



**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)  
APPEAL BY AVANT HOMES CENTRAL**

An Appeal Against the refusal of  
Full Planning Permission for 72 no. dwellings (as amended)  
at land off Moorthorpe Way, Sheffield.

**PINS REFERENCE APP/J4423/W/20/32558555  
PLANNING APPLICATION REF: 19/03143/FUL**

**REBUTTAL PROOF OF EVIDENCE**

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## 1.0 INTRODUCTION

1.1 This rebuttal evidence is in response to Sarah Hull's evidence on behalf of the Council and seeks to reduce inquiry time by setting out clearly the Appellants position on the following matters raised by the Council. I have not sought to address every area of disagreement between my evidence and that of the Council and the absence of rebuttal to any particular areas should not be taken as an acceptance of the Council's or indeed the Rule 6's position.

1.2 The scope of my Rebuttal Evidence is as follows:

- Density
- Affordable housing type and size

## 2.0 MAIN ISSUE D: DOES THE APPEAL PROPOSAL MAKE EFFICIENT USE OF LAND?

2.1 The issue of density is addressed in Section 9 of my evidence and is further explained in the Design Process section 5 Mr Walshaw's PoE (CD4.11.1). There is no challenge to the fact that the Appellants approach to density within the appeal scheme was informed through analysis of the site, Development Plan policies, the Council's Planning Brief and discussions with the planning officers.

2.2 The Council is not apparently seeking a higher number of dwellings within the area identified for housing in the Development Brief (CD5.19 page 32 Fig 19) but instead appears to argue for a more compact scheme (Hull POE paragraph 6.43) which reduces the developable area.

2.3 Such an approach would not necessarily result in a more efficient use of the site that the Council seek to dispose of or as identified in the Brief (CD5.19 Fig 19). The reduction of the developable area would not lead to a more efficient use of the site as a whole. Concentrating 72 dwellings on just part of the site would still leave the density of the whole site the same.

2.4 The approach in paragraph 6.43 of the Council's PoE (and supported by statements suggesting greater integration of existing green infrastructure in paragraph 6.37 i.e. retaining more of the site in its undeveloped form) suggests that the Council now considers the guidance in the Development Brief as to the constraints and area suitable for development identified in Figs 19 and 20 of the Brief (CD5.19) is incorrect although no evidence is

produced to support this conclusion and in fact the Council places weight on the Brief..

- 2.5 I note that the argument for the reduction in the developable area is taken a step further by the alternative development of the site advocated in the evidence of the Rule 6 party, which reduces the developable area of the site to 1.4 hectares and delivers 55 dwellings (Rule 6 PoE Paragraph 10.2 I and i). While this reduces the developable area within the site the overall size of the site identified for housing development in the Brief remains the same size and so the density of the site as a whole actually decreases with this alternative.
- 2.6 In respect of part c (NPPF paragraph 123) the Council's position is that this would require the refusal of schemes that make inefficient use of land. I note however that the framework does not state this, as it also requires the decision maker to take into account the policies in the Framework. This includes, for example, meeting the need for different types of housing and the availability of land to meet such needs (NPPF paragraph 122 a). For this appeal proposal there is a clear justification that supports the use of the site for the delivery of family housing as it represents one of the few opportunities for such development within the city.
- 2.7 Part d of NPPF Paragraph 122 requires that any judgement on the efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).
- 2.8 Policy CS26 requires that developments should be in keeping with the character of the area and the last sentence states that densities outside these ranges will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area.
- 2.9 Both policies require the identification of the area and the character of that area to be considered in order to reach a judgment. While the Council's evidence refers to the open and green characteristics of the appeal site it does not identify what is considered to be the wider area or indeed the character of the wider area in the context of the application of Paragraph 122 (NPPF) or Policy CS26.
- 2.10 If the character of the area is defined by the areas of open space between the existing residential areas, as appears very clearly to be the Council's case in terms of matter C, then that has to be taken into account in assessing density.
- 2.11 The Council suggest (Hull paragraph 6.46) that the Brief (CD5.19 paragraph 5.1.2) only

accepts a lower density on the basis of securing either good design or where it protects a sensitive area. This is incorrect. The Brief also recognises that lower densities are also justified where development is restricted due to site constraints such as the existing landscape or topography.

2.12 It should be noted that the Council criticise the appeal scheme in terms of its response to the existing landscape and the sites topography, yet these factors have not been taken into account by the Council when considering the suitability of the density of the scheme despite the reference in the Brief.

2.13 In setting out its approach to paragraph 5.1.2 in the Brief (CD5.19) the Council's evidence, while acknowledging the requirement for family houses within the area, appears to suggest that rather than the site meeting the need for family housing as identified in the Brief the appeal site instead should meet the need for smaller homes either for first time buyers or those wishing to downsize. To support this the Council, reference the Housing Market Profile for the South East in their appendix B (CD4.10.2.4).

2.14 In respect of the recommendations Housing Market Profile for the South East (CD4.10.2.4 page 14) it is noted that:

Smaller flats and houses with one or 2 bedrooms for sale and private rent

- The lowest supply of one or 2 bed properties are in the neighbourhoods of Charnock, Hollins End and Handsworth
- New private rented one or 2 bed properties may be suitable in the neighbourhoods of Birley and Hackenthorpe

Family houses with three and four bedrooms for sale or shared ownership

- A key feature of the South East market is that it provides an opportunity for households to purchase larger family homes that may not be affordable for them elsewhere in the city.
- This new family housing should be detached or semi-detached and properties that offer larger space standards and storage which will attract higher sale values.
- Larger properties are also likely to be in demand in the neighbourhoods of Mosborough, Owlthorpe, Halfway and Handsworth where there are already a number of executive home estates.

2.15 The Housing Market Profile for the South East (CD4.10.2.4 page 3) in addition highlights:

- That the analysis covers just 16% of the City's population

- That the area represents an important resource for those moving out of the city centre, which it is suggested could be young people looking to move to family housing (page 7).
- That 50% of those moving within the area are seeking larger properties (page 7 fig 4.7)
- That 35% of those moving within the area are seeking a better neighbourhood (page 7 fig 4.7)
- That 21% of those moving within the area are seeking a more modern house (page 7 fig 4.7)

2.16 Finally, I note that the Recommendations Section of Sarah Hull's Appendix B, alongside noting a local area shortfall of smaller homes, concludes that "**A key feature of the South East market is that it provides an opportunity for households to purchase larger family homes that may not be affordable elsewhere in the city. This new family housing should be detached or semi detached and properties that offer larger space standards and storage ...**". I consider these findings strongly support the provision of both the market and shared ownership family houses on the appeal site.

2.17 I further consider that these findings align with the Council's Housing and Estates Departments approach to the acquisition of the type and size of shared ownership housing on the appeal site which provide a range of family 2, 3 and 4 bedroomed properties.

2.18 The evidence on City wide demand and supply as set out in Appendix 1 of my evidence (CD4.10.1.2) reinforces these findings in so far as there is on a city wide basis an imbalance of the supply of dwellings by size, type and location and this site offers one of the very few locations outside of the green belt which can deliver family homes.

2.19 I note that in introducing the New Standard Method for calculating the housing requirement on the 16th December 2020 the Government (CD4.10.56) in their justification for the "Cities and Urban uplift" (step 4 of the Method) state that as part of this increase the government is particularly interested in ensuring that appropriate numbers of family homes come forward, and would encourage these all places, but particular the urban centres.

2.20 On this basis the use of this site, which is capable of delivering family homes, to deliver more small 0/1 bedroomed dwellings would, in my view, be a very inefficient and wasteful use of this site as there are many other locations which could deliver the smaller sized properties but few sites that can deliver family housing.

### **3.0 MAIN ISSUE E: DOES THE APPEAL PROPOSAL FAIL TO APPROPRIATELY INTEGRATE AFFORDABLE HOUSING INTO THE LAYOUT?**

3.1 It is agreed that the level of affordable housing provision within the Appeal Site exceeds the requirement set out in GAH2 of the Planning Obligations and CIL SPD (19% of proposed floorspace against a policy requirement of 10% of floorspace) (CD5.16, page 55). This results in 21% of the units on site being affordable compared to the NPPF requirement of just 10%.

3.2 In paragraph 6.61 the Council states that the design, quality, specification and location of the affordable dwellings differ from the market housing which is a reference to the guidance GAH5 Design of Affordable Housing in the Community Infrastructure Levy and Planning Obligations SPD (CD5.16).

3.3 There is however a missing element to the Council's evidence which relates to how this guidance is expected to be put into practice. The SPD states the guidance will be put into practice by:

- *Promoting consultation between the developer and Registered Provider regarding the required specification of the dwellings.* This has been undertaken and the Provider in this case is the Council themselves who have raised no objection to the specification, and it is my understanding exercised a choice in terms of the properties they are acquiring through the s106. The Council have no different specification for affordable housing compared to that in the building regulations.
- *Ensuring that Affordable Housing units are integrated into the scheme.* If there is a role for the operation of Development Management in the operation of these guidelines it would appear to be limited to this bullet point as the other two are based upon negotiation with the Provider. This point is covered extensively in both Mr Walshaw's and my own evidence.
- *Ensuring that the specification of Affordable Housing units is equivalent to that of the market units unless otherwise agreed by the Council and the purchasing Registered Provider,* In this case it is the Council who will be acquiring the affordable housing and the Council, as operators of the affordable housing, did not seek to amend the distribution of affordable housing and the original s106 made reference to n1276008D (CD1.3) which grouped the majority of the affordable housing to west and south of the Heath Centre. The Council has also agreed the size of units to meet the needs.

3.4 In the case of the appeal the design, quality, specification, location within the site, has all been agreed in negotiation with the Provider (which in this case is the Council's own Housing Department). This was recognised by the Planning Manager in their report.

#### **4.0 THE CONSIDERATION OF AN ALTERNATIVE SCHEME**

4.1 I have already noted that the Rule 6 party has offered up an alternative scheme on part of the appeal site and I will comment further on this once I have heard the evidence presented in full.

#### **5.0 ADDITIONAL POINT - OWNERSHIP**

5.1 The issue of the boundary adjacent to Moorthorpe Dell was raised by the Rule 6 Party and after further investigation the Appellants made a minor adjustment to the red line boundary in this location. The adjacent owner who had raised this issue was notified of this change and the email in appendix 1 was received in response to this change which is now incorporated into the latest plans.

#### **6.0 CONCLUSION**

6.1 As stated in the introduction this rebuttal does not attempt to address all areas of dispute just those where additional explanation in writing is considered to assist the understanding of the Inspector.

6.2 In conclusion I do not regard the claimed conflict with one or more of the development plan policies would justify the dismissal of this appeal and in any event, it must be balanced against the elements of the development plan which support the proposal. In these circumstances the substantial weight that should be attributed to the provision of housing and affordable housing as well as the proposed benefits that could be derived from the BNG Management Brief. Other benefits also attract weight, and all must be taken into the balance.

6.3 In light of the above I respectfully request that this appeal be upheld.

## **APPENDIX 1 EMAILS REGARDING OWNERSHIP AND SITE BOUNDARY**

## **Roland Bolton**

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**From:** smith\_l27@sky.com  
**Sent:** 01 January 2021 20:30  
**To:** Roland Bolton  
**Subject:** Re: Land off Moorthorpe Way, Sheffield (Appeal Ref: APP/J4423/W/20/32558555)  
**Attachments:** 15 Moorthorpe Dell (1).jpg; 15 Moorthorpe Dell (2).jpg

Dear Roland,

Thank you for your patience, I am now feeling much better. Please find attached a copy of HM Land Registry records showing our property boundary lines (15 Moorthorpe Dell).

The plans I have attached are those that I am happy to agree with, as they clearly show our property's boundary lines.

I hope this is useful.

Regards.

Lia Clayton

On Tuesday, 8 December 2020, 12:03:57 GMT, Roland Bolton <roland.bolton@dlpconsultants.co.uk> wrote:

Lia,

I am sorry you have been ill – I wish you a speedy recovery. I appreciate that you will need to take further advice on this matter so please come back to me as soon as you are able.

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**Senior Director**

**Strategic Planning Research Unit**

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**From:** smith\_l27@sky.com <smith\_l27@sky.com>  
**Sent:** 08 December 2020 11:51  
**To:** Roland Bolton <Roland.Bolton@dlpconsultants.co.uk>  
**Subject:** Re: Land off Moorthorpe Way, Sheffield (Appeal Ref: APP/J4423/W/20/32558555)

Thank for your recent correspondence.

I've looked at the information and am just seeking advice before I can confirm this with you. I have been off work with covid so only just getting back to things.

I will get back to you shortly.

Many thanks.



# H.M. LAND REGISTRY

TITLE NUMBER

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ORDNANCE SURVEY  
PLAN REFERENCE

SK4182

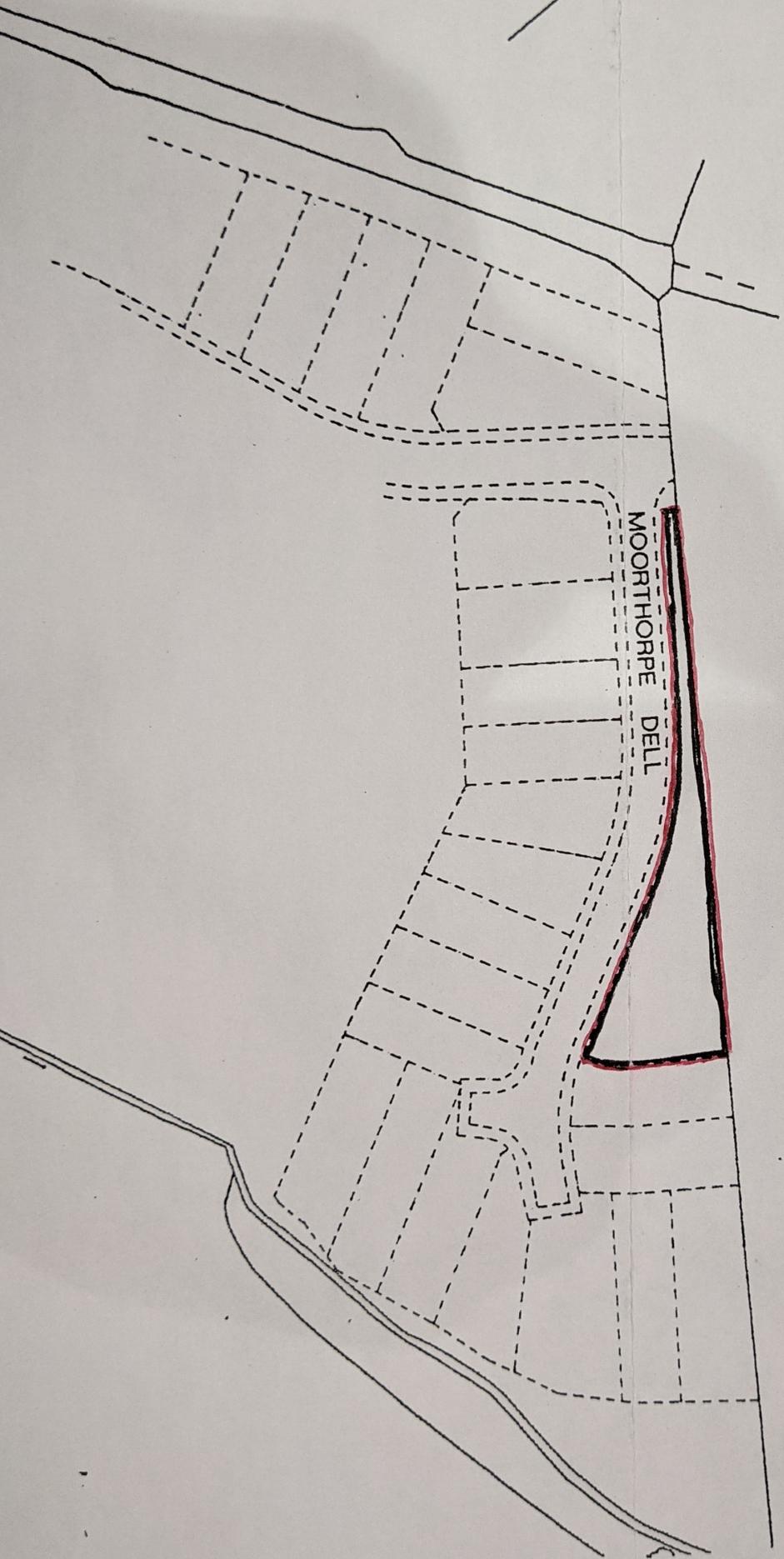
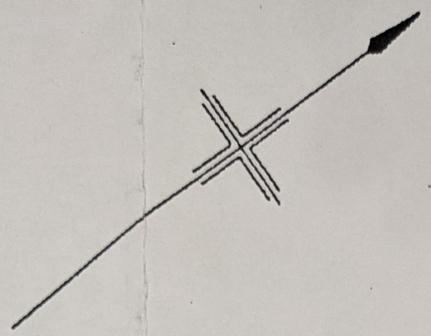
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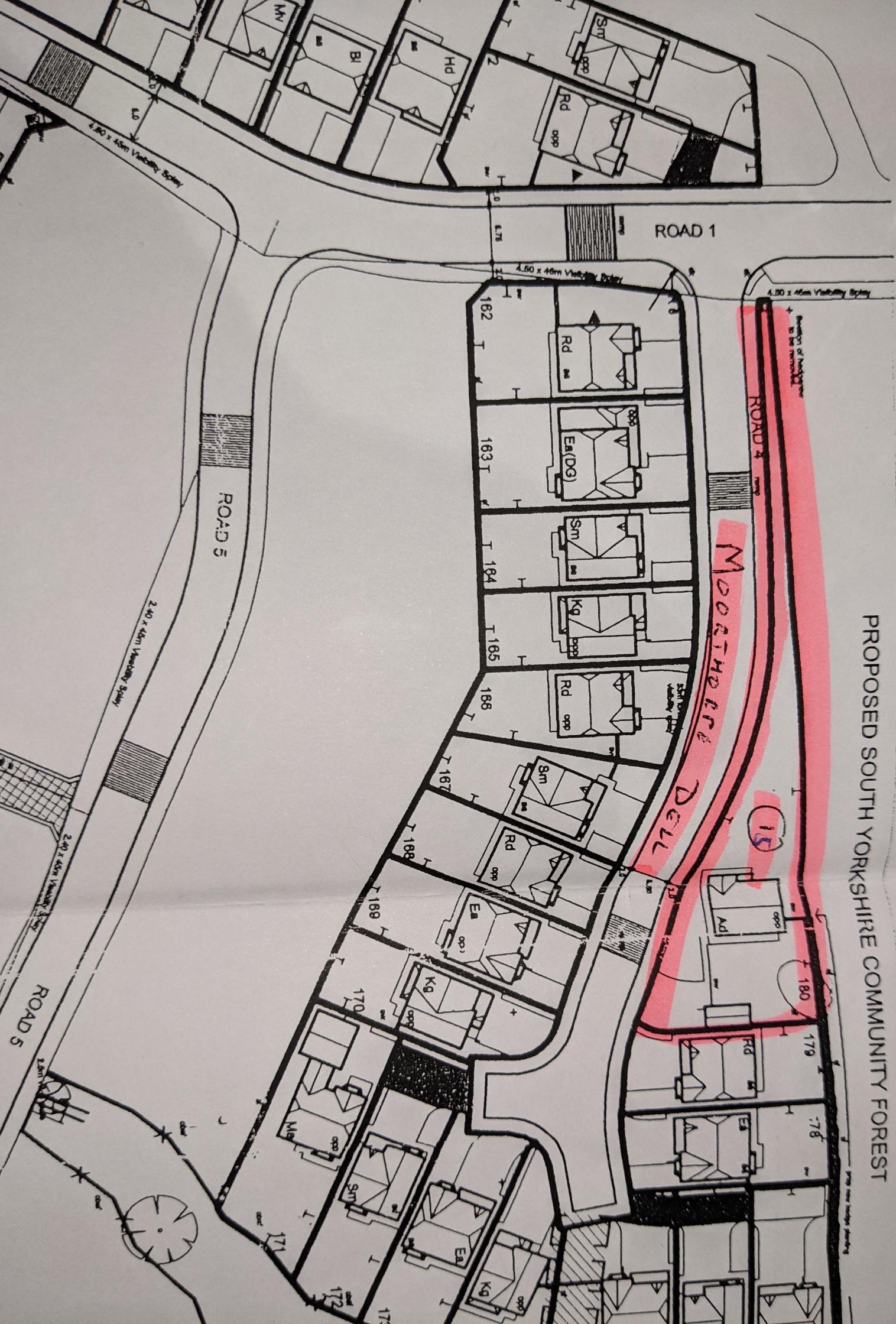
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