



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 8 November 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to roof including raised ridge height and erection of dormer window with Juliet balconies to rear of dwellinghouse at 29 Worcester Road, Sheffield, S10 4JH (Case No: 22/01898/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 15m 5G telecommunications monopole with wraparound base cabinet, 3 equipment cabinets and associated ancillary works (Application for determination if approval required for siting and appearance) at land near junction at Herries Drive, Longley Lane, Sheffield, S5 7JD (Case No: 21/03945/TEL) has been dismissed.

Officer Comment:-

The Inspector noted the main issues to be the effect of the siting and appearance of the proposed installation on the character and appearance of the area, having regard to the setting of Longley Hall; They noted that the appeal site forms part of a grass verge between the footway and the vehicular Carriageway with trees along the verge, in an adjacent area of open space as well as to the frontages of residential properties, giving the area a spacious, suburban character.

In this context they noted that the 15 metre height of the structure would leave it unduly exposed in an open area, being conspicuously taller than nearby features. In contrast they did not consider that it would harm the setting of the Grade II listed Longley Hall.

Nevertheless, in conclusion they felt that that the mast would harm the character and appearance of the area, in conflict with paragraph 115 of the NPPF; UDP Policies BE14 and H14; and Core Strategy Policy CS74. They

also considered that alternative locations had not been sufficiently explored.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of rear off-shot and erection of single-storey rear extension to dwellinghouse at 11 Dalmore Road, Sheffield, S7 2EP (Case No: 22/00974/FUL) has been allowed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the development on the living conditions of the occupiers of no.13 Dalmore Road – in terms of outlook.

They noted no's 11 and 13 formed a pair of semi-detached dwellings and that no.11 had an existing 2m deep rear extension which was to be replaced with an extension 5.5m deep with a ridge height of 4.4m and which would be set in from the shared boundary by 0.5m.

Officers considered the 5.5m deep projection would significantly exceed the maximum 3m guideline set out in the Council's adopted Supplementary Planning Guidance and would result in unreasonable overshadowing and dominance for the occupants of no.13.

However, the Inspector disagreed and felt that the limited height of the extension (achieved by a split level floor plan) and the absence of directly facing windows at no.13 would prevent any unacceptably adverse impact in terms of creating enclosure, and a reasonable level of outlook would remain for both the rear facing windows and garden area, despite conflict with the guideline.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT PART DISMISSED PART ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised:

- (i) laying of concrete hard surfaces and paving on the Land.
- (ii) the erection of buildings
- (iii) the erection of timber screen

- (iv) the erection timber clad metal gates
- (v) the laying of a hard core track
- (vi) the laying of a hard core surface
- (vii) the erection of blockwork retaining walls
- (viii) the laying of concrete foundations

on the land at Donkey Field, land at junction with Long Lane and Hagg Lane, Sheffield, S10 5PJ (Ref APP/J4423/C/21/3285589) has been refused in part and allowed in part.

Officer Comment:-

The appellant appealed against the service of the notice on grounds (a) that planning permission should be granted; (b) that those matters have not occurred; (f) that the steps required in the notice are excessive; and (g) that the timescale for compliance is too short.

The site lies with Green Belt. It comprises a grassed paddock of less than 1 ha on a sloping hill side, enclosed by Hagg Lane to the west and Long Lane to the north. The alleged material change of use and operational developments are largely confined to the uppermost, southern part of the site.

On the ground (a) appeal, the main issues in this case where i. whether the development is inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies; ii. the effect of the development on the openness of the Green Belt; iii. the effect of the development on the character and appearance of the area; and iv. whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

With regards to the material change of use, such a use may not be inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. However, in this case, the inspector concluded that the storage of motor vehicles, plant, machinery, equipment, waste and other miscellaneous material does not accord with this limitation. It reduces the openness of the Green Belt and fails to safeguard the countryside from encroachment.

He generally found that most of the buildings did reduce the openness of the Green Belt to some degree but were not inappropriate development given the minimal visual impact from most public viewpoints, the impact on the landscape and do not appear incompatible with the character of the wider locality. Except for one building which is to be used for storage associated with the maintenance of the land. The Inspector felt that this appears to be an unduly large building for the stated purpose, given the modest size of the land holding and the amount of storage space available in the complex of the other buildings and therefore considered this to be inappropriate.

The erection of a 2.5 m high the timber clad metal gates and the timber screen are also considered as inappropriate forms of development which

reduce the openness of the Green Belt and are visually obtrusive in, and out of character with, this semi-rural landscape.

The hard core surface on which one of the building once stood, which was removed before the notice was served. The Inspector felt that there was little reason to require the removal of the hard core given that it had become overgrown with grass. With regards to the other hard core surfaces the inspector concluded that these appears functionally related to the use of the stables and the adjoining field for the keeping of horses, a use compatible with the site's location in the Green Belt, and therefore, the hard core had limited impact on the openness of the Green Belt and is proportional to the type of use.

In conclusion, the Inspector concluded that the alleged material change of use and some of the operational development as unacceptably harmful to the Green Belt and the remaining operational development to be acceptable in line with the policy background set out in the NPPF and the development plan.

On ground (b) in relation to alleged material change of use for the storage of motor vehicles, plant, machinery, equipment waste and other miscellaneous materials. The appellant accepted that the storage of the various items occurred, and the appeal failed on this basis.

The appeal on ground (f) that the building B is considered acceptable form of development which include the concrete base and its blockwork retaining structure for the reason highlighted in ground (a).

The appeal on ground (g) the appellant had claimed that there may be bats present in one or more of the buildings, there was no evidence of this and the 6 months compliance period was considered adequate and this part of the appeal failed.

The appeal succeeds in part and permission for that part is granted. But otherwise, the appeal fails and the enforcement notice, as varied.

8.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

8 November 2022

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