.

Character and appearance

8. The appeal site comprises of grazing land, stables, and an enclosed dog walking facility. The land rises from Rivelin Valley Road and, with woodland on either side of the road, the area appears an attractive rich rural landscape, despite the presence of housing in Sheffield nearby.
9. The proposal would add another building on site incrementally eroding its open qualities even though it would be positioned near the stables building. The proposed building would be built from stone with a slate roof and windows to the rear. These elements, taken together with its proportions, mean it would appear a somewhat domestic structure which would be at odds with the rural surroundings. The location of the building near the stables, with the rising land to the south, and with planting adjacent, would all serve to reduce the harm. Nonetheless, there would still be a small degree of harm.
10. I therefore find that the proposal would harm the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policy GE8 of the UDP, Policy CS74 of the Council's Core Strategy (CS), and paragraphs 135 and 180 of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that

developments should recognise the intrinsic character and beauty of the countryside.

Biodiversity

11. The appeal site is located within a Local Wildlife Site known as the Rivelin Valley: Millstone Edge Rough and Field. This is designated for a range of habitats including unimproved, neutral, and acidic grassland with the latter being a priority habitat. However, there are no firm details before me, from a suitably qualified individual, regarding the baseline habitats on the appeal site, including the grassland within the embankment where the proposed building would be positioned.
12. Even though the proposed building would be a relatively modest structure, the incremental intensification of the buildings and activity at the site still has potential to erode the on-site habitats. In this regard, given the location within a Local Wildlife Site, and in the absence of any substantive details regarding the potential effects, or any compensation of habitats lost, I can not be satisfied that the scheme would not cause a small degree of harm. Without substantive evidence, the appellant's planting, and use of the stable building by wildlife does not alter or outweigh my concerns on this matter.
13. I therefore can not conclude that the proposal would not have a harmful effect on biodiversity. This would be at odds with Policy GE13 of the UDP and the objectives of paragraph 180 of the Framework. These, amongst other things, say that development affecting Local Nature Sites should, wherever possible, be sited and designed so as to protect and enhance the most important features of natural history interest.

Other considerations

14. The proposed toilets, wash and refreshment facilities would improve the amenities on the site, and this would have benefits for its users, a matter reinforced by the letters of support for the scheme. In this regard, I have no reason to question the demand for the dog park or its value to the community as a place where dogs can receive training and exercise. However, I am not satisfied that the scale of the building is necessary or that other less harmful options are not available that might realise similar benefits. This limits the weight I afford these benefits. The absence of harm in relation to other considerations, including highway safety, are neutral matters that weigh neither for nor against the proposal.

Other Matters

15. Concerns regarding the processing of the application, including communication are not matters for my consideration. I have determined the appeal on its own merits based on the evidence before me. My attention has been drawn to an application for the retention of four agricultural structures which has been approved by the Council. However, from the evidence before me, these were agricultural buildings and therefore do not fall to be assessed under the same provisions as a proposal for recreational facilities in the Green Belt. Accordingly, the grant of permission for larger agricultural buildings does not justify the scheme before me.

Conclusion

16. The proposed development would be inappropriate development in the Green Belt and would conflict with Policies GE1 and GE3 of the UDP. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
17. In addition to the harm by way of inappropriateness, the proposal would result in a small degree of harm to the character and appearance of the surrounding area. Moreover, I am unable to conclude that the proposal would not cause a small degree of harm to the biodiversity values of the Local Wildlife Site.
18. As set out above I have given limited weight to the other considerations in favour of the appeal scheme. As such, the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
19. The proposed development would conflict with the development plan when read as a whole, and there are no material considerations that would indicate that the appeal decision should be taken other than in accordance with it.
20. For the reasons given above, and having regard to all matters before me, the appeal is dismissed.

Mr R Walker

INSPECTOR