

For and on behalf of
Hallam Land Management Limited

Appeal ref: **TBC**
Statement of Case

**Appeal against the refusal of
Outline Planning Permission 17/04673/OUT for up to 85 dwellings including open space
(Amended Description) at
Land at Junction with Carr Road and Hollin Busk Lane, Sheffield, S36 1GH**

**Strategic Planning Research Unit
DLP Planning Ltd
Sheffield**

January 2021



Prepared by:	Sarah Biggins BSc (Hons) Student Planner
Checked by:	Roland Bolton BSc (Hons) MRTPI Senior Director
Approved by:	Roland Bolton BSc (Hons) MRTPI Senior Director
Date: December 2020	Office: Sheffield

Strategic Planning Research Unit

**V1 Velocity Building
Ground Floor
Tenter Street
Sheffield
S1 4BY**

Tel: 01142 289190

**Broad Quay House (6th Floor)
Prince Street
Bristol
BS1 4DJ**

Tel: 01179 058850

**4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH**

Tel: 01234 832740

DLP Consulting Group disclaims any responsibility to the client and others in respect of matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence. This report is confidential to the client and DLP Planning Ltd accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

CONTENTS	PAGE
1.0 Introduction.....	4
2.0 The Appeal Site.....	7
3.0 Planning History of the Site	8
4.0 The Appeal Proposal	9
5.0 Planning Policy Context.....	10
a) The Development Plan	10
b) The most important policies for determining the appeal decision	10
c) National Planning Policy Framework 2019 (“NPPF”).....	10
6.0 Case for the Appellant.....	12
a) Introduction.....	12
b) The matters understood to be agreed	12
c) Heritage (refusal reason 1)	13
d) Landscape and Visual (refusal reason 2).....	14
e) Five Year Housing Land Supply.....	14
7.0 Policy compliance and weight	16
8.0 Issues raised by Objectors	18
9.0 Conclusion	21

1.0 INTRODUCTION

1.1 This appeal is made by Hallam Land Management Ltd following the refusal of outline planning permission by Sheffield City Council for the development of up to 85 dwellings including open space with approval of points of access to (but not within the site) (reference: 17/04673/OUT).

1.2 The applicant considers that the appeal proposal will deliver much need family housing at a time when the City can only, even on its own assessment, demonstrate a 5.4 year supply against a requirement that is to be increased by 35% on 16th June 2021. Furthermore, past and future supply in the city is significantly skewed to the provision of student and small one and two bedroomed apartments in and close to the city centre leaving large areas of the city where the demand for family housing is not being met. There is also a chronic and serve under provision of affordable housing.

1.3 The proposal, as first submitted, sought planning permission for the erection of up to 93 dwellings. On the basis of addressing comments from officers of the Council the proposal was amended (January 2020) to up to 85 dwellings and the description of the application was amended accordingly. The proposal upon which the Council made its decision was described as follows:

"Outline application for up to 85 residential dwellings including open space, Land At Junction With Carr Road Hollin Busk Lane Sheffield S36 1GH"

1.4 The planning application was first placed on the Council Planning Committee on 4th June 2019 (agenda Item 11a) (CD1.5). The planning officer at that time considered that there was not a five year supply of housing land and concluded:

"In the absence of an up to date approved local plan, and the Government's planning policy guidance seeking to significantly boost the supply of homes, it is considered that substantial weight has to be given to the delivery of housing that the proposed development would achieve.

On balance it is considered that the dis-benefits of the loss of open space and harm to the character and views of open countryside would not significantly and demonstrably outweigh the benefits of the proposal to provide open market housing and affordable housing, public open space and the associated economic, social and environmental benefits of the proposal."

1.5 The appellant's planning consultant reviewed the committee report and contacted the Council suggesting that the officers may wish to update the report in light of the changes in the 2019 NPPF. The committee decided to defer the consideration of the application at the request of the Planning Manager.

1.6 The application was presented to committee for the second time on 14th July 2020, this time the Council considered there was a 5.1 year supply of housing land and the Planning Officer concluded (CD1.7) (p97):

"In weighing the benefits against the harms, overall, it is acknowledged that the scheme will provide significant benefits in terms of housing delivery within the context of the NPPF requirement to boost the supply of housing and the associated social, economic and environmental benefits that such a development would bring; these benefits are set out above. Although SCC can demonstrate a 5 year supply of deliverable housing sites at the present time and has passed the housing delivery test for two consecutive years, the NPPF makes clear that this is a minimum requirement and the overall focus is housing delivery. On this basis, the benefits are significant.

In contrast, it is acknowledged that the proposal will result in the loss of a small area of greenfield land located within the countryside and allocated as Open Space Area; however

this can only be given limited weight as the relevant policies (CS72, LR5, CS24 and CS33) go beyond the requirements of the NPPF (and in any event, policy LR5 is addressed and there is no conflict). It is also acknowledged that the scheme will result in adverse landscape and visual effects in the immediate vicinity of the site; however these are localised and beyond private residential views, are limited to highway users and limited areas of the adjacent PROW. The site is not located in the green belt, it is not a Valued Landscape and landscape and visual impact on the wider area will be very minimal. A link in the green network will be narrowed but will still remain and the Ecology Unit has raised not overall objections to the scheme subject to conditions. Less than significant harm will be caused to the setting of the heritage assets directly to the south east but this is outweighed by the public benefits of the scheme. It is also acknowledged that the site's location will require future residents to use private motor vehicle as their preferred travel mode, albeit sustainable travel options are available. However this does not fall outside of the acceptability thresholds as set out in the NPPF, as it would not result in unacceptable highway safety impacts or be of a scale that could be viewed as having a residual cumulative impact on the road network that could reasonably be considered as severe.

In reaching a decision on the planning balance exercise, it is concluded that the adverse impacts identified above would not significantly and demonstrably outweigh the delivery of housing and the associated benefits that this would bring in the context of the need to significantly boost the supply of homes.

On this basis, it is concluded that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole, and in line with NPPF paragraph 11dii) planning permission should be granted."

- 1.7 This recommendation was not supported by the committee and the Application was refused by the Council's Planning Committee on the 20th July 2020, against the recommendation of its officer for the following reasons (CD1.7):

"The Local Planning Authority considers that the proposed development would cause substantial harm to the setting of a collection of Grade II Listed Buildings (Royd Farm) that sit to the east of the application site. The development would not result in substantial public benefits that would outweigh such harm to these designated heritage assets. As such the proposed development is considered to be contrary to Paragraphs 194-195 of the National Planning Policy Framework and Policies BE15, BE19 and LR5(e) of Sheffield's adopted Unitary Development Plan.

The Local Planning Authority considers that the proposed development would result in unreasonable harm to the established landscape and to visual amenity at both local and wider levels, creating unacceptable impacts on the character of the area and the intrinsic character and beauty of the countryside, while also undermining the role of the site in visually separating established settlements. The resulting adverse impacts would significantly and demonstrably outweigh any benefits the scheme delivers. As such the proposal is considered to be contrary to Paragraphs 127(c) & 170(b) of the National Planning Policy Framework, Policies GE4 & LR5(i&j) within the adopted Sheffield Unitary Development Plan and Policies CS23, CS24 & CS72 within the adopted Sheffield Development Framework Core Strategy."

- 1.8 The key issues in this Appeal are as follows:

- The effect on the listed farmhouse and farm buildings near the site, which are now in residential use, as a result of effects on their setting and whether these are outweighed by the benefits of the scheme.
- The effects of the development on the landscape and views.
- The role the appeal site plays in the visual separation of existing built up areas.

- The weight to any alleged conflict with development plan policies GE4 and LR5 e, i & j CS23, CS24 and CS72.
- The application of the tilted balance.
- The weight to be given to the paucity of affordable housing delivery (past and future) against the substantial identified requirement.
- The weight to be given to the mismatch between housing supply and delivery compared to housing needs, with supply comprising a predominance of apartments and student accommodation in the city centre.
- The veracity of the Councils claimed five year supply of 5.4 years, as at 1st April 2020, which is marginal and is reliant on sites which there is clear evidence to suggest will not come forward as projected. In addition, there is no clear evidence to support the inclusion of sites with outline permission and those on the brownfield register. This land supply will also need to be assessed alongside the implications of the new standard method for determining housing requirement from 16th June 2021.

2.0 THE APPEAL SITE

- 2.1 The appeal site is located to the north of the junction of Carr Road and Hollin Busk Lane in Deepcar, Sheffield. The site is located on the southern edge of the built up area. A plan of the site can be found at CD1.1.
- 2.2 The site covers an area of some 6.5ha of private agricultural land.
- 2.3 Agricultural fields are located to the west of the application site and along part of the north western boundary. Fox Glen, an Area of Natural History Interest (ANHI) and Local Wildlife Site (LWS) woods runs along the remainder of the north western boundary, this contains Clough Dike and has a housing area directly beyond.
- 2.4 To the northeast, the site adjoins dwellings and their rear gardens on Carr Road. To the east and south east of the site is an extensive housing area.
- 2.5 A cluster of properties and a small field are also located along the eastern boundary between the site and Carr Road. Some of these properties are Grade II Listed (Royd Farmhouse and a barn and farm buildings).
- 2.6 To the south of the site is Hollin Busk Lane with green belt beyond. The site itself is not in the green belt. The south eastern corner of the site adjoins the junction of Hollin Busk Lane, Carr Road, Royd Lane and Cockshot Lane.
- 2.7 The site is located at Deepcar, within Stocksbridge parish. Deepcar is approximately 9.9 miles from Sheffield City Centre.
- 2.8 There are a range of shops and facilities within 900m of the site, with additional facilities accessible within 1.5 miles of the site.
- 2.9 The site is made up of private agricultural fields used for grazing. There is no public access and there are no footpaths across the site. There is a shallow gradient across the site, and it generally falls from the high point at the south to the north of the site.
- 2.10 The site is allocated as part of an Open Space Area on the Sheffield Unitary Development Plan Proposals Maps dated 1998 (CD3.5). The site forms the eastern part of a larger area of land with that notation, which extends to the west and north west. The area adjacent to the eastern edge of the site is an established housing area. An established housing area also exists beyond the north western edge of the site, beyond Fox Glen.

3.0 PLANNING HISTORY OF THE SITE

3.1 The planning history of the appeal site is as set out below.

- a. There was an outline planning application for residential development and new roads and sewers on 17.4 hectares of land, which included the current appeal site in [1990]: Ref No: 89/3037P. This was refused planning permission and dismissed at appeal in August 1991. This application and subsequent appeal covered a much larger site including land to the north of the appeal site and land to the west of Fox Glen. The appeal Inspector concluded that, in the context of the statutory plan for the area (the Stocksbridge District Plan) there was no justification for release of the site for housing development at that time, and that the appeal proposal would be severely detrimental to the character of the area and to the quality of the environment of local residents. This appeal decision has very limited weight in the determination of the current planning appeal given the age of the decision, changed circumstances and subsequent change in national and local policy context. Furthermore, the sites are not comparable with the site subject to the current appeal being substantially smaller in size, having a different relationship with the existing built up areas and a materially different effect on the landscape and views.
- b. An EIA Screening request was made for the erection of 93 dwellings in 2017, related to the appeal application: Ref. No: 17/00142/EIA. It was concluded that the proposed development was not EIA development and therefore, an Environmental Impact Assessment was not required to accompany the planning application.

4.0 THE APPEAL PROPOSAL

- 4.1 The appeal proposal is an outline application for up to 85 dwellings including the provision of open space and with details of access to the Site (but not within it) for approval. All other matters are reserved for approval at the reserved matters stage.
- 4.2 It is proposed that the site would be accessed via a new vehicular access from Carr Road. The submitted Transport Assessment (CD1.23) shows that this access design is acceptable. This report also demonstrates that any impacts of the development on the local highway network would be acceptable.
- 4.3 Further details of the original scheme are provided within the planning application's Planning Statement (CD1.29), and Design and Access Statement (CD1.10).
- 4.4 The proposal has been developed and informed by:
- Illustrative masterplan December 2019 (CD1.3) illustrating the reduction to 85 dwellings.
 - Combined Parameter Plans Rev A Dec 2019 CD1.4
 - Heritage statement (CD1.12)
 - Transport assessment (CD1.23)
 - Landscape and visual appraisal (CD1.11)
 - Ecological Appraisal and Protected Species report (& update and review) (CD1.14, CD1.18)
- 4.5 In summary, the proposal is as follows:
- a. Development of up to 85 dwellings
 - b. Access from Carr Road via a new junction in the site's north eastern corner
 - c. 10% affordable housing contribution
 - d. Approx. 1.53 ha of open space,
 - e. Approx. 0.074 ha of Locally Equipped Area for Play (LEAP),
 - f. Approx. 0.22 ha of SUDs, and
 - g. 1.92 ha of restricted access, enhanced grassland (Note that on the indicative masterplan (CD1.3) this is marked as 'species rich grassland managed for biodiversity and *recreational* benefit' however this will not be accessed for recreation and will be species rich grassland managed for biodiversity net gain).

5.0 PLANNING POLICY CONTEXT

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that regard be had to the development plan for the purposes of determining planning applications and that determination must be made in accordance with that plan unless material considerations indicate otherwise.

a) The Development Plan

5.2 The Development Plan currently comprises the 2011 Sheffield Core Strategy (CD3.1) which covers the period 2004 - 2026 (although policy CS22 states that sufficient sites will be allocated to meet the housing requirement only to at least 2020/21) as well as the saved policies from the 1998 Unitary Development Plan (“UDP”) (CD3.2-3.4) and the Proposals Map that forms part of the Sheffield UDP.

5.3 The following policies are considered to be relevant in the determination of the appeal proposal:

CS22 – Scale of the Requirement for New Housing

CS23 – Locations for New Housing

CS24 – Maximising the Use of Previously Developed Land for New Housing

CS33 – Jobs and Housing in Stocksbridge/Deepcar

CS40 – Affordable housing

CS72 – Protecting Countryside not in the Green Belt

GE4 – Development and the Green Belt Environment

BE15 – Areas and Buildings of Special Architectural or Historic Interest

BE19 – Development Affecting Listed Buildings

LR5 – Development in Open Space Areas

5.4 It will be argued that several of these policies are out of date to a greater or lesser degree in the context of paragraph 213 of the NPPF and/or due to changed facts and circumstances, so that taken together, the basket of most important policies is out of date and the tilted balance in paragraph 11 d should be applied.

b) The most important policies for determining the appeal decision

5.5 The following policies are referenced in the decision (CD1.9) and are considered to be the most important in determining this appeal:

- UDP policies: BE15, BE19, and LR5 e) i) and j), GE4, and LR5 i) and j)
- Core Strategy Policies: CS23, CS24, and CS72

c) National Planning Policy Framework 2019 (“NPPF”)

5.6 The National Planning Policy Framework hereafter referred to as the NPPF (CD4.1) provides guidance for local planning authorities and decision takers in preparing plans and in determining planning applications.

5.7 The presumption in favour of sustainable development is at the heart of the NPPF (paragraph 11). Pursuing sustainable development involves the planning system achieving three objectives: economic, social and environmental (Paragraph 8). However, it is recognised that these are not criteria against which every development can or should be judged (paragraph 9).

5.8 The NPPF also provides guidance about the weight to be attributed to policies based on their

conformity with it; paragraph 213 of the NPPF requires that the weight given to any policy is dependent on its consistency with the NPPF.

- 5.9 Where relevant policies of the Local Plan are out-of-date, then paragraph 11d directs that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The consideration of whether a Local Plan is “out-of-date” extends to situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the three previous years.
- 5.10 Policies can also be out of date due to changed facts and circumstances since their adoption, as well as due to a lack of consistency with the NPPF.
- 5.11 Paragraph 48 of the NPPF attributes weight to relevant policies in emerging plans according to the stage of preparation, any unresolved objections and consistency between the policy and the NPPF. In respect of the Emerging Local Plan in Sheffield, no draft plan has been published and therefore no such policies exist.
- 5.12 The most important sections of the National Planning Policy Framework (2019) for the determination of the Appeal are:
- Chapter 2 – Achieving sustainable development – paragraphs 7, 8, 10, 11*
 - Chapter 5 – Delivering a sufficient supply of homes – paragraphs 59, 73*
 - Chapter 8 – Promoting healthy and safe communities – paragraphs 96, 97, 100*
 - Chapter 9 – Promoting sustainable transport – paragraphs 102, 109, 111*
 - Chapter 11 – Making effective use of land – paragraph 123*
 - Chapter 12 – Achieving well designed places – paragraph 124*
 - Chapter 15 – Conserving and enhancing the natural environment - paragraphs 170, 175 178*
 - Chapter 16 – Conserving and enhancing the historic environment – paragraphs 184 194, 195, 196, 202*
 - Annex 1 – Implementation – paragraphs 213, 215*

6.0 CASE FOR THE APPELLANT

a) Introduction

- 6.1 This appeal proposal is for the development of up to 85 dwellings including open space and with approval of details of points of access to the site (but not within the site).
- 6.2 The application was recommended for approval by the Planning Officers twice (CD1.5 and CD1.7), both when they thought there was and when they thought there was not a 5 year land supply. Officers concluded that there are significant environmental, social, and economic benefits arising from the scheme that outweigh harms.
- 6.3 It was also concluded by the planning officers that whilst there is some harm to the designated heritage assets, it is less than substantial and outweighed by the public benefits the proposal will deliver, correctly taking a conventional (untilted balance) approach.
- 6.4 It was therefore concluded that the proposed development is acceptable in planning terms and does not conflict with the provisions of the Development Plan.
- 6.5 However, the outline application was refused by members of the Planning Committee, with two reasons for refusal as follows (CD1.9):

“The Local Planning Authority considers that the proposed development would cause substantial harm to the setting of a collection of Grade II Listed Buildings (Royd Farm) that sit to the east of the application site. The development would not result in substantial public benefits that would outweigh such harm to these designated heritage assets. As such the proposed development is considered to be contrary to Paragraphs 194-195 of the National Planning Policy Framework and Policies BE15, BE19 and LR5(e) of Sheffield’s adopted Unitary Development Plan.

The Local Planning Authority considers that the proposed development would result in unreasonable harm to the established landscape and to visual amenity at both local and wider levels, creating unacceptable impacts on the character of the area and the intrinsic character and beauty of the countryside, while also undermining the role of the site in visually separating established settlements. The resulting adverse impacts would significantly and demonstrably outweigh any benefits the scheme delivers. As such the proposal is considered to be contrary to Paragraphs 127(c) & 170(b) of the National Planning Policy Framework, Policies GE4 & LR5(i&j) within the adopted Sheffield Unitary Development Plan and Policies CS23, CS24 & CS72 within the adopted Sheffield Development Framework Core Strategy.”

- 6.6 These reasons for refusal are understood to include the following elements:
- Harm to the setting of a collection of Grade II Listed Buildings (Royd Farm and its former barns); and
 - Harm to the established landscape and visual amenity at both the local and wider levels
 - Undermining the role of the site in visually separating settlements of Deepcar and Stocksbridge.

b) The matters understood to be agreed

- 6.7 By reference to the Committee Report (CD1.7) and the terms of the refusal, it is expected that the following will be agreed matters:
- That the most important policies for the determination of the appeal proposal are out of date and the tilted balance is engaged.
 - The site will provide policy compliant affordable housing contributions, which attracts substantial weight (CD1.7 Committee report page 69).
 - The site will exceed the policy requirement for Open Space contributions, which

attracts substantial weight (CD1.7 Committee report page 69).

- The delivery of family homes on the site attracts substantial weight (CD1.7 Committee report page 69).
- Social benefits will arise from the scheme through boosting housing supply including the range of tenure and housing types (to which substantial weight should be attached), the provision of affordable housing (to which substantial weight should be attached), the location of the site within 900m of local services (to which some positive weight should be attached), provision of new open space and play equipment (to which moderate and substantial weight respectively should be attached), the provision of new footpaths and pedestrian crossings (to which moderate weight should be attached), upgrading of bus stops (to which some positive weight should be attached), increased connectivity between through the site into Fox Glen woods (to which substantial weight should be attached) and the provision of CIL contributions (to which moderate weight should be attached). (Page 69, Committee Report (CD1.7)).
- Environmental benefits will arise from the scheme through taking pressure off the green belt to provide housing (to which substantial weight should be attached), sustainable design and construction techniques (to which some positive weight should be attached), and the creation of species rich grassland (to which some positive weight should be attached) (Page 69, Committee Report (CD1.7)).
- Economic benefits will arise from the scheme through delivering housing (to which substantial weight should be attached), creation of employment opportunities (to which substantial weight should be attached), economic benefits through construction and council tax benefits (to which substantial weight should be attached), and future occupiers expenditure (to which moderate weight should be attached) (Page 70, Committee Report (CD1.7)).

c) Heritage (refusal reason 1)

- 6.8 The site comprises pasture fields, divided by dry stone walling and includes several trees. It slopes gently with housing to its north and northeast, beyond Fox Glen, and further housing to its east and southeast.
- 6.9 There are a number of Heritage Assets, in addition to Royd Farmhouse and Barn, in the wider vicinity of the site, and the Appellant will demonstrate that the significance of these would not be harmed by development in their setting.
- 6.10 To the west and northwest there are several listed buildings, primarily residential or agricultural. There is also a Scheduled Ancient Monument, the Bolderstone Glass Furnace. These are all at such distance with intervening planted or built screening, that neither their significance nor setting will be impacted by the proposals.
- 6.11 The Barn at No 17 and Cottages and Farm Building related to Pot House Farm to the east are, similarly too far away, with no intervisibility or other connections to suggest that the site is part of their setting. To the south west is Bolderstone with several heritage assets grouped around the village centre, set in the nearest Conservation Area to the site.
- 6.12 To the east of Bolderstone, Walder's Low, a non-designated heritage asset is thought, despite suspected robbery of much of its stone, to be a prehistoric burial mound. Again, none of these heritage assets are in close enough proximity, nor do they have historical, functional or other connections, which might suggest that the application site is within their setting. The Appellant will therefore demonstrate that the proposals do not constitute development in their setting, or cause other harm.
- 6.13 The primary Heritage Assets of relevance (and those referred to in the reasons for refusal) consist of the buildings which were previously the Farmhouse, Barn, and ancillary buildings

of Royd Farm, located to the eastern boundary of the application site. They are separately Listed Grade II. It is likely that surrounding fields were in the ownership of Royd Farm but neither building has any agricultural purpose now, all having been converted to residential use and their surrounding curtilage. Historic England's Listing provides detailed descriptions of both Royd Farmhouse and its Barn and Farm Buildings, which identify that they originated in the 17th century, were altered in the 18th century and have had various other interventions since then. It is thought that there may be earlier remnants within the fabric of all of these buildings although there are also some 20th century interventions. This results in their artistic, architectural and historic values being low to medium. The Appellant will demonstrate that these values, and thus the buildings' significance, are not directly harmed by the proposals. The application site is likely, in the past, to have had an agricultural association with these heritage assets, therefore the proposals do have the potential to impact the historic values of Royd Farm and its Barn and Farm Buildings by development within their wider setting. As a result of this, a degree of harm may be caused to the buildings' significance. The Appellant will demonstrate that this harm is less than substantial, at the lower end of the scale of such categorisation of harm.

d) Landscape and Visual (refusal reason 2)

- 6.14 Evidence will be presented to address each of the matters raised in the reasons for refusal and this will address specifically the established landscape character of the site and its surroundings, visual amenity and the countryside. The evidence will also address matters relating to the local townscape and urban form and the role of the site in relation to the separation of settlements.
- 6.15 The proposed development has been the subject of a detailed Landscape and Visual Appraisal (CD1.11) undertaken in accordance with best practice guidance and this assessment has informed the design process, illustrative masterplan (CD1.3) and reported the likely effects that would arise. The open space and mitigation proposals associated with the proposed development have also been informed by the landscape assessment (CD1.11). The Appellant will refer to the Landscape and Visual Appraisal when addressing in evidence, the nature and disposition of the likely effects of the proposed development. In this regard, the Appellant will demonstrate that the adverse effects are limited and localised in extent and nature, with the major effects on both views and local landscape character being confined to the site itself and its immediate townscape and landscape context. As concluded by the submitted LVIA (CD1.11), it will be demonstrated that the sites landscape character and that of its local landscape context is able to accommodate a development of the type and scale proposed. It will also be demonstrated that the development is appropriately designed in relation to local landscape character and visual amenity and that the impacts on landscape and local visual receptors have been appropriately minimised.
- 6.16 Evidence will be provided to confirm that the proposed development will have either no effect or no more than a negligible effect upon landscapes of acknowledged importance such as landscapes designated for their National, Regional or local landscape value, including the Peak District National Park. At a local level, the Sheffield UDP includes Areas of High Landscape Value, and the proposed development does not fall within or adversely affect any of these designated landscapes. The UDP also includes an important views designation which is not applied to this site. It will be demonstrated that the development proposals will have no material affect any of these views of acknowledged importance.

e) Five Year Housing Land Supply

- 6.17 At the time of the submission of this appeal the Council claim a 5.4 year supply of land. This is set out in the "5-Year Housing Land Supply Monitoring Report December 2020". This is based on a housing requirement utilising the Standard Method of 2,131 plus a 5% buffer resulting in a total requirement of 11,188 dwellings (CD3.7 Paragraph 2.9).

- 6.18 The Council state that the net supply as at 1st April 2020 was 12,131.
- 6.19 This results in a claimed supply of 5.4 years (CD3.7 Table 4).
- 6.20 If by the date of the inquiry this has not been updated to a 1st April 2021 base it will be shown that the Council cannot demonstrate an up to date 5 year supply of housing land, due to the datedness of the evidence alone.
- 6.21 In addition, it will be demonstrated that there is clear evidence that a number of the sites with full permission will not be delivered as predicted. Furthermore, it will be demonstrated that a number of the outline permissions and Brownfield Register sites do not have clear evidence to demonstrate their delivery.
- 6.22 The new standard method figure for Sheffield as set out in the NPPG (CD4.2), including the 35% uplift is 2,877 dpa.
- 6.23 This would result in a 5 year requirement of 14,385 dwgs (2877×5), and a total requirement of 15,104 dwgs ($14,385 \times 1.05$) when including the 5% buffer determined by the Housing Delivery Test.
- 6.24 This will be utilised in the calculation of the housing requirement from 16 June 2021 onwards (PPG Paragraph: 037 Reference ID: 2a-037-20201216).
- 6.25 It will be argued that the claimed 5 year land supply is marginal at best and temporary.

7.0 POLICY COMPLIANCE AND WEIGHT

a) CS23 – Locations for New Housing

- 7.1 Policy CS23 (CD3.1) states that the main focus for new housing will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield (at least 90% of additional dwellings); and the urban area of Stocksbridge/Deepcar.
- 7.2 The policy refers to the countryside policy restrictions set out in policy CS72 in relation to developments outside the urban areas and larger villages and for reasons set out below that policy is out of date and its weight is diminished. The reliance on it in CS23 is similarly affected.
- 7.3 Further, the distribution of development in policy CS23 was determined in the context of the much lower housing requirement of CS22 and as such that policy is not up to date and its weight is severely diminished. The reliance on it in CS23 is also similarly affected.
- 7.4 In any event, the appeal site adjoins Deepcar and conforms with the general approach set out in policy CS23 (CD1.7 Committee Report page 57).

b) CS24 – Maximising the Use of Previously Developed Land for New Housing

- 7.5 This seeks to achieve that no more than 12% of dwelling completions will be on green field sites between 2004/4 and 2025/6 (CD3.1). The development of the appeal site will not breach this percentage and would therefore be in compliance with this element of the policy, albeit the weight attached to the policy is severely diminished, as the policy is out of date; such limits on development are not consistent with the NPPF (CD4.1).
- 7.6 Part d) of CS24 allows the development of greenfield sites in sustainable locations within or adjoining the urban areas and larger villages, if annual monitoring shows that there is less than a 5-year supply of deliverable sites.
- 7.7 Based on the lack of 5 year land supply, the appeal proposal is in accordance with this policy anyway.

c) CS33 – Jobs and Housing in Stocksbridge/Deepcar

- 7.8 This policy (CD3.1) states that in Stocksbridge/Deepcar new housing will be limited to previously developed land within the urban area.
- 7.9 The Committee Report (CD1.7 Page 64) states that this policy is out of date as it limits housing development to brownfield land. The Appellant agrees with this assessment. The conflict with this policy should attract little weight and it is noted this policy is not referred in the Reasons for Refusal.

d) CS40 – Affordable housing

- 7.10 This policy (CD3.1) sets no specific requirement for affordable housing provision. This is contained within the CIL and Planning Obligations SPD (CD3.8) and guidelines GAH1 requires 10% of floorspace to be provided as affordable housing. The appeal proposal makes such provision, and this carries substantial weight. The Appellant will argue that the Council's low rate of delivery of affordable housing means that very substantial weight should be applied to the provision of affordable housing.

e) CS72 – Protecting Countryside not in the Green Belt

- 7.11 This policy (CD3.1) protects the countryside for its own sake and as such is not in accordance with the NPPF and therefore is out of date. The conflict with this policy should only attract very little weight.

f) GE4 – Development and the Green Belt Environment

- 7.12 This policy (CD3.2) seeks that development which is in or conspicuous from the Green Belt should be in keeping and wherever possible conserve and enhance the landscape and natural environment.
- 7.13 The basis for this policy in 1998 was national guidance at the time that the visual amenities of the green belt should not be injured by development within or conspicuous from the Green Belt.
- 7.14 There is no such guidance in the NPPF and there is no justification for this policy.
- 7.15 This policy is out of date and any conflict should carry no weight in the decision on this appeal.

g) BE15 – Areas and Buildings of Special Architectural or Historic Interest

- 7.16 This policy (CD3.3) seeks to protect areas and Buildings of Special Architectural or Historic Interest and states that development which would result in any harm should be refused. This policy is not in accordance with the NPPF paragraphs 193 to 202 which requires an assessment of harm and a balance is required to be taken in respect of the public benefits of the proposal.
- 7.17 There is a substantive difference between the UDP policy and the NPPF and as such BE15 cannot be considered to be up to date and should only attract little weight.

h) BE19 – Development Affecting Listed Buildings

- 7.18 This policy (CD3.3) addresses development affecting Listed Buildings. Like BE15 it does not reflect the approach in the NPPF. The NPPF requires and assessment of harm and decision makers are required to consider the benefits of the proposal in the balance.
- 7.19 There is a substantive difference between the UDP policy and the NPPF and as such BE15 cannot be considered to be up to date and should only attract little weight.

i) LR5 – Development in Open Space Areas

- 7.20 The site forms the eastern part of a Wider Open Space Area (OSA) as allocated by the 1998 UDP Proposals Map. The policy that relates to development in Open Space Areas is UDP Policy LR5 (CD3.4).
- 7.21 The Appellant agrees with the Committee report (CD1.7 page 32) that open space allocations in the UDP (CD3.5) do not equate to Local Green Space as set out in at paragraph 100 of the NPPF (CD4.1).
- 7.22 Furthermore, the UDP (CD3.2) Open Space Area designation does not equate to the identification of land as open space as defined by the NPPF.
- 7.23 It will be argued that policy LR5 carries little weight in the decision process due to conflict with the NPPF.

8.0 ISSUES RAISED BY OBJECTORS

a) Highways

- 8.1 The Council's Highway Services (CD1.25) have no objection to the proposed site access, and have agreed that the siting and design of the proposed site access is acceptable. The access design is considered to represent an appropriate solution in highway design terms (including visibility) and safety for all users. There is no basis to refuse permission associated with the access to the site for all users in terms of safety and/or capacity.
- 8.2 In considering the availability of sustainable travel modes, it will be demonstrated that there are bus stops on Royd Lane, St Margaret Avenue and Wood Royd Road which are located within reasonable walking distance of the site. Services 23, 57, 57a and SL1 can all be accessed from these stops and will be accessible to future residents of the site. The development will fund upgrades of the bus stops.
- 8.3 It will be demonstrated that the delivery of the appeal development will not result in unacceptable highway safety impacts or result in a severe impact within the context of Paragraph 109 of the NPPF (CD4.1) and there is no basis for refusing the appeal related to highways, access, accessibility to public transport or other facilities.

b) Ecology

- 8.4 During the determination period the LPA agreed that the completed survey work is in accordance with standard methodologies (CD1.7). The Appellant also completed all relevant additional surveys / assessment work as requested by the LPA. The Council agreed that the scope, content and conclusions of the documentation is comprehensive and robust providing the necessary information on all material ecological considerations to determine the application.
- 8.5 There are no statutory designated sites of nature conservation interest present within the Site. Statutory designated sites for nature conservation are situated in the wider environment beyond the Site. The only designated site requiring further consideration during determination of the application, and therefore is relevant to this Appeal, is the South Pennine Moors Phase 1 Special Protection Area (SPA) which includes the Dark Peak SSSI. This designate site is situated 3.6km to the west of the Site.
- 8.6 The LPA have completed an HRA screening assessment. The HRA screening exercise considers the potential impacts of the proposals on the designated site from increased visitor pressure (and or any recreational pressure), domestic pets, local and construction traffic, air quality, supporting habitat on functionally linked land, and in combination. This screening assessment concluded no 'likely significant effects' to the conservation objectives of the designated site from the proposals. Natural England agreed this position and this position remains agreed (CD.1.11 & CD.1.10).
- 8.7 There are no non-statutory designated sites of nature conservation interest present within the Site.
- 8.8 Several non-statutory designated sites for nature conservation are situated in the wider environment beyond the Site. The only non-statutory designated site requiring further consideration during determination of the application, and therefore relevant to this Appeal, is the Fox Glen Local Wildlife Site ("LWS") which is situated adjacent to the northern boundary of the Site.
- 8.9 Over the determination period it has been demonstrated that through the implementation of measures within the Site, the existing infrastructure in Fox Glen and other local recreational resources any material effects on the conservation value of the woodland can be avoided.

- 8.10 The dominant habitat present within the Site is species poor semi-improved grassland. Other habitats present within the Site are limited to a single hedgerow and small areas of scrub / tall ruderal habitats. All of these habitats are of low ecological value.
- 8.11 The detailed species survey work completed at the Site confirms no existence of any statutory ecological constraints from any species, including badger, great crested newt, water vole, white clawed crayfish or reptiles. No bat roosts and significant use by bats was recorded across the Site and the proposed mitigation avoids any residual effects to bats.
- 8.12 Breeding and over wintering bird surveys confirm the assemblage using the Site is only of Local level importance and the implementation of the mitigation package, agreed with the LPA, avoids material residual effects to breeding or over wintering bird assemblages.
- 8.13 The proposals will not result in any 'likely significant effects' to the North Pennine Moors SAC / SPA or effect the conservation status of the Dark Peak SSSI. The minor short-term effects to the Fox Glen are fully mitigated and the proposals provide net gain to the habitats and species recorded within the Site. Consequently, the proposals comply with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended by the EU Exit Regulations 2019), the NPPF and all local planning policies. There are no ecological based reasons which would result in a reason to withhold planning permission. Rather, the development would lead to biodiversity net gain.

c) Drainage

- 8.14 A Flood Risk Assessment (FRA) (CD1.19) report which complies with the requirements of NPPF (CD4.1) was submitted in support of the Outline Planning Application.
- 8.15 Published fluvial flood mapping identifies that the site is located wholly within Flood Zone 1, being the lowest risk area. The FRA considers the risk of flooding from all sources and proposes appropriate mitigation to deal with all identified risks.
- 8.16 A SuDS detention basin is proposed within the surface water drainage network which will be designed to nationally recognised standards and will provide sufficient water quality treatment to mitigate the potential pollutants associated with a residential development.
- 8.17 A flow control device will be provided at the outfall from the proposed surface water drainage network. This will ensure that the rate of runoff from the site post development does not exceed that which would be generated by the greenfield site and as such would not lead to an increase in flood risk elsewhere.
- 8.18 The Lead Local Flood Authority has confirmed that the proposed SuDS scheme is acceptable and will manage surface water runoff to an acceptable rate (so as not to increase flood risk elsewhere) as well as providing an appropriate level of pollution treatment prior to discharge to Clough Dike (CD1.20).
- 8.19 Yorkshire Water has confirmed that the Flood Risk Assessment and Drainage Strategy submitted in support of the Outline Application is acceptable and has further confirmed that capacity exists within the public sewer network to receive foul flows from the proposed site (CD1.22).
- 8.20 The case officer confirmed within the committee report that the proposals comply with the NPPF Section 14 (paragraph 165) (CD4.1).
- 8.21 It will be demonstrated that the approach to drainage of the site has been agreed with relevant consultees and the Council so that Drainage is not an issue at the site and is therefore not something which would warrant refusal of the appeal.

d) Other Objections

- 8.22 The Appellant will also address any other material issues that are raised in the objections by reference to appropriate evidence.

9.0 CONCLUSION

- 9.1 This appeal is made by Hallam Land following the refusal of outline planning permission by Sheffield City Council for the development of up to 85 dwellings with access from Carr Road, and all other matters reserved (reference: 17/04673/OUT).
- 9.2 This application was recommended for approval by officers on two occasions, who undertook a balance of the impacts and benefits of the proposal and considered that the application should be approved.
- 9.3 These benefits are:
- The delivery of family homes on the site attracts substantial weight (CD1.7 Committee report page 69). The Appellant says very substantial weight.
 - The provision of policy compliant affordable housing contributions. This attracts substantial weight (Page 69, Committee Report (CD1.7)). The Appellant says very substantial weight.
 - The site will exceed the policy requirement for Open Space contributions. This attracts substantial weight (Page 69, Committee Report (CD1.7)).
 - Numerous social benefits that attract either limited, moderate and substantial weight (Page 69, Committee Report (CD1.7)).
 - Numerous environmental benefits that attract either limited, moderate or substantial weight (Page 69, Committee Report (CD1.7)).
 - Numerous economic benefits that attract either moderate or substantial weight (Page 69, Committee Report (CD1.7)).
 - The site will provide a net gain to biodiversity that attracts substantial weight.
- 9.4 Against the substantial weight that should be attached to the benefits of the development the negative impacts relate to.
- The impact on the setting of the listed farmhouse and farm buildings near to the site which are now in residential use with associated residential curtilages: It will be shown that this is less than substantial and outweighed by the benefits.
 - The adverse effects of the development on the landscape and views: It will be shown that these impacts are limited and localised in extent and nature, with the major effects on both views and local landscape character being confined to the site itself and its immediate townscape and landscape context.
 - The effects on the separation of settlements: It will be shown that the appeal site plays no material role in the separation of settlements.
- 9.5 It will be demonstrated that the basket of most important policies is out of date and the tilted balance in paragraph 11d should be applied.
- 9.6 It will also be argued that the Council is not able to demonstrate a five year housing land supply and therefore the tilted balance should be applied for this reason alone. The lack of land supply also provides a further weighty reason to grant permission, particularly in the light of the limited non Green belt opportunities for meeting the future needs of the City.
- 9.7 It will be demonstrated that the overall balance of harms and benefits, undertaken properly in accordance with the NPPF indicates clearly that the appeal should be approved.

BEDFORD / SDD / SPRU

4 Abbey Court, Fraser Road
Priory Business Park, Bedford. MK44 3WH
bedford@dlpconsultants.co.uk
01234 832 740

BRISTOL / SDD / SPRU

Broad Quay House (6th Floor)
Prince Street, Bristol. BS1 4DJ
bristol@dlpconsultants.co.uk
01179 058 850

EAST MIDLANDS / SDD

1 East Circus Street, Nottingham
NG1 5AF
nottingham@dlpconsultants.co.uk
01158 966 622

LEEDS

Princes Exchange
Princes Square, Leeds. LS1 4HY
leeds@dlpconsultants.co.uk
01132 805 808

LONDON

108 Clerkenwell Workshops,
31 Clerkenwell Close, London, EC1R 0AT
london@dlpconsultants.co.uk
020 3761 5390

MILTON KEYNES

Midsummer Court, 314 Midsummer Boulevard
Milton Keynes. MK9 2UB
miltonkeynes@dlpconsultants.co.uk
01908 440 015

SHEFFIELD / SDD / SPRU

Ground Floor, V1 Velocity Village
Tenter Street, Sheffield. S1 4BY
sheffield@dlpconsultants.co.uk
0114 228 9190

RUGBY / SDD

18 Regent Place, Rugby, Warwickshire
CV21 2PN
rugby.enquiries@dlpconsultants.co.uk
01788 562 233

**RTPI**

Chartered Town Planner

