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Case Number	18/00177/OUT (Formerly PP-06663773)
Application Type	Outline Planning Application
Proposal	Erection of up to 4no dwellings with integral garages including provision of two access roads and associated parking
Location	Land At Junction With Loxley Road Black Lane Sheffield S6 6RR
Date Received	15/01/2018
Team	West and North
Applicant/Agent	Crowley Associates
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The development is not considered to constitute one of the exceptions from the definition of inappropriate development identified in Paragraphs 89 and 90 of the National Planning Policy Framework and Policy GE3 of the Unitary Development Plan. In the absence of very special circumstances, which in this case have not been demonstrated, the Local Planning Authority consider the development constitutes inappropriate development in the Green Belt and is therefore contrary to Unitary Development Plan Policy GE3 and paragraph 89 of The National Planning Policy Framework.
- 2 The Local Planning Authority consider that the development of this greenfield site with a substantial undeveloped road frontage does not represent limited infilling in a village for the purposes of Paragraph 89 of the National Planning Policy Framework or represent infilling of a single plot within the confines of a village, group of buildings or substantially developed road frontage as defined by Unitary Development Plan Policy GE5. The development therefore constitutes inappropriate development in the Green Belt. In the absence of very special circumstances, which in this case have not been demonstrated, the Local Planning Authority consider that the development would be contrary to Unitary Development Plan Policies GE1 (a) and (c), GE3 and GE5, Core Strategy Policy CS71 and Paragraphs 14, 17, 79, 87, 88 and 89 of the National Planning Policy Framework.
- 3 The Local Planning Authority consider that the development of this site for up to four dwellings would lead to the unrestricted sprawl of the built up area and

the encroachment of urban development into the countryside. The development is therefore considered to detract from the general openness, landscape character and visual amenities of the Green Belt and would not conserve and enhance the landscape and natural environment. In the absence of very special circumstances, which in this case have not been demonstrated, the development is considered to be inappropriate development contrary to Unitary Development Plan Policies GE1 (a) and (c), GE3, GE4, Core Strategy Policy CS71 and Paragraphs 7, 14, 17, 79, 80, 87, 88 and 89 of the National Planning Policy Framework.

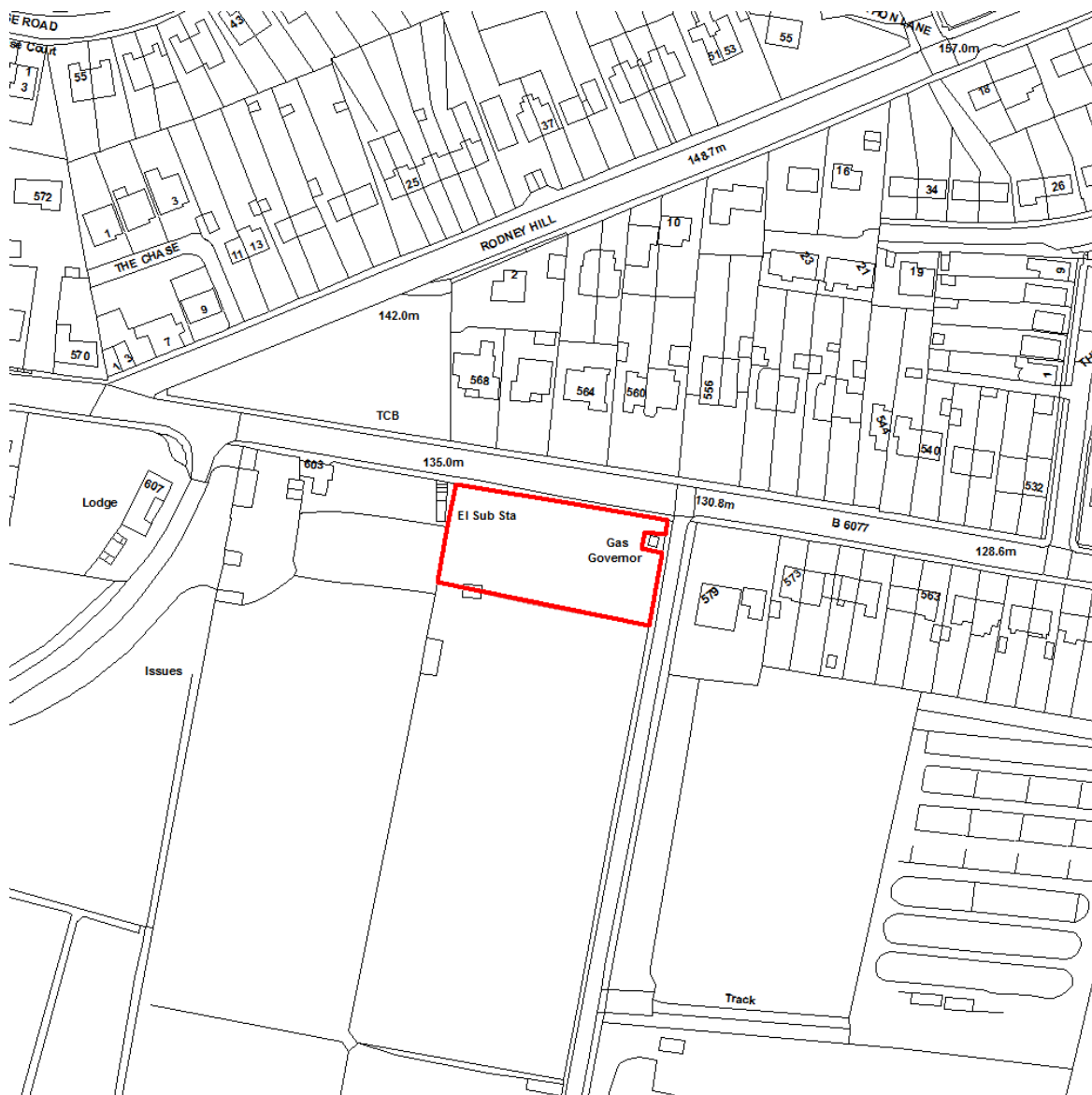
Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:
  - Drawing No. 1601/OP02 Revision A (Section Through Loxley Valley);
  - Drawing No. 1601/OP03 Revision C (Indicative Site Plan);
  - Drawing No. 1601/OP04 Revision C (Indicative Ground Floor Plan);
  - Drawing No. 1601/OP05 Revision C (Indicative First Floor Plan);
  - Drawing No. 1601/OP07 Revision B (Indicative Long Sections);

Prepared by WAP Architects

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

## Site Location



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### LOCATION AND PROPOSAL

The application relates to the northern part of an open field that is situated along the southern side of Loxley Road.

The application site is situated in the Green Belt as identified on the Unitary Development Plan (UDP) Proposals Map. The site covers an area of approximately 0.2 hectares and is currently being used as a grassed paddock for the keeping of horses and includes two horse shelter structures.

The site fronts onto Loxley Road to its north and Black Lane to its east. To Loxley Road, the site frontage is 65m and to Black Lane it is 32m. The site has a gently sloping landform that falls away from Loxley Road in a southerly direction. Low stone walling forms the boundary enclosures to both road frontages. To the east of Black Lane is a detached dwellinghouse (570 Loxley Road) and to its west is an electricity sub-station compound, beyond which is

the front garden area of a detached dwellinghouse that is owned by the applicant (Chase Farm, 603 Loxley Road). The land to the rear of the application site is also used as a paddock for the keeping of horses. Beyond this paddock, the land drops down to the valley floor that runs to the River Loxley and a wooded escarpment.

Black Lane is a private road, which carries a definitive footpath. The lane provides access to the Telecom Sports Ground and a small cluster of dwellinghouses that link into Low Matlock Lane. Loxley Cemetery is situated to the southwest of the application site.

The applicant is seeking outline planning permission to erect up to four dwellinghouses on this site. The applicant is requesting that only the principle of the dwellinghouses and access to the site be considered under this outline application, with appearance, landscaping, layout and scale being reserved for future consideration. Notwithstanding that, the application is accompanied by several drawings to illustrate the potential layout and appearance of the proposed four dwellinghouses and their means of access from the adjoining highways.

The indicative layout of the four dwellinghouses shows three of the four houses would be accessed from Black Lane and arranged on site with two of the properties located towards the southern side of the plot and the third located at the end of a shared driveway. The fourth dwellinghouse in contrast would have its own access from Loxley Road and be sited towards the western side of the plot. All four houses are indicated to be two-storey in height and comprise 3/4 bedrooms. The indicative design of all four takes a traditional form, all constructed with dual pitched tiled roofs.

## RELEVANT PLANNING HISTORY

A pre-application enquiry (Reference No. 17/01295/PREAPP) was submitted in March 2017 to establish whether it would be acceptable in principle to develop the site for housing. The indicative plans that accompanied the pre-application submission showed the erection of four detached dwellinghouses with vehicular access being taken from Black Lane and Loxley Road. Despite the advice given by officers that the proposed development of four dwellinghouses on this Green Belt site would represent inappropriate development as defined in the development plan and government policy contained in National Planning Policy Framework (the NPPF), the applicant has decided to pursue the development of this site for housing through the submission of this application.

## SUMMARY OF REPRESENTATIONS

A number of representations have been received in response to this application. Of these representations, 21 are in support of the application, and 31 are opposed. Representations have also been received Loxley Valley Protection Society (LVPS), and Bradfield Parish Council.

A summary of all the representations received are listed below:-

### Support (21)

- The development is well designed and sympathetic to the area;

- The difference in ground levels of the site would mean that the ground floor of the houses will not be readily visible from Loxley Road;
- Small housing sites like this should be allowed;
- The proposal represents appropriate infill development between other properties on the side of the application site;
- The development would have very little impact on the amenity of the area;
- The development will allow more families to live in this beautiful area of Sheffield;
- There is currently a shortage of suitable family housing in the immediate area;
- The development is located in a desirable area with good local services;
- The development does not involve extending the village outwards and would only enhance Loxley;
- The construction of more houses using Black Lane will make no difference to the amount of traffic that road already carries. It is already being extensively used to serve housing and to gain access to the sports ground;
- The proposed development does not take up much of the Green Belt, being a small proportion of the land and continues the building line along Loxley Road;
- The site is ideal for new housing, being located to a primary school that has recently gained 'outstanding' in a recent Ofsted review;
- Attracted to an area that is multicultural;

#### Object (31)

- It would change the landscape character of the Parish.
- The application would potentially set a precedent for further development in the Green Belt;
- The proposed housing infills open green space. The designation of the site as Green Belt is to prevent exactly this sort of development. To allow the development, exceptional circumstances must exist that this development does not fulfil;
- It is highly questionable whether the proposed development is an 'exceptional circumstance' and can justify encroachment in the Green Belt;
- Visual amenity and landscape/urban character. The proposed development on this land would erode the existing semi-rural character at this edge of Loxley. This gap in the line of housing on Loxley Road provides the first open green space, allowing views down to the wooded valley, and indicates the 'edge' of the built up area and start of the countryside;
- Highway Safety Issues. The junction of Black Lane and Loxley Road is hazardous and is blind to vehicles entering from Loxley Road. More cars would also be a detriment to pedestrian safety. The Lane is used primarily for access to the cottages at the bottom of the road and dog walking. It is a one track road, which is not wide enough to allow for the safe access of more traffic. The hazards of the junction were recognised in a report to the West and North Planning and Highways Committee in 2009 (application No. 09/03568/FUL) where Members requested a TRO to provide double yellow lines either side of Loxley Road/Black Lane. This was never carried out.
- Limited infrastructure to support further housing. The local primary school is oversubscribed and only one small shop on Loxley Rd;
- Black Lane is foremost a public footpath and must remain as such;
- It is understood that there are covenants regarding the use of the land where attached to the registered title when the land was sold to the applicant by SCC;

- Loxley is a rural area which would be spoilt should houses continue to be built;
- Sheffield prides itself as being a Green city. The development on this Green Belt site would be in direct opposition to these ambitions;
- The grass paddock marks the access to the beautiful lower valley and provided uninterrupted views across the valley;
- Black Lane forms the end of the developed area of Loxley Road with only original old farm buildings and 100 + year old properties on the final section of Loxley Road;
- It is understood that the applicant is seeking to build an accessible property due to ill-health
- There is a wealth of brownfield sites nearby more suited for housing development;
- The Planning Statement outlines other developments that have taken place within the Green Belt. The fact that building work has taken place elsewhere is no reason to allow this land to be developed;
- Environmental effect on wildlife;
- The development could mean a further eight cars using the bottle neck at Malin Bridge;
- Increased pollution and surface water runoff;
- The development of four detached houses will not be affordable for young families;
- The development would conflict with the guidelines of the Loxley Valley Design Statement, which details that ‘development should not damage important views in and into the Loxley Valley’. The proposed development would damage important views and remove the ‘gateway view’ from Loxley Road. It would also remove the view from the bridleway and bench on the village green at the junction of Loxley Road and Rodney Hill.
- The development would be strategically damaging for the city as well as locally damaging for the neighbourhood. Campaign to Protect Rural England (CPRE) has made the point that ‘the surrounding countryside is a major economic asset for Sheffield, now recast as the Outdoor city (CPRE South Yorkshire ‘Green Belt Blueprint’).

Bradfield Parish Council has no objection to the application but did raise general concerns regarding the development within the Green Belt.

Loxley Valley Protection Society (LVPS) has raised an objection to the application stating that the site is within the Green Belt and there are no special circumstances to allow the development. The concerns of LVPS are summarised as follows:

- The other Green Belt developments quoted in the applicant’s Planning Statement to justify this development are perfectly legitimate developments in planning terms;
- The application site is at a point where there is a break in the more modern ribbon development on Loxley Road and the older traditional stone properties around the village green;
- This gap in the housing allows for an important view into the Loxley Valley as enshrined in the Loxley Valley Design Statement.
- If the infill of this Green Belt gap is allowed, it could create a precedent for continuous ribbon development on both sides of Loxley Road out as far as Rowell Lane;
- There are restrictive covenants put on the use of the fields at Chase Farm at the time of the sale. One of the covenants states that ‘The land shall be used for agricultural purposes only’;

- Black Lane also has its own restrictive use clauses put on it by its owners, and apart from some very limited access, clearly laid down for each land parcel, it is merely a footpath. There is a possibility that there is no right to use the access from the application site field at the top of Black Lane.

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- i. The Principle of Development – Policy and Land Use
- ii. Highway Issues;
- iii. Design Issues;
- iv. Residential Amenity Issues;
- v. CIL issues; and
- vi. Other Material Planning Issues

These are considered in turn below:-

### Principle of Development - Policy and Land Use

The application site should be assessed against Unitary Development Plan (UDP) Policies GE1, GE3, GE4 and GE5. Also relevant is Core Strategy Policy CS71 (Protecting the Green Belt). The application should also be assessed against government policy contained in the National Planning Policy Framework (NPPF).

### Green Belt Considerations

UDP Policy GE1 states that development will not be permitted where it would lead to unrestricted growth of the built up area, contribute towards merging of existing settlements, lead to encroachment of urban development in the countryside or compromise urban regeneration.

UDP Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries, and other uses which would comply with Policy GE1.

UDP Policy GE4 seeks that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

UDP Policy GE5 sets out the circumstances where new houses would be allowed in the Green Belt. Under this policy it states that other than those needed to support agricultural and other acceptable uses, housing will be permitted only where this would involve either infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage or replacement of an existing house on the same site providing it is not significantly larger than the one it replaces.

Core Strategy Policy CS71 states that countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not

be subject to strategic or local review. Exceptionally, changes may be made to remove untenable anomalies where the change would not undermine the purposes or objectives of Green Belt in that area. Development needs will be met principally through the re-use of land and buildings rather than through expansion of the urban areas and villages. It is acknowledged that a Green Belt review is going to be undertaken as part of the forthcoming Local Plan process and as such part of Policy CS71, which states that the Green Belt will not be subject to strategic or local review is arguably out of date but the other element of Policy CS71 remains extant i.e. development needs should be met principally through the re-use of land and buildings rather than through expansion of urban areas.

National policy is contained within National Planning Policy Framework (the NPPF). It states at Paragraph 79 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 their permanence.

Paragraph 87 of the NPPF details that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 details that Local Planning Authorities should regard the construction of new buildings as inappropriate development in Green Belt, with exceptions to this limited to amongst others, buildings for agriculture and forestry, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

#### Assessment against relevant UDP and Core Strategy policies

The Council's policy position is very clear in terms of circumstances where new houses would be allowed in the Green Belt. Under Policy GE5 of the UDP, it states that new houses in the Green Belt, other than those needed to support agriculture and other acceptable uses will be permitted only where this would involve either the (i) infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage or (ii) the replacement of an existing house on the same site, providing that the new house is not significantly larger than the one it replaces.

In terms of part (a) of Policy GE5, the UDP defines "existing village and substantially developed road frontages". This definition includes the villages of Bolsterstone, Dungworth, Brightholmlee and Ewden Village with substantially developed road frontages including road frontages along Chapeltown Road, Whitley Wood Road and Long Line. The definition does not include Loxley as a village and nor does it define Loxley Road as a substantially developed road frontage for the purposes of this policy.

The reasoning behind policy GE5 is provided in the supporting text, which details that as a general rule, the policy restricts infilling to a single plot in order to strictly control further built development in the Green Belt. It does however go on to state that much will depend on the character and appearance of the site and its surroundings, making reference that in existing villages, infilling of larger areas of land to accommodate more than one house may be justified where it would meet an identified local need for affordable housing.



In order to benefit from the provisions of GE5, the application site must lie within the confines of an existing village, group of buildings or substantially developed road frontage that has been clearly defined in the UDP. Furthermore even if the application site does lie within such a location, it should normally be of a single plot size only. In other words, the plot width of the development site should be of a size that could reasonably accommodate a 'single dwellinghouse' only.

The proposal involves the erection of up to four detached dwellinghouses on a site of 0.2 hectares that comprises a road frontage to Loxley Road of 65m, a plot width which is significantly greater than the typical plot widths of existing housing along Loxley Road.

The development could not reasonably be considered to represent the infilling of a single plot for the purposes of Policy GE5. With regard to this, although there are a few examples of properties along the southern side of Loxley Road that comprise generous plot widths, including 579 Loxley Road and the applicant's own property (603 Loxley Road), the typical plot width of houses along the southern side of Loxley Road range between 9m and 10m. Even if the plot widths of No. 579 Loxley Road (25m) and 603 Loxley Road inclusive of its side garden curtilage (41m) is included within the assessment, the plot width of the application site (65m) is significantly greater, and in respect of the typical plot widths, some six times larger.

The application relating to the erection of four dwellinghouses does not involve the infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage nor does it represent the replacement of existing houses on site. Moreover, the proposed development is for private sale and would not meet an identified local need for affordable housing, where infilling of larger areas can be justified, but again only if the application site is within the confines of an existing group of buildings, or a village or substantially developed road frontage as defined in the UDP.

As such, it is considered that the development of this site for housing would be contrary to Policy GE5 of the UDP.

Also material in officers' opinion is the recent appeal decision relating to a proposed development at Holt House Farm, Long Line that was dismissed by the Inspector in September 2017 (APP/J4423/W/3174720). The Planning Inspector considered that the development of one dwellinghouse and the subdivision of a farmhouse into 3 dwellinghouses that would be visually split into two distinct plots did not represent 'substantially developed frontage' for the purposes of Policy GE5 of the UDP. While the Inspector accepted that the new dwellinghouse would be positioned at the other end of the appeal site to the existing farmhouse, he concluded that the new dwellinghouse would result in a loss of openness by introducing new built form within the Green Belt.

As set out above, UDP Policy GE1 details that development in the Green Belt will not be permitted, except in very special circumstances, where it would (a) lead to unrestricted growth of the built-up area, (b) contribute towards merging of existing settlements, (c) lead to encroachment of urban development into the countryside, and (d) compromise urban regeneration. The proposal to erect up to 4 dwellinghouses on this site would introduce new built form on an open parcel of Greenfield land that is designated Green Belt. The development would therefore be contrary to parts (a) and (c) of UDP Policy GE1, in that it

would lead to unrestricted growth of the built-up area and lead to the encroachment of urban development into the countryside.

UDP Policy GE3 relates to new buildings in the Green Belt, and states that new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries and other uses that would comply with UDP Policy GE1. The development of the site for housing does not fall within any of the acceptable uses in the Green Belt as set out under this policy. The development would therefore be contrary to UDP Policy GE3.

Core Strategy Policy CS71 details that it is proposed to maintain the strategic extent of the Green Belt. Although the Council will undertake a review of its Green Belt boundary as part of its preparation of the Local Plan, the development would fail to meet the aims and intentions of the policy in that new development will be primarily met through the re-use of land and buildings rather than 'through expansion of the urban areas and villages'.

Assessment against policies contained within the NPPF

Paragraph 17 of the NPPF sets out 12 core land use principles that both underpin plan-making and decision taking, within the overarching role that the planning system ought to play. One of these core planning principles (5<sup>th</sup> bullet point) is to take account of the different roles and character of different areas and the protection of Green Belts.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, with exceptions to this including limited infilling of villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

With regard to Paragraph 89, the NPPF is silent in terms of explaining the term "limited infilling" for the purposes of assessing whether a proposed development is appropriate in the Green Belt as defined in paragraph 89. Similarly the NPPF does not define "village" for the purposes of applying national Green Belt policy either. Of relevance however is the 2015 Court of Appeal Ruling in *Wood v Secretary of State for Communities (Wood v SSLG - 2014)*. In this case, it was ruled that whether or not a proposed development constitutes "limited infilling in a village" is a matter of planning judgement taking into consideration what is on the ground. While the fact that a site may lie outside a village boundary as designated in the development plan might be relevant, it is not however determinative of the point as to the proper meaning of Paragraph 89 of the NPPF with regard to "limited infilling in villages". In respect of this application there is nothing to suggest in 'officers view' that Loxley is anything other than within the main urban area of Sheffield.

Within the context of the development plan, Loxley is not considered to be a separate settlement or village, rather it is part of the main urban area. This is evidenced on the UDP proposals map which includes Loxley as being contiguous with the urban area. The boundary of the main urban area is effectively the Green Belt boundary. Development proposed outside the boundary of the main urban area, in the Green Belt, is covered by Green Belt policies, and the only exceptions to this are those small settlements and

substantially developed frontages specifically referenced within UDP Policy GE5, which does not include Loxley.

At Paragraph 4.4, the Core Strategy confirms the overall settlement pattern noting that the main urban area includes all of the continuously built-up area and suburban areas. This would include Loxley.

The proposed development from Loxley Road would be visually split into two plots, one providing a single house and the other three houses. Secondly the size of the plot width is far greater than the typical plot sizes of houses along the southern side of Loxley Road as well as being 'physically' divorced from the houses to the east by Black Lane, which limits the existing dwellings' association with this proposed group of houses. The application site is also separated from the residential curtilage of 603 Loxley Road by the confines of the electricity sub-station compound, which also limits its association with houses along its western side.

It is the opinion of officers that 'limited infilling' as identified in the NPPF may not specifically limit the number of new buildings to one. If that was the case, it would have spelt this out within the NPPF, but instead it allows the discretion of the Local Planning Authority to make a clear and reasoned interpretation of this by taking into account the site specifics and surrounding context.

In this regard, it is disputed by officers that the development of a 65m length of open frontage comprising of an area of some 0.2 hectares of undeveloped greenfield land, which is separated from neighbouring housing on both its outer sides could reasonably be considered to represent limited infilling for the purposes of Paragraph 89 of the NPPF. Moreover, the application site forms a wide parcel of former agricultural land, now in use as a grassed paddock that provides an attractive green buffer between the existing buildings on either side of the site and currently provides open and unrestricted views of the valley. It is considered that the application site provides an important open space along the line of houses along Loxley Road, which allows open views down to the wooded valley. The openness of the site is one of its key characteristics. Consequently development on the site would conflict with the fundamental aim of Green Belt policy as set out in Paragraph 79 of the NPPF, which is to prevent urban sprawl by keeping land permanently open. On openness, Members are advised that there is a distance of approximately 100m between the eastern gable of no. 603 Loxley Road and Back Lane, and a further 15m to the western elevation of no. 579 Loxley Road. Within this substantial gap is a small electricity substation part way along the frontage, a gas governor kiosk close to the road frontage alongside Back Lane, and two horse shelter structures further into the field set back from the road frontage. Despite the presence of these structures and buildings this gap is characterised by its openness, which would be significantly diminished by the proposed development.

While it is accepted that there are several dwellings to the west of the site, these properties form part of the older heritage of Loxley, which together with the application site and adjacent cemetery signifies the point at which there is a marked change to the character of the area, changing from an urban setting to rural setting. The application site is part of an open field that forms part of an attractive valley landscape. The site is open grassland, which is considered to positively contribute to the visual character of the surrounding area. While it is acknowledged that the application site is lower than the adjoining highway, the erection of new houses on upper sections of the open field closest to Loxley Road, together with the

proposal to open up the stone boundary wall to Loxley Road would have a significant impact on the landscape character of the site. It is considered that the development fails to preserve the landscape and natural environment contrary to UDP Policy GE4.

The application site is not considered to be in a village but in any event the proposed development is not considered to constitute limited infilling. Officers do not therefore consider that the erection of up to four houses on this site would meet the terms of the fifth bullet point of Paragraph 89 of the NPPF and as such the proposed development is considered to be inappropriate development.

Again the Holt House Farm decision is considered relevant as the Planning Inspector concluded that the development of one dwellinghouse and the subdivision of a farmhouse into 3 dwellinghouses as described above did not represent "limited infilling" for the purposes of paragraph 89 of the NPPF.

The development would also not benefit from the exemption relating to the partial or complete redevelopment of previously developed sites contained in the sixth bullet point of Paragraph 89 of the NPPF since the site is a grassed paddock that is greenfield land and does not fall with the definition of previously developed land set out in Annex 2 of the NPPF.

For the reasons set out above, it is considered that the development would not benefit from any of the exceptions set out in Paragraph 89 of the NPPF. As such, the development for up to four dwellinghouses should be regarded as inappropriate development in the Green Belt.

In instances when the development is considered to be inappropriate development, Paragraph 87 of the NPPF details that the development should not be approved except in very special circumstances.

Paragraph 88 of the NPPF details that when considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

On account of the above, in assessing the merits of this application, consideration should also be given to whether there are other considerations of significant weight that would constitute 'very special circumstances' that would outweigh the clear presumption against inappropriate development in the Green Belt.

The applicant considers that the proposed development is both compliant with Development Plan policies GE1, GE3 and GE5(a) and government policy contained in the NPPF. The applicant's planning statement goes on to assert that even if the proposed development was not policy compliant, very special circumstances exist due to the fact the Council does not have a five year housing supply and this development would contribute towards housing supply.

Officers are of the opinion that the lack of a five year housing supply alone would not necessarily constitute very special circumstances but certainly does not in this case. Up to date information regarding the five year supply, which forms part of the assessment of

officers with regard to establishing whether or not very special circumstances exist, is contained below.

Officers have set out below other land use considerations that should be considered as part of the assessment of developing this site for housing.

#### Other Policy Considerations

Core Strategy Policy CS23 seeks to concentrate new housing (at least 90%) within the main urban areas of Sheffield. Policy CS24 seeks that priority be given to the development of previously developed land (brownfield sites) and states that no more than 12% of new dwellinghouses should be on greenfield sites between 2004/05 and 2025/26.

In terms of Core Strategy Policies CS23 and CS24, the Council is currently achieving 96% of all new housing on previously developed land. The development of this greenfield site for up to four dwellinghouses would not therefore conflict with either of these two core strategy policies.

Paragraph 6 of NPPF details that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the NPPF details that there are three dimensions to sustainable development: economic, social and environmental, all of which give rise to the need for the planning system to perform a number of roles. In short, these roles are to contribute to building a strong, responsive, and competitive economy by ensuring that sufficient land of the right type is available in the right places, supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the need of present and future generations, and contributing to protecting and enhancing the natural, built and historic environment.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where a Local Planning Authority cannot demonstrate a five-year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

At present, Sheffield can only demonstrate a 4.5-year housing supply of deliverable housing sites across the city. In addition to Paragraph 49, Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, amongst other things, specific policies in the NPPF indicate development should be restricted. The specific policies, which indicate that development should be restricted are set out at Footnote 9 of the NPPF and include policies relating to land designated as Green Belt. Therefore, despite the fact that the Council is currently unable to demonstrate a five-year housing supply, the NPPF is clear that the failure to demonstrate a five-year housing supply does not apply a presumption of granting planning permission at the expense of the development of Green Belts.

In any event, officers' consider that the development of this site for a maximum of four dwellings would only make a modest contribution to the provision of housing across the city, the weight being attached to this should therefore be limited. It is also considered that the economic and social benefits of the scheme would be modest, and would not significantly contribute towards construction jobs and local area spending that any significant weight should be attributed.

It is also considered that the development of four dwellinghouses on this site would not contribute to protecting and enhancing the natural, built and historic environment, one of the three dimensions to sustainable development as set out at Paragraph 7 of the NPPF. While the site is currently used as a grassed paddock, the application site provides an open expanse of land that provides views down to the valley floor, which the development would diminish at the expense of the character of the surrounding area. Despite the applicant's assertion that the proposed development would not diminish open views and would have no adverse impact on the character or appearance of the surrounding landscape or its landscape value, it is clear from officers' site visit and indicative section drawings provided with the application that the redevelopment of this site would have an impact on openness. While it is acknowledged that the site levels are lower than the adjoining public highway (Loxley Road), the upper sections of the dwellinghouses and their roofs (as per the indicative drawings) show that they would be pronounced above the stone boundary wall to impinge on the current unrestricted view that is taken through and across the site.

As set out in the Loxley Valley Design Guide 1995, the landscape setting of the area including the application site is recognised for its special quality and details at Guideline a) that 'Development should not damage important views in and into the Loxley Valley'. From the officer's site visit it was clear that the development of this site would damage an important view into the Loxley Valley particularly from the public open space that lies across Loxley Road to the northwest of the site.

Summary of policy analysis on the principle of the proposed development

In light of the above, it is considered that the development of this site up to four dwellinghouses represents inappropriate development in the Green Belt.

While some weight can be given to the economic and social benefits of the scheme, it is considered that these do not amount to very special circumstances to allow the development and it is in clear conflict with the environmental role of sustainable development. Paragraph 88 of the NPPF details that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. It is considered that the harm that would arise by the development of this site is not outweighed by other considerations of any significant weight that would outweigh the clear presumption against inappropriate development in the Green Belt.

The development is therefore considered to be contrary to UDP Policies GE1 (a) and (c), GE3, GE4 and GE5, Core Strategy Policy CS71 and government policy contained in NPPF.

It is acknowledged by officers that the Council has placed on record that it is committed to undertaking a review of its Green Belt boundary as part of its preparation of the Local Plan, which may in due course lead to the release of some Green Belt land for housing. This is despite the policy position of Core Strategy Policy CS71, which states that the Green Belt will not be subject to strategic or local review. However, Members are advised that the initial review of the Council's Green Belt boundary will not be available until the draft Local Plan is published for consultation later this year. The current Green Belt boundary will remain in place until formal adoption of the new Local Plan, which is anticipated to be in 2021. Any proposed Green Belt boundary changes consulted on would be afforded the appropriate

level of weight as may be relevant at the time until a new Local Plan is adopted but as at today's date the current Green Belt boundary and related policies are afforded full weight.

## Highway Issues

From a highway perspective it is considered that the development does not raise any significant concerns. Despite a number of objections being received from the residents of neighbouring properties with regard to highway safety, it is not considered that the proposal would result in significant vehicle movements, insofar as to prejudice highway safety. Visibility onto Loxley Road from Black Lane is good. 'CrashMap' has been interrogated to ascertain that over the past 5 year period, there have been no personal injury accidents recorded at the junction. Indeed, neither have any accidents been recorded associated with movements directly on and off Loxley Road from residential private drives in the vicinity of Black Lane.

While it is acknowledged that Black Lane is narrow in places, officers are satisfied that the proposal to provide a new access serving three dwellinghouses off Black Lane would not tangibly impede the free flow of traffic along Loxley Road or result in conflict between vehicles approaching from the site and vehicles turning onto Black Lane from Loxley Road. It should be noted that Black Lane already serves a number of private properties, including being the main access to the sports playing fields. Trips associated with the proposed 3 houses will not be significant when set against current levels of traffic.

Some concerns/objections have also been received relating to the applicant's rights of vehicular passage along Black Lane. Highway records show that Black Lane is a private road, which carries a definitive footpath. The Land Registry shows no registered ownership of the road and nothing to show that the occupants of the existing cottages at the southern end of Black Lane own it, although they almost certainly do have rights of vehicular passage/access. Officers are unaware whether the applicant has their own private rights of vehicular passage along Black Lane, but regardless of this, this is a private matter that does not fall within the scope of planning control.

## Design Issues

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The applicant has requested that appearance and layout of the dwellinghouses be reserved for future consideration. However, for indicative purposes only, the applicant has provided a number of drawings showing the layout and design of the houses. These drawings show four detached dwellinghouses, with a group of three houses towards the eastern side of the

site that includes a pair of handed detached dwellinghouses (House C and D), and detached dwellinghouse (House C) that is turned perpendicular to the pair of houses. These three dwellinghouses would be accessed from Black Lane. The fourth and larger of the four dwellinghouses (House A) would be positioned towards the western side of the site. This would be accessed via a new opening in the front boundary wall to Loxley Road.

As appearance and layout of the dwellinghouses are reserved, it is not considered necessary or appropriate at this stage to fully consider these in detail here. It is however appropriate in officers' opinion that the scheme should include sufficient detail to ensure that an appropriate form can be achieved if up to four houses were to be built, with the key issue being the form of development that would be seen in its immediate context. On this point, while some of the comments raised at the pre-application stage have been incorporated into the scheme, there remain several issues that would need to be addressed in order for a finalised design to be approved at reserved matters stage. These issues include improvements to the layout and arrangement of the dwellinghouses in order to create a tighter courtyard such that the resulting roofscape mirrors a more traditional stone built courtyard form.

Notwithstanding the concerns raised with regard loss of openness and impact on the visual character of the area as a result of the development, officers raise no significant objection to the illustrative scale and massing of the proposed built form. If the application was considered to be acceptable in other respects, these matters could be adequately controlled at reserved matters stage.

#### Residential Amenity Issues

It is considered that the future residents of the proposed new dwellinghouses would be provided with acceptable levels of amenity. The indicative plans supporting the application show that each of the dwellinghouses would be provided with good sized gardens and acceptable internal living accommodation.

In terms of neighbouring properties' amenity, the nearest properties to the development site are Nos. 570 Loxley Road to its east and 603 Loxley Road to its west. No. 570 Loxley Road is situated to the east of Black Lane, some 8m from the back edge of the highway and would be set back from the side elevation of the easternmost property (House D) by some 17m away. While this property has habitable windows within its side elevation, officers are satisfied that the proposed development would not harm the residential amenity of this neighbouring property. As illustrated on the indicative plans, it is considered that the proposed house nearest to this neighbouring property could be orientated on site to prevent any significant overlooking. In any event, as this neighbouring house is located across a public highway from the application site, it is considered that these windows should not be afforded the same level of protection as windows that are located on the building that are veiled from a public highway.

In terms of No. 603, this property is situated some 50m from the nearest part of the development. Given this separation distance, it is not considered that the proposed development would result in any loss of privacy that would be harmful to this neighbouring property's residential amenity.

#### Community Infrastructure Levy



The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments that would otherwise be negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The application site lies in an area where CIL is liable with a charge rate of £30 per square metre. The applicant has signed CIL Form 1: Assumption of Liability.

#### Other Material Planning Issues

To the west of 603 Loxley Road is Chase Barn, a Grade II listed building. This listed building is mostly hidden from the application site by No. 603 and would be situated some 60m away. It is considered that any effect on the setting of this listed building as a result of the development would be negligible.

Environmental Protection Services (EPS) has stated that they do not anticipate the site would be noisy. While some traffic noise would be expected EPS has advised that it would be unlikely that it would be at a level where a noise report should be required.

EPS has however advised that if planning permission be granted that the standard suite of land quality conditions should be attached due to the elevated risk associated with private gardens of the dwellinghouses.

The application site was formerly owned by the Council and was sold to the applicant in 2002 with a covenant on the sale that the land shall be used for agricultural purposes only. Should planning permission be granted for the development therefore, the applicant would need to apply to the Council for permission to have the covenant removed. Members are advised that the terms of sale and any restrictive covenants attached to the sale of the land is a private matter between the Council and the applicant and is not a planning matter to which any material consideration can be given.

Some of the concerns that have been raised state that the development is situated in an area that has limited infrastructure, commenting that the existing school is oversubscribed, situated in an area that is distanced from local shops and limited public transport. While this is noted, it is considered that the development of up to four dwellinghouses would not place a disproportionate strain on local services including local schools that would justify grounds for refusal.

The application site is identified in the Sheffield and Rotherham Sheffield Housing Land Availability (November 2015) document. It is identified in Appendix 7 of the SHLAA as being part of a 'Site Suggested to the Council in the Green Belt. (site ref: S01127 which includes a note stating that the suitability of sites in the Green Belt has not been assessed), and that the SHLAA does not allocate and for housing development and does not make policy decisions on which sites should be developed. The introduction to Appendix 7 also makes this clear and states that the suitability of sites in the Green Belt will be assessed through work on the new Sheffield Plan as part of the comprehensive Green Belt review.

#### SUMMARY AND RECOMMENDATION

The application relates to the northern part of an open field that is situated along the southern side of Loxley Road and is on land designated as Green Belt.

Outline planning permission is being sought to erect up to four dwellinghouses. The applicant is requesting that only the principle of the dwellinghouses and access be considered under this outline application, with appearance, landscaping, layout and scale being reserved for future consideration. While reserved for future consideration, the application was accompanied by several indicative plans to illustrate the proposed siting and appearance of the dwellinghouses.

The supporting information details that the application site would be developed to provide up to four dwellinghouses, with three of the dwellinghouses being accessed from Black Lane and the fourth from Loxley Road.

UDP Policy GE5 sets out the circumstances where new houses would be allowed in the Green Belt. Apart from the replacement of an existing house on the same site, houses to support agriculture and other acceptable uses, new houses will only be permitted in instances where this would involve either infilling of a single plot within the confines of an existing village as defined in the UDP, group of buildings or substantially developed road frontage. The development of this site for up to four houses is considered to be contrary to this policy and cannot reasonably be considered to represent the infilling of a single plot for the purposes of Policy GE5. Even when considering the erection of a single house, the plot width of the site (approximately 65m) far exceeds the typical width of neighbouring plot sizes along Loxley Road.

Paragraph 88 of the NPPF details that when considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. While officers accept that the erection of up to four dwellinghouses would make a small contribution to the delivery of housing across the city, substantial weight has been attributed to the harm that the development would have on the openness of the Green Belt. Officers do not consider that the applicant has demonstrated 'Very special circumstances' to outweigh the clear presumption against inappropriate development in the Green Belt.

The development is also considered to conflict with government policy contained in the NPPF. Paragraph 89 of the NPPF details that the construction of new buildings in the Green Belt should be regarded as inappropriate development save for where it falls within one of six exceptions, one of these being limited infilling in villages. It is considered that the application site is not situated within the confines of a village, but instead is situated along Loxley Road that is a residential suburb of Sheffield. The development would therefore fail to meet the qualifying requirements of the 5<sup>th</sup> bullet point of Paragraph 89 of the NPPF. Even if the site was considered to be situated in a village location, officers do not consider that the development could reasonably be considered to represent limited infilling for the purposes of Paragraph 89 given the plot width (65m), and the fact that the site is separated from the two neighbouring properties by a public highway and electricity sub-station which would limit the proposed dwellinghouses association with the neighbouring group of houses along Loxley Road.

The application site forms part of an open parcel of land, previously in agricultural use that is considered to provide an attractive green buffer along the southern side of Loxley Road. The land provides open and unrestricted views of the valley that if developed would be harmful to the open character of the Green Belt. Moreover, the application site is 'physically' divorced from the houses to the east by Black Lane, which limits the dwellinghouses association with the group of houses beyond this road as well as being separated from the residential curtilage of 603 Loxley Road by the confines of the electricity sub-station compound. The development is therefore considered to represent inappropriate development in the Green Belt contrary to government policy contained in the NPPF.

The applicant has cited the fact the Council does not have a five year housing supply and has suggested that the contribution this development would make towards housing supply constitute very special circumstances. A number of letters of support also stated that the development would help to provide 'much needed housing' in the area. While it is acknowledged that the development would contribute to housing supply, which some weight should be given to, it is considered that the development of up to four houses would only make a small contribution to housing supply which does not outweigh the significant harm that the development would cause to the openness of the Green Belt.

Some of the comments received to the application relate to the applicant's proposal to use Black Lane as a means of access. Some of the comments suggest that as Black Lane is a private road, the applicant does not have permission to use this road as a means of accessing the site. Comments received state that Black Lane has its own restrictive use clauses put on it by its owners, and apart from some very limited access, it is clearly laid down for each existing land parcel. While these comments are noted, Members are advised that Black Lane, whilst within private ownership is a public highway, which the public have a right of way. It is irrelevant for the purposes of this application whether the road is maintained at public or private expense. What is relevant is that the suitability of the access has been assessed in planning and highway safety terms. In any event, Members are advised that the fact that the road is within private ownership is not a material planning consideration where any weight can be given in the assessment of this application.

Officers are satisfied that the development would not raise any significant highway concerns or result in loss of amenity to the detriment of neighbouring properties. It is also considered that a satisfactory scheme could be achieved from a design perspective at detailed stage.

Notwithstanding the modest contribution to housing supply, it is considered that the application represents inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt. The erection of four dwellinghouses would result in a loss of openness that would be harmful to the character of the Green Belt, and would be in clear conflict with the environmental role of sustainable development by failing to contribute to protecting the natural, built and historic environment.

For the reasons set out above, and having regard to all other matters, it is considered that the development is unacceptable and would be contrary to Policies GE1 (a) and (c), GE3, GE4 and GE5 of the UDP, the aims and purposes of Core Strategy Policy CS71 and government policy contained in Paragraphs 7, 14, 17, 79, 80 and 87-89 (inclusive) of the National Planning Policy Framework. It is therefore recommended that the application be refused.





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