



PROOF OF EVIDENCE: ADAM CHAPMAN

ON BEHALF OF THE LOCAL PLANNING AUTHORITY

APPEAL BY: DLP on behalf of Hallam Land Management

SITE AT: Land at Junction With Carr Road

Hollin Busk Lane

Sheffield

S36 1GH

APPEAL AGAINST: Sheffield City Council

LPA REFERENCE: 17/04673/OUT

PINS REFERENCE: APP/J4423/W/21/3267168

DATE: May 2021

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1.0 INTRODUCTION

1.1 This Proof of Evidence is prepared in respect of the appeal by Hallam Land Management (“the Appellant”) against the decision of Sheffield City Council (“The Council”) to refuse outline planning permission for Land at the Junction of Carr Road and Hollin Busk Lane, Sheffield.

1.2 This evidence relates to refusal of outline permission under application reference 17/04673/OUT for development described as:

”Up to 85 dwellings including open space (amended description).”

1.3 The application was refused by a decision notice (CD1.9) dated 20th July 2020 following resolution by the Council’s Planning and Highways Committee on the 14th July 2020 for the following reasons:

1. *“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.”*

2. *“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.”*

2.0 Qualifications and Experience

- 2.1 My name is Adam Chapman; I am a Principal Planning Officer at Sheffield City Council. I have held this position for 5 years, prior to which I was a Planning Officer at Sheffield City Council for 11 years and West Lindsey District Council for 1 year. I have a BA (Hons) in Planning Studies and a Diploma in Town Planning from Sheffield Hallam University.
- 2.2 I can confirm that the evidence which I have provided for this Inquiry are my true professional opinions on the merits of the appeal proposal.

3.0 THE APPEAL SITE

- 3.0 The appeal site (CD1.1) relates to approximately 6.5 hectares of land located on the south western edge of Deepcar.
- 3.1 The site comprises of open fields, separated by traditional post and rail fencing and dry-stone walls. The land is used for grazing purposes and contains a small number of animal shelters and scattered tree planting. It has a shallow gradient that falls from south to north.
- 3.2 The site borders agricultural/grazing fields and Fox Glen Wood (Local Wildlife Site and Area of Natural History Interest) to the north and north west; existing dwellings to the north; Carr Road, a dwelling and a collection of Grade II listed buildings (Royd Farmhouse, a barn and farm buildings) to the east; and Hollin Busk Lane to the south.

4.0 RELEVANT PLANNING HISTORY

4.0 In 1990 outline planning permission (CD5.23a) was refused for the residential development and construction of new roads and sewers on 17.4 hectares of land (which included the current appeal site) at Carr Road, Hollin Busk Lane and Broomfield Lane (application no. 89/3037P)

4.1 The reasons for the refusal were:

“the proposal would result in significant environmental intrusion and damage to the ecology of the area, particularly Fox Glen, thereby representing a serious reduction in the amenities currently enjoyed by a large number of people”; and

“the proposal is contrary to policy 3.2.8 of the adopted Stocksbridge District Plan and it is considered that there are other sites in the locality which are suitable for residential development involving considerably less environmental intrusion and ecological damage.”

4.2 An appeal against this refusal (CD5.23) was dismissed in August 1991. 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.

4.3 Although not on the appeal site two separate applications (refs: 96/1063P and 97/0424P) each for a detached dwelling, were refused on land adjacent to Royd Cottage, which is adjacent to the appeal site (CD7.19a-20a). The Sheffield Planning and Highways committee later resolved to grant planning consent for a detached dwelling under application ref: 99/0765P (CD ref:) on the same site.

4.4 In July 2007 an application for two dwellings on the south eastern corner of the appeal site (adjacent to Carr Road) was withdrawn (application ref: 07/02340/OUT).

4.5 In June 2008 a revised application (ref: 08/02296/OUT) for one dwelling on a smaller parcel of land just outside the current appeal site, was

refused for two reasons (CD5.22b). The first reason related to amenity impacts on the adjacent dwelling (Royd Cottage) and is not relevant to this particular appeal. The second reason is however relevant and is repeated in full below:

“The application site is within an area designated as Open Space in the Sheffield Unitary Development Plan (adopted 1998). The Local Planning Authority consider that the proposed development would conflict with Policy LR5 of the Unitary Development Plan, since it would detract from the green and open character of a wedge of open countryside which forms part of an identified Green Network.”

- 4.6 An appeal against the Council’s decision to refuse permission was dismissed (CD 5.22-22a) in April 2009. The development was noted to be harmful to the character and appearance of the area. The appeal inspector recognised the site’s strong green character and the contribution it makes to the pleasant open appearance of the locality. The extension of built form adjacent to Carr Road was considered to erode the area’s green character and increase the sense of enclosure (along Carr Road).
- 4.7 In October 2017, the Secretary of State for the Department for Communities and Local Government issued a screening direction (CD 1.32) that the appeal proposal was not EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.8 The Council has agreed the above as the relevant planning history related to this Inquiry.

5.0 MAIN ISSUES

- 5.1 The main issues identified in the Inspector's Case Management Conference (CMC) note are detailed below:
- A. The effect of the proposed development on the character and appearance of the surrounding area;
 - B. The effect of the proposed development on the special interest of nearby heritage assets.
- 5.2 In addition to the above the Council's ability to demonstrate a 5-year housing land supply and to have passed the housing delivery test for the last 3 years is considered by both the appellant and the Council to be a main issue relevant to the determination of this appeal.
- 5.3 My proof of evidence will consider the weight that should be attributed to the most important policies relevant to the determination of this appeal, draw conclusions as to the overall merits of the scheme in the planning balance; as well as assessing the application of the tilted balance in light of paragraph 11 d) of the Framework.
- 5.4 My evidence must be read in conjunction with that of my colleagues. Together our evidence will address the reasons for refusal (CD1.9) and the main issues identified in paragraph 5.1 of this proof of evidence.
- 5.5 Mrs Stephens will provide evidence on the Council's 5-year Housing Land Supply position.
- 5.6 Mr Ares will review the appellant's Landscape and Visual Impact Assessment (LVIA) (CD1.11a to 11c) and evidence the harm the appeal proposal would have on the landscape character and appearance of the appeal site, and surrounding area.
- 5.7 Mrs Masood's evidence will demonstrate that the significance of adjacent heritage assets would be substantially harmed by the appeal proposal.
- 5.8 The Council and the Appellant have been communicating with regards to the specific areas of disagreement. Statements of common ground (SoCG) have been agreed in respect of highways (CD6.10), Flood risk

and drainage (CD6.12) and ecology (CD6.11). Heritage (CD6.9), planning policy (CD6.7), 5-year housing land supply (CD6.14), landscape and visual amenity (CD6.8) SoCG's have also been agreed, however areas of dispute remain on these specific topics, the detail of which will be explained in this and other witnesses' proofs of evidence.

6.0 RELEVANT PLANNING POLICIES MOST IMPORTANT TO THE DETERMINATION OF THIS APPEAL.

6.0 The Development Plan Comprises the 1998 Unitary Development Plan (UDP) (CD3.2a to 3.5) and the Core Strategy (2009) (CD3.1)

6.1 The relevant saved development plan policies in relation to the appeal are listed below. The most important policies relevant to this appeal are highlighted in bold text:

- **BE15 Areas and Buildings of Special Architectural or Historic Interest**
- **BE19 Development affecting Listed Buildings**
- **LR5 Development in Open Space Areas**
- **GE4 Development and the Green Belt Environment**
- GE10 Green Network
- GE11 Nature Conservation
- GE12 Nature Reserves
- GE13 Local Nature Sites
- GE15 Trees and Woodland
- GE17 Rivers and Streams
- GE22 Pollution
- GE23 Air Pollution
- GE25 Contaminated Land
- GE26 Water Quality and waterways
- H16 Open Space in New Housing Development
- BE12 Public Art
- BE22 Archaeological Sites

6.2 Policies of the Sheffield Development Framework Core Strategy 2009 (CD3.1):

- **CS22 Scale of the Requirement for New Housing**
- **CS23 Locations for New Housing**
- **CS24 Maximising the Use of Previously Developed Land for New Housing**

- CS26 Efficient use of housing land and accessibility,
- **CS33 Jobs and Housing in Stocksbridge**
- CS40 Affordable housing
- CS43 Schools
- CS46 Quantity of Open Space
- **CS47 Safeguarding of Open Space (part b)**
- CS51 Transport priorities
- CS53 Management of demand for travel
- **CS63 Responses to climate change (part h)**
- CS64 Climate change, resources and sustainable design of developments
- CS65 Renewable energy and carbon reduction
- CS66 Air Quality
- CS67 Flood risk management
- **CS72 Protecting Countryside not in the Green Belt**
- CS73 The strategic green network

6.5 The National Planning Policy Framework (NPPF) (CD4.1) is a material consideration, of which the following sections are of particularly importance:

- **Chapter 2. Achieving sustainable development.**
- **Chapter 4 Decision Making**
- **Chapter 5 Delivering a Sufficient Supply of Homes**
- Chapter 8 Promoting healthy and Safe Communities
- Chapter 9 Promoting Sustainable Transport
- **Chapter 11 Making Effective use of Land**
- **Chapter 12 Achieving Well-designed Places**
- **Chapter 13 Protecting Green Belt land**
- Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15 Conserving and Enhancing the Natural Environment**

– **Chapter 16 Conserving and Enhancing the Historic Environment**

7.0 ASSESSMENT OF MAIN ISSUES AND RELATED POLICY.

- 7.1 The appellant argues that the most important local policies relevant to the determination of this appeal are inconsistent with Framework (CD4.1), and the weight afforded to them should be substantially reduced in line with paragraph 213 of the Framework.
- 7.2 The local policies the Council consider most important to the determination of this appeal are identified (**emboldened**) in section 6 of this proof of evidence. I shall consider the weight that should be attributed to these policies in the context the Framework, reasons for refusal, the main issues identified by the Inspector (paragraph 5.1 of this proof) and the Council's published 5-year housing land supply (CD3.7a).
- 7.3 **The effect the proposal would have on the character and appearance of the area (main issue A and reason for refusal 2)**
- 7.4 UDP map 1 'Stocksbridge' (CD 3.5) confirms that the appeal site is in an area of open space. Its southern boundary (Hollin Busk Lane) does however adjoin the green belt. The appeal site and adjoining green belt land are visually and spatially contiguous comprising of open undulating pastoral grazing land. The appeal site is considered an integral and valued element of the natural environment, wider landscape and the predominate rural character of the southern fringe of Deepcar, much of which is in the green belt.
- 7.5 As matters of landscaping, layout, scale, and appearance are reserved for subsequent approval, the extent to which the character and appearance of the site and the adjoining green belt is affected can only be evaluated in accordance with the revised parameter plans (CD1.4 to 1.4f) and considering the illustrative masterplan (CD1.3a). The parameter plans don't provide specific details of the form and appearance of the development. The submitted illustrative masterplan (CD1.3) demonstrates one possible configuration for how the proposed housing development could be accommodated on the site.

- 7.6 Mr Ares's evidence demonstrates that the appeal site and surroundings exhibit high Scenic and Landscape Qualities and the site forms a tranquil extension of the open countryside to the south of Deepcar. There is no noticeable visual break between the appeal site and the adjoining green belt that comprise of the 'Upland Landscape Character type of Pastoral Hills and Ridges'. The landscape in which the appeal site is located is considered sensitive in terms of its ability to accommodate additional development, and as a result highly susceptible to change.
- 7.7 Up to 85 dwellings (up to 2 and half storeys in height), associated infrastructure, intensively managed areas of public open space (including play space) and the intensification in use of the site that will occur, is not only considered to have a major adverse (negative) impact on the character and appearance of the appeal site, but will also negatively impact the wider landscaped, rural, and open character of the green belt, contrary to GE4 (CD3.2a).
- 7.8 Policy GE4 of the UDP requires the scale and character of development within or conspicuous from the green belt to be in keeping and where possible conserve and enhance the landscape and natural environment. The objectives of GE4 closely align with the following paragraphs of the Framework:
- 141 which encourages LPA's, amongst other things to 'retain and enhance landscape, visual amenity and biodiversity of the green belt',
 - 127 (c) which requires development to be sympathetic to local character (and history) including the surrounding built environment and landscape setting and;
 - 170 b) which requires development to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 7.9 Framework paragraph 133 confirms that the Government attaches great importance to green belts. Paragraph 144 of the Framework requires local planning authorities to ensure that substantial weight is given to any harm

to the green belt. Considering the above, the aims of saved Policy GE4 continue to align with the highlighted sections of the Framework and retain substantial weight. The appeal proposal is considered to breach GE4.

- 7.10 The appeal site forms part of a larger open space area (OSA) that covers the southern edge of Deepcar (CD3.5). Parts (i) and (j) of Saved UDP policy LR5 ‘Development in Open Space Areas’ (CD3.4a) state that development will not be permitted where:
- (i) it would result in over-development or harm the character of an area; or
 - (j) it would harm the rural character of a wedge of open countryside;
- 7.11 The definition of open space in the annex 2 of the Framework identifies that visual amenity alone is no longer a reason on its own for a site to be classed as open space. A site also has to offer an important opportunity for sport and recreation and if it does, it can also contribute to visual amenity. The Framework’s definition of open space and the guidance in paragraphs 96 to 101 (Open Space and Recreation) are more up to date reducing the weight that can be afforded to saved UDP Policy LR5.
- 7.12 The guidance on open space and its definition in the Framework does not however alter the site’s status/designation as an area of open space in the 1998 UDP. Saved UDP policy LR5 and Core Strategy policy CS47 (CD3.1) which relate to development affecting open space therefore remain relevant and must be assessed for consistency against the Framework.
- 7.13 Part (i) of saved UDP policy LR5 is concerned with protecting the character of the area and part (j) the specific rural character of areas of open space. CS47 part b of the Core Strategy identifies that the development of open space will not be permitted where it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value.
- 7.14 These specific elements of LR5 and CS47 align closely with Framework paragraphs 127 (c) which requires development to be sympathetic to local character (and history) including the surrounding built environment and

landscape setting; and 170 b) which requires development to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. LR5 part (i) and (j) and CS47 part b therefore retain moderate weight in the determination of this appeal.

- 7.15 As indicated in Mr Ares's proof of evidence the landscape in which the appeal site is located is of high value and highly sensitive in terms of its ability to accommodate additional development. The site's intrinsic visual amenity value is significant, afforded by its open character and appearance from various public vantage points to the north and south (including road frontages and users of PROWs) along with views from private residential properties.
- 7.16 Fox Glen wood provides a buffer between the appeal site and the more developed areas of Stocksbridge (to the north). Visually and spatially the site is considered to be more closely connected with the open countryside and green belt to the south and west, than the developed housing areas to the north and east. The site provides a strong sense of being in the countryside due to its character, appearance and its evident sense of openness.
- 7.17 The contribution the appeal site makes to the landscape setting and intrinsic character of the countryside (at a local and wider level) is significant and would be harmfully affected by the appeal proposals. The development is considered contrary to CS47 part b of the Core Strategy, LR5 (i) and (j) of the UDP and the relevant highlighted paragraphs of the Framework.
- 7.18 Core Strategy CS72 (CD3.1), identifies the appeal site (Hollin Busk) as one of only four parcels of land (a to d) on the edge of Sheffield's built area, not in the green belt, that should be safeguarded and protected as open countryside because of their green, open and rural character. Paragraph 12.8 of the Core Strategy (CS72's supporting text) provides a more detailed explanation for the site's protection, identifying it as an integral part of the countryside and highlighting the important role the site plays in providing a visual break between the settlements of Stocksbridge

and Deepcar. The site's prominence in local views; and the significant contribution it makes to the character and distinctiveness of the area (Stocksbridge) are also specifically highlighted.

- 7.19 When Core Strategy policy CS72 and its explanatory text are considered alongside each other they continue to closely align with Framework paragraphs 127 (c) and 170 (b) which recognises the need for development to be sympathetic to a site's landscape setting, and value of the intrinsic character and beauty of countryside.
- 7.20 The protection of the site is also consistent with the Paragraph 8 c) of the Framework which recognises that sustainable development should contribute to protection and enhancement of the natural environment. For these reasons alone CS72 retains moderate weight.
- 7.21 The explanatory text (paragraph 12.8) of CS72, also confirms that there is no need to develop the site, as housing can be accommodated on previously developed land with the urban area. As the Council can demonstrate a 5-year housing land supply and has passed the housing delivery test for the last 3 years (evidenced by Mrs Stephen's) the weight attributed to CS72 and its protection of the appeal site is increased.
- 7.22 Policy CS22 (CD3.1) sets out the scale of the requirement for new housing in Sheffield over the plan period 2004 to 2026. Except for a statement in CS22 that '*a 5-year supply of deliverable sites will be maintained at all times*' the policy does not carry weight, as Sheffield's housing requirement is now based on the Government's standard methodology for calculating Local Housing Need contained in its planning practice guidance 'Housing and Economic Needs Assessment (MHCLG Guidance 2015 updated December 2020).
- 7.23 Policy CS23 (CD3.1) identifies that housing development should be concentrated where it supports urban regeneration and makes efficient use of land and infrastructure. Suitable, sustainably located sites within, or adjoining, the urban area of Sheffield (90% of additional dwellings) and Stocksbridge/Deepcar are specified as the focus for housing development up until 2021. Outside of these urban areas and villages CS23 confirms

that housing development should be limited to that which is consistent with the policies of the Green Belt and Countryside areas specified in Policy CS72. The appeal site (Hollin Busk) is identified in CS72 as a site that should be safeguarded and protected as open countryside because of its green, open and rural character.

- 7.24 Policy CS24 (CD3.1) prioritises the redevelopment of brownfield land (previously developed land) over green field sites. Part d of CS24 confirms that up to 2026 greenfield release of sites within or adjoining the urban area or larger villages (such as the appeal site), should only be developed if there is less than a 5-year supply of deliverable housing sites.
- 7.25 Core Strategy Policy CS33 'Jobs and Housing in Stocksbridge/Deepear' (CD3.1) and CS63 'Responses to Climate Change' part h (CD3.1) are also relevant. CS33 confirms that new housing will be limited to previously developed land within the urban area of Stocksbridge and Deepear. CS63 part h identifies that action to adapt to expected climate change will require giving preference to development of previously developed, sustainably located land.
- 7.26 The objectives of these local policies involve supporting the redevelopment of brownfield or previously developed land in sustainable locations is reflected in different sections of the Framework. Framework paragraph 8c identifies that the protection and enhancement of the environment (natural, built, and historic) through the effective use of land is an integral part of the planning system's purpose of contributing to achieving sustainable development.
- 7.27 The appeal site is not previously developed or brownfield land in accordance with the Framework's definition (Annex 2.) Framework paragraph 117 requires strategic policies to set a clear strategy for making as much use as possible of previously developed land, and paragraph 118 c) confirms that substantial weight should be afforded to the value of using suitable brownfield land within settlements for homes (and other identified needs). As such the Framework can be considered to express a

strong preference for developing brownfield and previously developed land in advance of greenfield land, such as the appeal site.

- 7.28 The Framework sets out varying levels of support and direction for housing development. This prioritises brownfield land in settlements, then brownfield land in sustainable locations, and so on down a hierarchy. The development of agricultural land in the countryside which is of high visual amenity value is very far down this hierarchy. Using the terminology of the Framework ‘less than substantial weight’ should therefore be afforded to the redevelopment of green field land, in particular sites that have intrinsic visual amenity and landscape value, such as the appeal site.
- 7.29 Core Strategy (CD3.1) policy CS24 and CS33’s seemingly brownfield first approach isn’t fully reflective of the Framework. However, as the Council can demonstrate a 5.4 -year supply of deliverable housing land, has passed the housing delivery test and there is demonstrable harm to the character and appearance of the site (and surrounding area), moderate weight is afforded to CS23, CS24 and consequently CS33, CS63 part h and CS72 (which affords specific protection to the appeal site) as they align with the identified objectives of the Framework. The appeal proposals are considered to breach these policies.
- 7.30 **The effect of the proposed development on the special interest of nearby heritage assets (reason for refusal 1.)**
- 7.31 The appeal site forms part of the setting of a collection of heritage assets (Grade II listed Buildings) located adjacent to Carr Road known as Royd Farmhouse, The barn and associated Farm Buildings, and a Cruck Barn located some 30 metres to the north east of The Royd.
- 7.32 My colleague Ruth Masood’s evidence sets out the historic and visual value embedded in the appeal sites connection with the adjacent heritage assets and describes how the significance of the setting of this (once rural agricultural) group of buildings would be substantially harmed by the appeal proposals.

- 7.33 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decisions on development affecting a listed building or its setting to be taken with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.34 The protection and enhancement of the historic environment is an integral part of the environmental objective of sustainable development (Paragraph 8 c. of the Framework) and further guidance on conserving and enhancing the historic environment is set out in Chapter 16 of the Framework. The desirability of sustaining and enhancing assets, the positive contribution assets can make to sustainable communities and the desirability of new development contributing to local character and distinctiveness are identified by Framework paragraph 192 a) to c) as matters that LPAs should take account of when determining applications (affecting heritage assets).
- 7.35 Framework paragraph 193 requires great weight to be afforded to an asset's protection irrespective of whether potential harm to its significance amounts to substantial harm, total loss or less than substantial harm.
- 7.36 Framework Paragraph 194 confirms that any harm to heritage assets requires clear and convincing justification and substantial harm (to grade II listed buildings) should be exceptional. Local planning authorities should refuse consent for development which leads to substantial harm to designated heritage assets, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the criteria identified in parts a to d of paragraph 195 apply.
- 7.37 The appeal proposals breach saved UDP policy LR5 (e) relating to the protection of heritage assets in open space areas (CD3.3a); saved UDP policy BE15 (CD3.3a), which identifies that development that would harm the character or appearance of listed buildings should not be permitted; and saved UDP policy BE19 (CD3.3a) which expects development

affecting listed building(s) to preserve their character, appearance and setting.

- 7.38 In relation to how harm to heritage asset should be assessed, Paragraphs 194 and 195 of the Framework are more up to date than the identified local planning policy. The saved local plan policy objectives of protecting heritage assets and their setting do however very closely align with the guidance in the Framework (chapter 12) and the objectives of the Planning (Listed Building and Conservation Areas) Act 1990 which afford heritage assets and their setting significant protection. BE15, BE19 and LR5 (e) therefore continue to carry moderate weight and remain determinative in this appeal.
- 7.39 Considering the appeal proposals against Framework paragraph 195 the substantial harm caused (evidenced by Mrs Masood) is not considered necessary to achieve substantial public benefits, and the appellants' claimed benefits (paragraphs 8-8.19 of this proof of evidence) do not outweigh the substantial harm caused. The criteria in a to d (inclusive) of paragraph 195 also do not apply to this proposal. As such there remain clear reasons to refuse the proposal.
- 7.40 The appellant argues that the development would result in less than substantial harm to the significance of the affected designated heritage assets. In these circumstances paragraph 196 of Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the asset.
- 7.41 Securing the asset's optimal use is not relevant as the harm relates to the setting of heritage assets, all of which are currently in use as dwellings. As with the tests in paragraph 195 the Council is required to weigh alleged 'less than substantial harm' against the public benefits of the scheme.
- 7.42 Ruth Masood's evidence demonstrates that the appeal proposals would cause substantial harm to the significance and group setting of the identified heritage asserts. Framework paragraph 193 is clear that great weight should be given to the preservation of heritage assets irrespective of whether potential harm amounts to substantial harm, total loss or less

than substantial to its significance. The level of harm caused is a matter of dispute between the Council and the appellant. Irrespective, the Council has given great weight to the protection of the heritage assets affected and maintain that the harm caused is substantial.

- 7.43 Regardless of whether the Inspector agrees with the Council's view that 'substantial harm' or the appellant's view that 'less than substantial harm' is caused to the setting of designated heritage assets, the Council maintain that substantial public benefits (paragraph 195) or the lesser test of public benefits (paragraph 196) which outweigh the harm caused, have not been demonstrated, and there remain clear reasons for refusal.
- 7.44 Saved UDP policy's BE15, BE19 and LR5(e) which closely align with the Framework are breached. The Council maintains that the level of harm to the setting of the heritage assets is substantial and accordingly Paragraphs 193, 194, 195 and 196 of the Framework are breached.

8.0 ASSESSMENT OF THE BENEFITS OF THE DEVELOPMENT IDENTIFIED IN THE APPELLANTS STATEMENT OF CASE (CD6.2)

- 8.1 The appellant's views on the benefits of the development are set out in paragraph 6.7 and 9.3 of their Statement of Case (CD6.2). The merits of these benefits and the weight they are afforded (individually and cumulatively) by the Council are considered below:
- 8.2 Delivery of market housing, access to broader range of homes and a policy compliant level of affordable Housing (10% GFA)
- 8.3 Floor space is not fixed at outline application stage. However, using dwelling numbers as a proxy the scheme can be expected to provide 8-9 affordable units. This is a limited contribution to the identified need of 902 dwellings per annum. As such limited weight is attributed to this benefit. That is not to deny it is a benefit, but simply to register the scale of the contribution made.
- 8.4 As to the market housing, this too is beneficial and in line with the Government's objective of boosting the supply of housing. However, it must be placed in the context of the existing 5-year housing land supply and past performance against the housing delivery test (CD3.7a/b). The provision of a broad range of new homes is afforded moderate weight given the 5-year housing land supply position.
- 8.5 The creation of employment opportunities, Construction value, GVA, new homes bonus (NHB), council tax income, increased expenditure in the local economy
- 8.6 Direct employment benefits would be short-term construction phase only. I recognise that the occupation of the dwellings would increase spending in the locality and generate associated income for the Council through the New Homes Bonus and council tax, and I attribute moderate weight to these benefits in the context of the existence of a 5.4-year deliverable housing land supply.
- 8.7 Publicly accessible open space (including equipped play space) and links into Fox Glen wood

- 8.8 The open space proposed is only shown indicatively (CD1.4e). Whilst it could exceed local policy requirements, an accessible area of public open space (Fox Glen Woods) is located immediately adjacent and various PROW's and walks are available in the proximity of the appeal site. Any newly created open space is also more likely to be used primarily by the new occupiers rather than being a benefit to the wider community. I attach moderate weight to this benefit.
- 8.9 The creation of species rich grassland.
- 8.10 As this is direct mitigation for the loss of grassland across the remainder of the site, limited weight is allocated to this benefit.
- 8.11 Highway improvements including the upgrading of two existing bus stops
- 8.12 Highway improvements are proposed that include new footways, an uncontrolled pedestrian crossing, and the incorporation of the MOVA system into the signal-controlled junction of Manchester Road - which most vehicle trips will pass through (at the bottom of Carr Road) to access the appeal site. These improvements are considered necessary to provide residents with safe access to the surrounding highway network and facilitate the efficient flow of traffic on the adjacent highways. Enhanced public transport waiting provision in the form of new/replacement covered bus stops could increase bus patronage, however given the site's location on the edge of Deepcar, the area's topography and limited-service frequency barriers to accessing sustainable transport will remain. Limited weight is allocated to these benefits as they are largely required mitigation.
- 8.13 CIL contributions.
- 8.14 Rather than a benefit CIL contributions are standard requirements for major housing developments such as this. The contribution is necessary to offset increased demand on local infrastructure (education, health care, open space, highways etc.) generated by the development. Considering the above and the existence of a 5.4-year deliverable housing land supply, very limited weight is attributed to this benefit.

- 8.15 Effective use of the land reducing the pressure to develop sites in the Green Belt
- 8.16 It cannot be assumed that the development would reduce pressure to develop other sites elsewhere, and when this claimed benefit is considered in the context of the existence of a 5.4-year deliverable housing land supply it is afforded limited weight.
- 8.17 Sustainable design and construction techniques (including Suds)
- 8.18 Measures to reduce the effects of climate change are expected as part of major developments such as this. The Framework and the development plan offer clear guidance and requirements on these matters, and that includes the sustainable management of surface water given capacity issues with the mains drainage system and reducing the energy demands of the development. As such these factors are largely considered necessary mitigation. Furthermore, when considered in light of the existence of a 5.4-year deliverable housing land supply limited weight is allocated to these benefits.
- 8.19 Some of the claimed benefits are in fact necessary mitigation and are therefore afforded very limited weight, the other benefits are at best moderate and not considered significant in the context of the scheme and the provision of a 5-year housing land supply. Furthermore, none of these benefits are considered to outweigh the harm caused to heritage assets in light of paragraph 195 or 196 of the Framework, the harm to the landscape and visual amenity of the site, wider area and green belt, or indeed outweigh the harm caused when considered in the overall planning balance.

9.0 DECISION MAKING FRAMEWORK AND CONCLUSION

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's Development Plan comprises the saved policies of the Unitary 1998 Development Plan (CD3.2a-3.4b) and the 2009 Core Strategy (CD3.1) .
- 9.2 Paragraph 213 of Framework states that existing policies in a development plan should not be considered out of date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the Framework.
- 9.3 My evidence and that of my colleagues demonstrates that the most important policies of the development plan, relevant to the determination of this appeal when considered as a 'basket' of policies are not out of date, and there is a breach of these policies.
- 9.4 All other material considerations must however be considered, and the Framework is of notable significance.
- 9.5 Paragraph 11 of the Framework identifies that when making decisions, a presumption in favour of sustainable development should be applied, and for decision taking this means:
- (c) approving development proposals that accord with an up-to-date development plan without delay; or*
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.6 The above is often referred to as the “*tilted balance*”.
- 9.7 Framework paragraph 11c) relates to circumstances where an up-to-date Development Plan is in place and development proposals comply with it. This is not the case in this instance and paragraph 11c) is not considered relevant.
- 9.8 Paragraph 11d) relates to circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 7 of the Framework confirms that policies which are most important for determining the application includes (for applications involving the provision of housing), situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 9.9 Mrs Stephen’s evidence demonstrates that the Council has a deliverable 5-year Housing Land Supply (HLS) of 5.4 years (as of the 1st April 2020) (CD3.7a/b) and has passed the housing delivery test for the last three years. The Council can therefore meet its local housing needs as calculated with respect to the Government’s standard method currently in operation. Paragraph 11 of the Framework, which says that policies for determining the application are automatically out-of-date where a 5-year HLS cannot be demonstrated, were not applicable when the application was refused, and are not applicable to this appeal.
- 9.10 The Council will not have published a revision to the December 2020 5 Year Housing Land Supply Monitoring Report (CD3.7a) prior to the Inquiry (22nd June). The published position of a 5.4-year supply will therefore remain. The Council do not anticipate that a revised final figure will be available until July 2021.

- 9.11 The presence of 5.4-year housing land supply and passing of the housing delivery test increases the weight that can be applied to local planning policies to CS23, CS24, CS33, CS64 part h and CS72 (CD3.1). These policies either protect the appeal site for its value and landscape character, and/or seek to prioritise the development of brown field or previously developed land over greenfield sites. The Framework does not strictly advocate a brownfield first approach, paragraphs 117 and 118 c do however indicate a strong preference for developing previously developed land in advance of greenfield land. Various other local and national policies and guidance also seek to protect the character, visual amenity, and the intrinsic value of the countryside. The proposals are considered contrary to the identified local and national policy and guidance, and the breach of these policies is afforded substantial weight in the planning balance.
- 9.12 Paragraph 11 (d) goes on to state where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.13 Footnote 6 of the Framework sets out a list of areas / assets of importance to which paragraph 11d) i applies. Designated heritage assets are listed in footnote 6.
- 9.14 The guidance in chapter 12 of the Framework and specifically paragraphs 194 and 195 of the Framework require the benefits of a scheme to outweigh the harm caused to a heritage asset, whether that be substantial harm or less than substantial.

- 9.15 As evidenced by Mrs Masood substantial harm to the setting of designated heritage assets would occur and this harm would not be outweighed by substantial public benefits. On that basis it is considered that the policies of the framework (and relevant saved local policies) that protect assets of importance (designated heritage assets) provide a clear reason for refusing the development and the tilted balance should not be applied in accordance with paragraph 11 (d) i.
- 9.16 The site is not a Valued Landscape using the terminology of the Framework. Harm to features that are relevant to the Framework's objectives of preserving the historic environment, housing land supply, retaining and enhancing landscape, protecting the visual amenities of the green belt, the need for development to be sympathetic to local character, the surrounding environment, landscape setting and the intrinsic character and beauty of the countryside, and the enhancement of the environment remain important material considerations.
- 9.17 Hollin Busk is identified in the Core Strategy (CD3.1) at paragraph 12.8 as *'a large and integral part of the countryside south of Stocksbridge, prominent in local views and providing an important visual break between the settlements of Stocksbridge and Deepcar. Its rural character is greatly valued locally and there is no need to develop it as new housing can be provided on previously developed land within the urban area. Indeed, protection of the area makes a significant contribution to the character and distinctiveness of Stocksbridge'*.
- 9.18 The evidence of Mr Ares identifies the sites landscape and visual amenity value as significant and highly sensitive in terms of its ability to accommodate additional development. As a result, the appeal proposals are considered to have adverse landscape and visual effects both locally and at a wider scale. The character and appearance of the adjacent green belt is negatively affected by the appeal proposals
- 9.19 The Framework does not expressly rule out the development of green field land, (such as the appeal site) it does however have a clear thread running through it that gives strong support to making the best and most

efficient use of previously developed land. This theme is relevant in affording weight to the benefits and disbenefits of this scheme in its particular location and when considering the identified conflict with other aspects of the Framework and development plan.

- 9.20 Having assessed the most important local plan policies relevant to the determination of this appeal against the policies in the Framework, when considered as a 'basket of policies', they are not out-of-date within the meaning of the paragraph 11 of the Framework and indeed retain significant weight in the determination of this appeal.
- 9.21 The emphasis the Government places on boosting the supply of housing is afforded weight in the planning balance. The development will have some benefits relating to the delivery of housing including affordable housing (subject to viability) and other economic, social, and environmental benefits. The adverse heritage, landscape, and visual impacts of the development are substantial. When the scheme is assessed against the relevant policies of the development plan and the policies in the Framework taken as a whole, and the presence of a 5.4-year housing land supply, the harm caused is considered to significantly and demonstrably outweigh the benefits of the scheme.
- 9.22 The Inspector is therefore respectfully requested to withhold permission and dismiss the appeal on the grounds set out above.