



Appeal Decision

Site visit made on 28 May 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/R1038/W/25/3358377

Wood With Character, Lightwood Road Marsh Lane, Sheffield S21 5RG

- 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 Clare and Michael Morton against the decision of North East Derbyshire District Council.
 - The application Ref is 24/00217/FL.
 - The development proposed is the demolition of existing workshop, cessation of business use including outdoor storage and construction of a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing workshop, cessation of business use including outdoor storage and construction of a replacement dwelling at Wood With Character, Sheffield S21 5RG in accordance with the terms of the application, Ref 24/00217/FL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies including the effect of the proposal on the openness and purposes of the Green Belt.

Reasons

4. The appeal site comprises a timber workshop for wood working with associated areas of hard surfacing, ornamental landscape planting and features. Within the centre is a closed mineshaft, partially enclosed by a wall. Due to the natural undulating topography of the surrounding landscape an existing stable building to the east is cut into the sloping land. The appeal site is at an elevated position compared to the stable, but lower than the adjacent highway, onto which the site can be accessed. The site boundaries comprise established landscape features, the site is therefore relatively well enclosed within an otherwise open landscape. However, the opposing side of Lightwood Road comprises residential areas. The

proposal seeks to demolish the existing workshop building and construct a single storey two-bedroom dwelling in its place.

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they fall within one of the categories in the closed list of exceptions as set out in paragraph 154 of the Framework.
6. The revised Framework at paragraph 154 g) sets out that limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), which would not cause substantial harm to the openness of the Green Belt would not be inappropriate development.
7. Policy SS10 of the North East Derbyshire Local Plan 2014 – 2034, November 2021 (the Local Plan) reflects the Framework, however it is not wholly consistent with it. Whilst the exception at Local Plan Policy SS10 f), permits the limited infilling or the partial or complete redevelopment of previously developed land, it quantifies that it should not have a greater impact on the openness or purposes of the Green Belt than the existing development. However, the requirement to “not have a greater impact on the openness of the Green Belt than the existing development” was removed from the Framework in this regard.
8. There is no dispute that the site is previously developed land. Notwithstanding the above, the Council maintains the proposal would cause substantial harm to the Green Belt compared to the current building and authorised activities. However, in essence, the requirement for the impact on the Green Belt now hinges on whether the proposed development “would not cause substantial harm to the openness of the Green Belt.” The Planning Practice Guidance (the PPG) advises that openness is capable of having both spatial and visual aspects.
9. There is some dispute over the footprint and volume of the existing building. I am not certain that the open canopy included within the floor area and volume calculations or outside storage areas have the benefit of planning permission. However, the existing building is low ranged and a fairly diminutive structure with a shallow pitched roof and a limited span giving a low ridge height. Conversely, although the proposed dwelling would be single storey, the height, length and bulk of the buildings would be noticeably increased. The buildings are larger overall than the existing building with a robust footprint, and materials giving them a much greater spatial and visual impact by comparison to the existing situation, and thus they would have a greater impact openness of the Green Belt than the existing building.
10. The proposal would be partly visible from Lightwood Road, potentially along its entire length from the northern site boundary. However, this would be greatly mitigated by existing tall and substantial vegetation. It would not be significantly visually prominent within the wider landscape. However, homes on higher ground, could potentially look down into the site, where there would be a substantive flat roof. Being sited at a higher level than land to the east, the rising land could also

afford views of the structure behind the existing large stable set into the land. Notwithstanding this, the vegetation, and existing wall around the closed mineshaft to the south of the proposed dwelling would screen the development from views. Furthermore, the proposed building would have a relatively compact form and low height overall and comprise dark and natural materials which would blend in with the verdant surroundings.

11. The domestic use of the site is likely to result in an increase in additional comings and goings. Whilst lighting does not have an impact on openness, domestic paraphernalia and permanent parking of vehicles can. These would all be likely to have a greater spatial impact on the openness of the Green Belt. Nevertheless, the proposed bin stores are discretely located between the proposed dwelling and the boundary hedgerows, and garden areas would also be contained by the partially standing wall, which is shown to be retained. The existing use would also generate vehicle movements to and activity on the site. The site is already served by an established existing access track. The proposal would also only comprise a small area for parking and turning. Although the overall size of the site is relatively generous, the scale of the development, and the level of activity generated by one modest two-bedroom home is not likely to be significant.
12. As the site is already well enclosed by hedgerow, access track and stables, there would be no further encroachment into the countryside. Utilising this previously developed site, to provide a small single storey dwelling in a relatively sustainable location, would not undermine the purposes of including land within the Green Belt. Nor would it, due to the scale undermine the remaining purposes in the Green Belt referenced at Framework paragraph 143.
13. That being said, due to the size of the building and use of the site for domestic purposes the proposal would cause minor harm to openness. However, as set out above, the test in this case is that development does not cause substantial harm. The proposal to replace a quantum of established built form with buildings of moderately greater impact, on a site surrounded well contained by existing vegetation would not in this case reach the threshold of substantial harm to openness of the Green Belt.
14. Therefore, I conclude that the proposal would not be inappropriate development and would not cause substantial harm to the openness of the Green Belt. It meets with the exception at Paragraph 154 g) of the Framework and would not constitute inappropriate development in the Green Belt. The Framework confirms I am not required to give substantial weight to any harm to openness where development is not inappropriate, nor does the proposal need to demonstrate very special circumstances. However, there would be a very small conflict with part of Local Plan Policy SS10, which requires proposals to not have a greater impact on openness.

Other Matters

15. Although the site is outside of the development limit, there is no evidence the site is not in a suitable location in terms of access to services, facilities and public transport. The Council are of the view that the proposal would not result in harm to the character and appearance of the area or to the wider landscape character. Nor do they consider that there would be harm to nearby residential properties. The Council advise the highway safety impact from one dwelling would be acceptable

and that the coal mining risks on the site could be dealt with by conditions. The ecological and biodiversity implications of the proposal can also be made acceptable through the imposition of conditions. Neither the evidence before me nor my observations on site lead me to different conclusions in any of these matters. A lack of harm in these respects means they are neutral considerations weighing neither for nor against the proposal.

16. The current operation of the site and whether the appellant has complied with any relevant planning conditions on other permissions is not a matter before me in this appeal. Any future proposals in the Green Belt or business use at the site would be for the Council to consider based on individual merits of any proposal.

Conditions

17. The Council has provided the conditions in the event the appeal is allowed. I have undertaken only minor editing in the interests of clarity. The appellant has confirmed acceptance of these conditions as whole; however I have considered the appellant's requirements to amend conditions [3] and [13].
18. A time limit condition [1] is necessary, as is a plans condition [2] for certainty. Although a site levels plan has been provided, the proposed sections do not show datum points. Given the intention is to maintain a low level dwelling, then condition [3] is necessary in the form suggested by the Council to ensure that the development is built out accordingly. Condition [4] is necessary to ensure the proposed materials are appropriate for the character and appearance of the area.
19. Condition [5, 6 and 7] are necessary to ensure any contamination is addressed and the site is made suitable for the end residential use. Condition [8] suggested by the Council, is necessary to ensure that the risk posed by past coal mining activity recorded at the site has been appropriately addressed and the site had been made safe and stable. I have amended this to include reference to the specific no build exclusion measure outlined in the Coal mining authority response as this is required to ensure adequate separation between the mine entry and the new dwelling.
20. Conditions [9,10, 11 and 12] are necessary to ensure the proposal, including when occupied and during construction, protects and minimises the effect on wildlife. Condition [13] is necessary in the form suggested by the Council, to augment the measures in the submitted Ecological Impact Assessment and to fully secure these details and does not preclude the outline ecological enhancement plan informing this.

Planning Balance and Conclusion

21. I have found that the proposal would not be inappropriate development in the Green Belt, but this is a neutral factor in the overall balance. The proposal would deliver one dwelling to the housing stock, with some economic benefits from its construction and subsequent permanent occupation by residents. It would also make use of previously developed land. However the economic benefits and use of previously developed land are off-set by the loss of a small business site. Whilst this would accord with the aims of the Framework to boost the supply of housing nationally, the small scale of the proposal means the social and economic benefits generated would attract limited weight.

22. Set against these benefits, the proposal would result in an in principle harm arising from the conflict with part of Local Plan Policy SS10. However, I cannot attach full weight to this Policy due to the inconsistency with the Framework. Therefore, the weight given to this very small harm, and harm to openness, which would be minor, would be outweighed by the benefits.
23. I conclude the proposed development would conflict with the development plan but material considerations, in particular the Framework, indicate that a decision should be made other than in accordance with it. Consequently the appeal should be allowed.

K Williams

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (dated 09/07/2021); Proposed block plan (23123-MAD-DR-A-0021 rev 01); Proposed floor plans (23123-MAD-DR-A-0100 Rev 01); Proposed west elevation (23123-MAD-DR-A-0300 Rev 01); Proposed south elevation (23123-MAD-DR-A-0301 Rev 01); Proposed east elevation (23123-MAD-DR-A-0302 Rev 01); and Proposed north elevation (23123-MAD-DR-A-0303 Rev 01).
- 3) Before development starts, details of the existing ground levels, proposed finished floor levels of the building and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.
- 4) Notwithstanding the submitted details, before any above ground works commence, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5) Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances;
 - their likely nature, extent and scale;
 - whether or not they originated from the site;
 - a conceptual model of pollutant-receptor linkages;
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters; ecological systems, archaeological sites and ancient monuments; and
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy.The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

- 6) Before the commencement of the development hereby approved where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
The developer shall give at least 14 days notice to the Local Planning Authority prior to commencing works in connection with the remediation scheme.
- 7) The dwelling hereby approved shall be occupied until:
 - a) The approved remediation works required by condition 6 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 5b to 6 above and satisfy condition 7a above.
 - c) Upon completion of the remediation works required by condition 6 and condition 7a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.
- 8) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration including reference to the calculated build exclusion zone, prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the mitigation necessary, as outlined in Section 4 of the Coal Mining Risk Assessment, RBG413, August 2024, to address the risks posed by past coal mining activity. The development shall be carried out in accordance with authoritative UK guidance and the approved details.
- 9) Prior to the installation of any external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR

sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full and thereafter retained and maintained in perpetuity.

- 10) No site or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
- 11) Prior to the commencement of works (including clearance of grassland, refugia piles, hedgerow and scrub, groundworks or the introduction of machinery / materials to site) a Herptile Mitigation Strategy shall be submitted to the LPA to safeguard reptiles or amphibians if encountered on site. This shall include reasonable avoidance measures and seasonal timings for habitat clearance. Instructions will be provided in the event any individuals are discovered. The Herptile Mitigation Strategy shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.
- 12) All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely.
- 13) Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This should be in line with the recommendations outlined in the Ecological Impact Assessment Ref: MBE/ECO/2023/29/01 (Middleton Bell Ecology, February 2024). The Approved measures shall be implemented in full and retained and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;
 - integrated bat boxes;
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs;
 - habitat log pile; and
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).A statement of good practice including photographs should be submitted to the Local Planning Authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

****End****