



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 7 September 2021

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## 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

Nothing to report.

## 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 first floor side extension over attached garage and erection of two-storey front extension to dwellinghouse at 37 Helliwell Lane, Sheffield, S36 2NH (Case No: 21/00551/FUL) has been dismissed.

### Officer Comment:-

The Inspector identified the key issue as the effect of the development on the character and appearance of the host property and the surrounding area.

He noted the property was one of several link detached dwellings in a group that individually retained separate identities because of the substantial gap between them at first floor level. This he felt created a harmonious and orderly arrangement that was worthy of protecting.

He considered the first-floor side extension would infill this gap and create a terracing effect and a cramped form of development conflicting with the established character. He therefore concluded it would be harmful to the character and appearance of the area in conflict with policies BE5, H14 (UDP) and CS74 (Core Strategy), the Council's Supplementary Planning Guidance, and paragraph 130 of the NPPF.

(ii) To report that an appeal against the Committee decision of the Council to refuse planning permission for a hybrid application for change of use of existing buildings to be retained, altered vehicular access from Loxley Road with secondary public transport access from Rowell Lane and associated works with outline approval (with all other matters reserved) for demolition of existing buildings and structures, provision of a residential led mixed-use development that will deliver up to 300 dwellings, reinstatement works, site

remediation, green infrastructure, landscaping and associated infrastructure at Hepworth Properties Ltd, East Works, Storrs Bridge Lane, Sheffield, S6 6SX (Case No: 20/01301/OUT) has been dismissed.

Officer Comment:-

A Public Inquiry was held earlier in the year at which Council planning and ecology officers gave evidence in support of the refusal of planning permission. They presented a strong case against the development, along with partners at CPRE, the Friends of Loxley Valley and the South Yorkshire Bat Group.

The Inspector cited the main issues as:

- whether the Council can demonstrate a 5-year housing land supply;
- whether the proposal would constitute inappropriate development for the purposes of Section 13 of the Framework;
- its effect on the openness of the Green Belt and the purposes of including land in the Green Belt;
- its effect on the character and appearance of the site and the surrounding area;
- its effect on the ecology and biodiversity of the surrounding area;
- its accessibility by means other than the car;
- its effect on the risk from flooding; and,
- if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

On the first issue the Inspector concluded that the Council could not demonstrate a 5-year housing land supply (indeed your officers have since confirmed a 4-year supply).

On the second, third and fourth issues he concluded that the siting and arrangement of the proposed buildings, together with the resulting increase in activity, parking, lighting and paraphernalia associated with the development would cause substantial harm to the openness of the Green Belt such that it would constitute inappropriate development in the Green Belt. He also concluded that it would have an adverse impact on the character and appearance of the site due to the urbanising effect of the proposed development and increased levels of activity.

On the fifth issue he concluded that insufficient evidence was presented by the developer to show that the proposals would not result in unacceptable harm to the ecology and biodiversity of the site and its surroundings.

On the sixth issue he agreed with the Council that the site is not in a sustainable location, being remote from facilities and services in the bottom of a steeply sided river valley with limited accessibility. He concluded that it was unlikely that future residents of the proposed development would walk or cycle to such services and that access by means other than the private car was

highly unlikely.

On flooding he concluded that the development would pass the sequential and exception tests in the NPPF and whilst the proposal would result in an increased risk of flooding it would be capable of being mitigated to prevent the risk from being unacceptable.

In conclusion he stated that, in the absence of the Council being able to demonstrate a 5-year supply of deliverable housing sites, the policies which are most important for determining the application are considered out of date, as specified in footnote 8 of the NPPF. In such circumstances, the NPPF indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance (including the Green Belt) provides a clear reason for refusing the proposed development.

In this case, the conflict that the Inspector found with Green Belt policies in the NPPF provides a clear reason for refusing the development proposed. He found that the proposed development would fail to accord with the development plan and policies in the NPPF as a whole. As such, he concluded that it would not represent sustainable development and that the appeal should be dismissed.

#### 4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

#### 5.0 CIL APPEALS DECISIONS

Nothing to report.

#### 6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised execution of operational development, and the failure to carry of the requirements of condition 4 of planning permission reference 19/01513/FUL, at The Old Mayfield School, David Lane, Sheffield, S10 4PH (Planning Inspectorate Ref: APP/J4423/C/21/3279059).

#### 7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

#### 8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

## 9.0 RECOMMENDATIONS

That the report be noted.

*Michael Johnson*  
Head of Planning

*7 September 2021*

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