
Appeal Decision

Site visit made on 27 January 2026

by **M Willis BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Appeal Ref: APP/J4423/W/25/3374906

**Rainbow Forge Primary School, Bighton Road, Hackenthorpe, Sheffield
S12 4LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Rainbow Forge Primary Academy against the decision of Sheffield City Council.
 - The application Ref is 24/00242/OUT.
 - The development proposed is outline application (all matters reserved) for residential development (Use Class C3) and an outdoor multi-use sports pitch (Use Class F2(c)), with associated access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is wholly outline with all matters being reserved for future consideration. Plans showing the potential layout of dwellings and the multi-use pitch on the site and point of access to the public highway have been provided. However, these plans are indicative only at this stage and I have therefore determined the appeal on this basis.
3. During the course of this appeal additional off-site mitigation options (Options C & D) have been promoted to replace the playing field land that would be lost should this appeal be allowed. An updated Section 106 Planning Obligation (S106) which proposes to secure one of the potential mitigation options was also submitted. The additional off-site mitigation options were not promoted at the time the application was considered and therefore seek to advance and evolve the appeal scheme. Consequently, I have considered whether accepting this additional information at this stage would result in procedural unfairness.
4. Whilst I note the Council has provided comments on this additional information, I am mindful that the additional off-site mitigation options proposed have not been subject to the same degree of public consultation as they would have been at application stage. Accepting this information could therefore potentially deny interested parties who commented at application stage the opportunity to comment upon them resulting in procedural unfairness. On this basis I have not accepted or considered the additional off-site mitigation options in my consideration of this appeal. I have therefore only considered the off-site mitigation sites that were promoted and considered at the time the Council made its decision. For the avoidance of doubt, this includes the land off Church Lane and Charnock Hall Primary Academy.

Main Issues

5. The main issues relevant to this appeal are:
- the effect of the proposal on the quality and quantity of sports pitches in the locality; and
 - the effects of the development on highway safety and air quality.

Reasons

The effect of the proposal on the quality and quantity of sports pitches in the locality

6. The appeal site is currently used as a grassed playing field and is located towards the eastern side of the school campus. The site is bound by woodland, a mature hedgerow which fronts Beighton Road and an area of playing field that separates the site from the main school buildings. The surrounding area is predominantly residential and is characterised by two-storey housing.
7. Being a school playing field, the site falls within the definition of formal open space and so Policy CS 47 of the Sheffield Core Strategy (2009) (SCS) is relevant. Policy CS 47 seeks to protect open space (which in this case includes playing fields) from development unless the criteria and exceptions as set out in the policy are met. Of relevance in this case are the criteria that say development will not be permitted where it would result in a quantitative shortage of either informal or formal open space in the local area and, where development would still result in the loss of open space, it would be permitted only where equivalent or better replacement open space would be provided in the local area. The objectives and criteria of Policy CS 47 broadly accord with those set out in paragraph 104 of the National Planning Policy Framework (the Framework).
8. The proposal would provide for up to 33 affordable dwellings. The indicative layout plans for the site show the residential element being located at the northern end and a retained and improved outdoor sports pitch with new changing rooms/pavilion located towards the south. Vehicular and pedestrian access would be taken from a single point off Beighton Road and an internal roadway would run alongside the sports pitch giving access to the residential development.
9. Although the land is said to be surplus to the requirements of the school, it is nevertheless classified as formal open space and so afforded protection by the aforementioned policies. The Council's evidence states that there is an under provision of formal open space in the local area and I note the appellant has not contested this. The appellant accepts the development would result in the loss of part of the existing playing field and so, in addition to the improved outdoor pitch proposed to be retained on site, proposes replacement facilities said to be of better quantity, quality and accessibility be provided and secured off-site at another location. At application stage, two potential off-site mitigation sites were proposed. These two sites are land off Church Lane and land at Charnock Hall Primary Academy.
10. In respect of the Church Lane site, its close proximity to the appeal site is such that any replacement facilities would serve the same community and catchment area as that of the existing playing field. However, crucially, the Council's evidence states that this land is not available for the improvements proposed and

so given this I cannot be certain that this site would be a realistic and viable option.

11. In terms of the Charnock Hall Primary Academy site, I appreciate this is also located in the wider south-east area of the city, however, as I observed during my visit, it is some distance from the appeal site. In my judgment, any replacement facility at this location would not therefore serve the same local area and community as that of the existing playing field that would be lost. Moreover, I also note that there is disagreement over the extent of playing field that would be lost by the proposal and that which could be delivered at the two replacement sites given both replacement sites are currently used as open space/playing field and so this would therefore reduce the size of any net gain in area that would be achieved. It is also unclear what form the suggested improvements and enhanced facilities would take and, in any case, it is likely that planning permission would be required for any such improvement works.
12. I acknowledge the suggestion that the timing of any new or replacement sports provision could be linked to the construction of the proposed housing through planning conditions and a S106 agreement. However, after considering the locations of the relevant sites; the uncertainty surrounding the availability of the Church Lane site; the lack of clarity regarding the form, size and scale of the proposed retained or improved facilities and the extent of any net gain given their current use along with the absence of certainty that planning permission for such improvements could be obtained and secured, I am not satisfied that planning conditions or a planning obligation requiring a package of mitigation - where key elements may not materialise or could be delayed - would meet the tests of precision and reasonableness set out in the Framework. In any case, the submitted draft S106 agreement is unsigned and undated and the unilateral undertaking (UU) lacks the necessary detail and its validity as a deed has been questioned by the Council. As such neither document provides sufficient certainty that the replacement open space, affordable housing and other obligations would be properly secured. Therefore, these matters can be given very little weight.
13. Consequently, I find that the development would have a harmful effect on the quality and quantity of formal open space within the local area and so be contrary to Policy CS 47 of the SCS which says development will not be permitted where it would result in a quantitative shortage of formal open space and will only be permitted where equivalent or better replacement would be provided in the local area. The proposal would also be contrary to paragraph 104 of the Framework.

The effects of the development on highway safety and air quality

14. The application is submitted as wholly outline with all matters reserved including access and layout. Although the documentation and indicative plans supporting the application show 33 dwellings as being provided on site, this number has not been included within the description of the development and so is not fixed at this stage. Furthermore, whilst the submitted plans are indicative, I note that no on-site parking for the sports pitch use is shown and it is not clear where it could be accommodated.
15. The Transport Assessment (TA) submitted at the application stage was not updated following the replacement of the previously proposed leisure centre and associated car park with the outdoor sports pitch now proposed. I note the original

TA had stated that during peak hours the appeal site would likely generate an additional 60 two-way trips. The technical note submitted as part of this appeal expands upon the TA and states that traffic associated with the residential component would be low. For the sports pitch use, the appellant has stated that during school operating hours it would only be available for use by the school and so community use would primarily be associated with weekend and evening use (said to be post 7pm). Given this, both parties agree that any additional traffic associated with the appeal scheme during the weekday morning peak period would not be significant and I have no reason to disagree with this conclusion.

16. Notwithstanding the above, I acknowledge the Council is concerned that additional traffic and potential on-street parking during the evening peak period and at weekends could affect traffic flows and lead to a deterioration in local air quality. Whilst these concerns are noted, had I been minded to allow the appeal, there would have been scope at reserved matters stage for the Council to ensure and secure measures which would ensure its concerns regarding the effects of additional traffic and on-street parking would be addressed and mitigated. For example, the final layout of the site would need to be approved by the Council, and this could include agreeing the location, number and configuration of any on-site parking considered necessary to adequately serve the residential and sports uses proposed. As the quantum of housing has not been fixed, if required, the number of houses could have also be adjusted and reduced to ensure an appropriate level of on-site parking was secured. A reduction in the quantum of housing would in turn have the effect of reducing potential vehicle movements associated with the scheme as a whole.
17. At reserved matters stage, details relating to the provision of electric charging points, the layout and arrangements to support pedestrian and cycle connectivity along with the measures to be implemented as part of a Travel Plan could have also been secured. Together these measures could help to support and encourage the use of more sustainable modes of transport and therefore reduce reliance on car travel. A Community Use Agreement could have also been secured and agreed to regulate the use of the sports pitch which would influence and manage demand and traffic associated with its use. This could have included restrictions to the times and periods when the pitch would be available for community use such as avoiding any conflict with peak periods such as early evening or certain times during the weekend.
18. Given the above, as the application is outline at this stage, I am satisfied that had the appeal been allowed, appropriate measures and mechanisms would have been capable of being secured to ensure the proposal would not have resulted in an unacceptable impact on air quality or highway safety. The proposal would therefore not conflict with Policies CS 53 and CS 66 of the SCS and saved Policy BE9 of the Sheffield Unitary Development Plan (1998) (UDP) which together require development to provide safe and adequate access, internal movement and parking provision to an appropriate level and which seeks action to be taken to protect air quality.
19. I also find that the proposal would not be contrary to paragraphs 115 and 116 of the Framework as development would not be an unacceptable impact on highway safety and that the residual cumulative impacts on the road network, following mitigation, would not be severe.

Other Matters

20. The Council is unable to demonstrate a five-year housing land supply and so paragraph 11(d) of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The proposal would, potentially, deliver up to 33 affordable, well-located homes that would make an important contribution in helping to address the current shortfall in local housing supply. Other potential benefits include both short-term and long-term social and economic benefits, including construction jobs, increased spending for local services and facilities and potential community use of both the proposed on-site and off-site sports facilities had these been secured. However, given the shortcomings of the draft S106 agreement and UU there is doubt as to whether the affordable housing aspect of the proposal would be adequately secured. As a result, the weight that I can attach to these benefits is reduced and, when taken together, only attract a little weight in favour of the development.
22. I acknowledge a financial contribution to improve a local bus shelter or provide real-time bus information at nearby stops and the provision of a new pedestrian crossing has been offered by the appellant. Initiatives that would seek to manage and discourage traffic associated with the school use through means such as walking and cycling have also been offered to be implemented. Whilst these are noted, the Council has stated that these are not necessary to make the development acceptable in planning terms. As the appeal is being dismissed, it has not been necessary for me to examine the planning obligation which seeks to secure these contributions any further albeit, as indicated above, given the doubts of the adequacy of the S106 and UU, these would have attracted very little weight in favour of the development.
23. As the application is outline, a number of technical matters would need to have been agreed and secured at reserved matters stage had the appeal been allowed. These include design, layout, access, drainage, landscaping and measures relating to biodiversity net gain, contamination and construction impacts. These matters would need to have been satisfactorily addressed, and details approved by the Council before the development could commence. At this stage, there is nothing before me to suggest that any of these matters would give rise to harms or would be incapable of being satisfactorily addressed. The absence of any harm in relation to these matters at this stage are therefore neutral factors in the planning balance.
24. Finally, I note the plans supporting the scheme identify a proposed outdoor gym and play trail within the woodland adjoining the site. This lies outside the boundary of the appeal site and does not form part of the proposal and as such cannot be considered a benefit of the scheme. I therefore afford this very little weight in my considerations.

Planning Balance

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.
26. I have found that the development would have a harmful effect on the quality and quantity of formal open space within the local area and so would conflict with Policy CS 47 of the Sheffield Core Strategy (2009) which is consistent with the objectives of paragraph 104 of the Framework. I attach this conflict and harm very significant weight in the planning balance.
27. I have found the benefits of this proposal to attract very little weight in favour of the development and so, given my findings above, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

Conclusion

28. The proposal would conflict with the development plan taken as a whole, and there are no other considerations, including those raised by the appellant and the Framework, that outweigh this conflict. For the reasons outlined above, the appeal is dismissed.

M Willis

INSPECTOR