



Appeal Decision

Site visit made on 20 March 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Appeal Ref: APP/J4423/W/24/3355419

Oak Farm, Tofts Lane, Sheffield S6 5SL

- 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 Moorville Residential Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/01172/FUL.
 - The development proposed is demolition of existing building (used in association with the lawful use of the wider site (Use Class C2)) and erection of an annexe (for use in association with the lawful use of the wider site (Use Class C2)) with landscaping and additional parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published after this appeal was made. Both parties were provided with the opportunity to provide comments on the changes from the previous Framework, insofar as it relates to this appeal. I have considered the comments received in addition to the evidence initially provided in this appeal.
3. In my analysis of the appeal, the officer report has found harm with regard to the appearance of the building on the landscape. However, this matter is not raised in the decision notice. Nevertheless, the appellant has sought to address this matter in their appeal statement. As such, they would not be prejudiced in my consideration of this matter in this appeal. However, in doing so, the appellant has provided a Landscape and Visual Appraisal (LVA) to support their appeal. This was not seen by the Council or interested parties during the assessment of the proposal at the application stage.
4. The Council and interested parties have been provided with the opportunity to comment on this evidence during the appeal process. It would not amend the design of the proposal or be a fundamental change to the scheme. Therefore, I am satisfied that the Council or any interested party have not been prejudiced by the submission of this evidence. I have therefore accepted and had regard to the LVA in relation to this matter.

Main Issues

5. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework, including any relevant effects on the openness of the Green Belt and with regard to any development plan policies;

- the effect of the development on an Area of High Landscape Value; and,
- if inappropriate, whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development in the Green Belt

6. The appeal site is in the Green Belt. Paragraph 154 of the Framework notes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Several exceptions are listed in Paragraph 154. The exceptions included in Paragraph 154 (d) and (g) are raised by the appellant and shall therefore be assessed in turn in relation to this appeal.
7. Policies GE1, GE2, GE4, GE5, GE8 and BE15 of the Sheffield Unitary Development Plan 1998 (UDP) are cited in the reason for refusal on this main issue. Policy GE2 seeks to protect and improve the Green Belt landscape. Policy GE4 requires the scale and character of development in the Green Belt to be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.
8. Policy BE15 is specifically concerned with areas and buildings of special architectural or historic interest. This policy is not immediately relevant to this main issue. Policy GE8 of the UDP is a policy which is related to the character of the Green Belt and therefore, this is not relevant to whether the proposal would be inappropriate development. Therefore, I have not considered these policies in my assessment of this matter.
9. Policy GE1 notes the purposes of the Green Belt. Four purposes of the Green Belt are listed in this policy. The Framework lists five purposes. As such, this policy is not immediately consistent with the Framework. Policy GE5 is concerned with housing development in the Green Belt and sets out the scenarios where this would be permitted. This policy does not incorporate the exceptions set out in the Framework and is therefore not consistent with it. Accordingly, I give these Policies GE1 and GE5 limited weight. As there is some inconsistency with the Framework in relation to the Green Belt, I have assessed the proposed development on the requirements of the Framework.

Paragraph 154 (d) of the Framework

10. Oak Farm comprises of various buildings which have moved from an agricultural use to supported living accommodation. The buildings which make up the existing site include a farmhouse, a blacksmiths cottage, a barn conversion and a large modern agricultural shed. This agricultural shed is proposed to be demolished. These buildings are all grouped to form a farm complex, with a close distance between each building. The proposed development would include the demolition of the existing agricultural shed and the erection of a replacement building in another area of the appeal site.
11. The exception listed at Paragraph 154 (d) of the Framework allows for the replacement of a building, providing the building is in the same use and not materially larger than the one it replaces. Whilst the proposed building would be located in a different position to the existing agricultural shed, the Framework does

not require replacement buildings to be within the same footprint to the building it would replace.

12. The proposed building would have a smaller footprint and a similar volume to the existing agricultural shed and therefore, would not be materially larger. Turning to its use, the appellant contends that a previously approved planning application for the change of use of the site to a supported living facility included the change of use of this existing agricultural shed to that use. The details of this planning application in the form of an officer report and approved set of plans have not been provided in this appeal. During my site visit, the building concerned did not appear to be in any form of residential use and very much appeared as an agricultural building in its use and form.
13. As such, the absence of convincing evidence on the lawful use of the existing agricultural shed and the findings of my site visit lead me to conclude that the development would not meet the exception found at Paragraph 154 (d) of the Framework.

Paragraph 154 (g) of the Framework

14. The exception listed at Paragraph 154 (g) of the Framework notes that development in the Green Belt is inappropriate unless it is a proposal for limited infilling or the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. The appellant has focused their case on that the development would constitute the redevelopment of previously developed land (PDL).
15. The proposed building would be sited away from this complex of buildings. The appellant notes that this area of land was a former manège. The Council note that this manège has not been granted a certificate of lawfulness. In my assessment of the evidence, I note that the planning history for the site highlights that an application to establish the lawful use of the site as a floodlit manège area was refused. During my site visit, this area of land was utilised as a car park with a loose gravelled surface and a low height two plank wooden fence.
16. The Framework provides a definition for PDL. This definition for PDL includes land such as fixed areas of infrastructure such as hardstanding which have been lawfully developed. The absence of convincing evidence which demonstrates that the manège area has been lawfully developed does cast a significant doubt on whether this area of the appeal site does constitute as PDL. As such, it has not been convincingly demonstrated that this area of the appeal site is PDL.
17. Its siting is located away from the buildings which have been granted permission for their change of use. The granting of a previous planning permission for an assisted living facility would not result in the full curtilage of the site forming as PDL. The definition of PDL in the Framework notes that it should not be assumed that the whole of the curtilage should be developed.
18. Even if I were to follow the assertion by the appellant that this area of the site is indeed PDL, Paragraph 154 (g) requires an assessment to the effect of the development on the openness of the Green Belt. Openness is an essential characteristic of the Green Belt which can have spatial as well as visual aspects. The proposal does include the demolition of an existing building located within the site. In purely spatial terms, when taking this existing building to be removed into

account which is of a similar volume and larger floor area, the proposal would not reduce the openness of the Green Belt in numerical terms.

19. However, in my assessment of the visual aspect of openness, the existing area of the site is not easily visible from public vantage points owing to its absence of any significant built form. The proposal would introduce a tall, two storey building into a location where there has previously been none. Its full width and height would be particularly visible when viewed from Rivelin Valley Road to the south of the appeal site.
20. In addition, the building would be located away from the complex of buildings which make up Oak Farm. Although this would only be a small distance from the existing complex, the gap which would be created as a result of the removal of the existing agricultural shed and the distance to the existing residential buildings would be noticeable. This would result in an urban encroachment into the Green Belt with a building of a large size.
21. Collectively, the absence of a significant built form in the parcel of land where the building would be sited, its overall size and position away from the farm complex would reduce the openness of the Green Belt. This would work against Paragraph 143 (c) of the Framework, which notes that one of the purposes of the Green Belt is to assist in the safeguarding of the countryside from encroachment. In wider consideration as to whether the openness of the Green Belt would be preserved, it is the visual implication of the building which would fail to preserve the openness of the Green Belt.

Paragraph 155 of the Framework

22. Paragraph 155 also notes that the development of homes in the Green Belt should not be regarded as inappropriate where the development meets all of the criteria set out under four bullet points. The first bullet point is that the development should not be regarded as inappropriate where it would utilise 'grey belt' land. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143.
23. As discussed in my reasoning, it has not been convincingly demonstrated that this area of the appeal site is lawful PDL. The development proposed would not utilise lawful PDL. Criterion A of Paragraph 155 is not therefore met and the appeal site is not grey belt land. All of the four bullet points under Paragraph 155 of the Framework must be met. I have therefore not assessed the requirements of Paragraph 155 of the Framework further.

Conclusions on Inappropriate Development

24. To conclude, I am not convinced by the evidence presented that the appeal proposal would meet the exception of Paragraph 154 (d) of the Framework. There is an absence of convincing evidence that demonstrates that the existing agricultural shed is in the same use as the development proposed. Furthermore, the absence of convincing evidence which demonstrates that the manège area has been lawfully developed does cast a significant doubt on whether this area of the appeal site does constitute as lawful PDL. Therefore, it would not meet the exception of Paragraph 154 (g). Nevertheless, in following the argument presented

by the appellant that it is PDL, I have found that the siting and size of the appeal proposal would cause substantial harm to the openness of the Green Belt.

25. Therefore, the proposal would constitute inappropriate development in the Green Belt and would therefore conflict with the Framework. Furthermore, it would conflict with Policies GE2 and GE4 of the UDP. These policies seek to protect the Green Belt landscape.

Landscape

26. The appeal site is located within the Rivelin Valley and is within the Pastoral Upland River Valley landscape character type. This landscape has several key characteristics. These include a rural character, pastoral farmland, enclosed views by hills and ridges, some distant views of suburban areas, amongst other things. The surrounding area comprises of an agricultural landscape with a number of residential dwellings located along Tofts Lane. The River Rivelin sits to the south of the site and elements of suburban areas can be viewed from the appeal site. As such, the appeal site and its surroundings are representative of the character of the Area of High Landscape Value.
27. The proposal would be constructed and stone. It would appear in the landscape as a converted barn, with large barn door entrance points typical of historic barn structures. The roof pitch of the building would also be similar to the stone buildings found in the Oak Farm complex. Whilst it would be located away from the complex, this would not be at a distance where it would appear unusual in the landscape due to its overall form, appearance and use of materials which would be similar to the buildings close by. As such, the proposed building would therefore preserve the character of the Area of High Landscape Value.
28. To conclude, the proposed development would not conflict with Policies BE15 and GE8 of the UDP. These policies seek for development to protect and where appropriate, enhance the appearance and character of the Area of High Landscape Value.

Other considerations

29. The proposal would be inappropriate development in the Green Belt. Substantial weight should be given to the 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 as set out at Paragraph 153 of the Framework.
30. The scheme would provide four additional bedrooms to the existing supported living facility. Whilst the development would not provide an additional typical dwellinghouse as stipulated under the use class C3, it would nevertheless contribute to the supply of housing in its own category. This is a positive, but limited benefit to the appeal given the small number of units proposed.
31. Its development would also remove the modern agricultural shed found within the site and provide landscape enhancement measures. This would make a positive contribution to the appearance of the site. I ascribe limited, but positive weight to this matter. The appellant also notes that the development would result in the employment of staff during the construction of the building, where money would be spent through the procurement of materials and that construction staff would

spend money in the local area. This is a positive, yet limited benefit of the proposal.

32. These limited other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

33. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR