

**Planning Services, City Growth Department**

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For the attention of Roland Bolton

Dear Roland

**Subject: Appeal at Land off Moorthorpe Way  
(Appeal Ref: P/J4423/W/20/32558555)**

Thank you for your letter of 14<sup>th</sup> October 2020 (received by e-mail on 19<sup>th</sup> October).

The Council is preparing its statement of case in this appeal alongside seeking to agree the Statement of Common Ground and with a view to accurately reflecting the evidence that will be given on behalf of the Council in support of the reason for refusal.

You refer to the planning practice guidance at ID 16-047 as to the introduction of a new reason for refusal that prolongs the proceedings.

The Council is not introducing a new reason for refusal. As its statement of case will confirm when it is duly served, the Council's evidence will support the existing reason for refusal relating to the lack of a comprehensive approach to the allocated Owlthorpe sites; harm to the prevailing character of the area (green infrastructure and open space); failure to make efficient use of land; and the inadequate integration of the affordable housing.

Firstly, policies GE11 and GE13 have been included in error and will not be referred to in the Council's Statement of Case or Proof of Evidence. I apologise for any confusion caused in this regard.

The Council takes the view that the policies referred to in your letter as H13-H15, GE15 and CS74 are relevant to the determination by the Inspector. We assume that you agree given that these policies were all listed in your draft Statement of Common Ground as some of "the most important policies for the determination of the appeal".

The housing policies HE13-15 feed directly into the assessment of the sites as allocated, and the Planning and Design Brief cited in the reason for refusal. GE15 and CS74 relate to the impact on the character of the area and the prevailing character of abundant green infrastructure and open space, and the balance of built development against such green infrastructure. The same is true of the Green Environment principles in the Planning and Design Brief. The issues raised are similar to those issues raised in any event by paragraph 127 of the NPPF which is cited in the reason for refusal.

For these reasons these additional policies will be addressed in the Council's planning evidence. In each case, the Council maintains – and is supported by the draft Statement of Common Ground prepared by your client – that these policy considerations have to be considered in any event as a result of the reason for refusal and the provisions of the adopted development plan. No prejudice is caused to the Appellant by the Council referring to these policies. On the contrary, it would be remiss not to.

As to the point you refer to as to the design section of the Statement of Common Ground the Council simply maintains its position that the balance of development – that is the quantum of built development against green infrastructure including open space – has been struck unacceptably, and that where such development is proposed it makes an inefficient use of land. Some of the sub-paragraphs had implications for the balance of development across the site and therefore were inconsistent with the reason for refusal. As to the open space, in particular section 7.30 which the Council have deleted, we are not disputing the position of the children's play area or any impact to amenity. However, we considered the terminology to be too generalised given that the reason for refusal relates to inadequate green infrastructure and open space. I trust we can agree alternative wording in the Statement of Common Ground.

I trust the above clarifies our position but please do not hesitate to contact me should you wish to discuss the above in more detail.

Yours Sincerely



Area Team Manager  
Development Management

