



Appeal Decision

Site visit made on 11 December 2012

by **C J Ball** DArch DCons RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 January 2013

Appeal Ref: APP/J4423/A/12/2180681

Land off Sandstone Road, Wincobank, Sheffield S9 1AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Investates Development Ltd against the decision of Sheffield City Council.
 - The application Ref 11/03972/FUL, dated 20 December 2011, was refused by notice dated 3 July 2012.
 - The development proposed is described as the erection of 22 dwellinghouses and 4 apartments including associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The scheme was altered at application stage to omit the 4 apartments and replace them by 2 houses. I have therefore considered the appeal on the basis of a proposal for 24 houses.

Planning Obligation

3. The appellant submitted a unilateral undertaking as a deed of planning obligation. This effectively commits the appellant, if the appeal is allowed, to making financial contributions of £66,248 towards the costs of providing additional primary school accommodation and £37,440.50 towards the provision of additional recreation space in the locality of the site. The need for school places and more recreation space would arise directly from the development of the site, and the financial contributions would enable the consequent shortfall to be met in accordance with the Council's supplementary planning guidance 'Planning Obligations and Education Provision' and 'Open Space provision in new housing development and the City Centre Living Strategy'. The contributions are necessary to make the development acceptable in planning terms and are proportionate to the scale of development. They meet the tests of CIL Regulation 122 and so I have taken the undertaking into account.
4. Current policy would also normally require a contribution towards the provision of affordable houses where this is practicable and financially viable. I note that the financial viability of the development is such that the District Valuer has accepted that the provision of affordable housing is not feasible. The Council confirms that there is therefore no requirement to provide affordable housing as part of the scheme.

Agreed matters

5. The Council and the appellant submitted an agreed statement of common ground. This includes the planning history of the site, a description of the site and its context, details of the appeal proposal, the planning policy background and a list of agreed planning points. Chief among these is the agreement that the Council does not have a 5-year supply of housing land, that the site is in a sustainable location and that there is an adequate provision in quantitative terms of informal open space in the local area.
6. I also note that a proposal for development of the site for 6 flats and 25 houses was dismissed on appeal in 2004 for the reason that, with an adequate supply of housing land at that time, the development of this green field site conflicted with the then national housing policy objective (PPG3) relating to the use of previously-developed land. In that decision, while open space arguments were rehearsed, there was no consideration of archaeological matters relating to the Scheduled Ancient Monuments near the site. While saved policies of the 1998 Sheffield UDP remain in place, the decision also predates the adoption of the Sheffield Development Framework Core Strategy (CS) in 2009 and the publication of the National Planning Policy Framework (the Framework) in 2012.

Main issue

7. The Framework makes it clear that, if the Council cannot demonstrate a 5-year supply of housing, the relevant policies for the supply of housing cannot be considered up-to-date. There is therefore a presumption in favour of granting permission for sustainable development unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits.

Reasons

8. The site lies on the steep eastern slope of Wincobank Hill, a natural high point above the River Don crowned by an Iron Age hillfort. The course of a 27 km long linear earthwork, known as the Roman Ridge, passes along the eastern slope of Wincobank Hill, some 200 m below the hillfort. Originally thought to be a Roman road, it is now considered more likely to be a defensive barrier constructed by British tribes in the pre-Roman or post-Roman periods. It may or may not be contemporaneous with the hillfort. The Ridge is no longer continuous as a visible feature for parts of its length, mainly due to later industrial activity.
9. Two prominent sections of the Ridge to the east of the site, and the hillfort itself, are designated as Scheduled Ancient Monuments (SAMs). A further unscheduled section of the Ridge lies immediately to the west of the site, although it has been damaged by past quarrying, dumping and levelling activities. Following desktop studies, there was consensus that the Ridge probably ran more or less at contour between the extant parts. The conjectural projected line of the Ridge between these 2 parts runs through the long, narrow open slope below Sandstone Road and the adjoining long thin development site.
10. Despite an early plea to protect both the hillfort and all the slopes leading to it¹, much of the eastern slope has been developed, with most of the housing built in 1960-1970. Houses have been built above and below the strip of land projected as the line of the Ridge although, for whatever reason, this elongated strip has

¹ Paper at 1903 British Archaeological Association Congress in Sheffield, which led to the transfer of the site to the Corporation of Sheffield – see ArchHeritage desk-based assessment 2011 section 5.6

remained undeveloped. The road access into the site would be an extension of Sandstone Road, part of the earlier development. The southern slopes of Wincobank Hill are primarily open, following restorative landscaping, and Wincobank Wood provides a wooded backdrop on the western slopes. I consider that the hill, despite its partial development, is by definition an inherent part of the location and function of the hillfort, providing its setting and contributing strongly to its significance as an important heritage asset. Within that setting lie parts of the Roman Ridge, itself a notable heritage asset. Indeed, the Ridge may be one of the most significant examples of ancient linear land division in Britain.

11. I note that archaeological evaluation trenching found no indication of the Ridge earthwork on the site. Despite noting that, due to extensive 19th and 20th century remodelling of the site, it is not possible to state definitively where the line of the Ridge lies, the appellant concludes that because of the findings it is more likely that the Ridge did not cross the site but followed a line above or below it. Expert opinions differ, but that conclusion seems to me a step too far. There is no evidence to support it and it is entirely possible that physical disturbance of the site, particularly through the late 19th century construction of the steelworks reservoir adjacent to it, removed any evidence of the earthworks. On balance it seems to me more unlikely, for cartographical, geographical and topographical reasons, that the line of the ridge runs above or below the site. I do not consider that the evaluation demonstrates convincingly that the line of the Ridge does not run through the site. I believe that, despite excavation finding no indication of it, the evidence still points more strongly to the Ridge taking a line that coincides with the long narrow shape of the site and the adjoining land.
12. I note that the leaflet '*Tracks through time - Wincobank: Roaming the Roman Ridge*' indicates that the partially overlaid profile of the Ridge can be seen below the Sandstone Road houses. After my site visit I looked at this area from the Forum steps and I agree that this is a distinct possibility. In my view this long thin strip of open space between the scheduled and unscheduled parts of the Ridge gives a strong visual indication of the most likely route of the Ridge. In that respect the site and the adjoining land provide the context and setting for the separate parts of the Ridge in this location. The course of the Ridge is part of the archaeological and historic landscape setting of the hillfort. I consider that the ability to appreciate the continuous line of the Ridge is vital to understanding its overall form and nature, its historic significance and its relationship to the hillfort. Development of the site would obscure the extent and quality of the setting of the SAMs and would undermine the ability to understand their significance. That would conflict with the aims of UDP policy BE22 and key Framework objectives.
13. The site is designated as open space and as an Area of Natural History Interest in the UDP (and as open space and a Local Nature Site in emerging replacement policies), as part of a larger area of linear open space running across the hillside and linking larger areas of open space around the site. While its ecological value may have suffered through an invasion of Japanese Knotweed, this green area provides significant environmental, social and landscape benefits for the surrounding area. There may be no quantitative shortage of open space in the local area, but the site has specific heritage and landscape value and its development would be contrary to the objectives of CS policy CS47.
14. I therefore consider that the proposed development would lead to substantial harm to the significance of the SAMs as designated heritage assets and the loss

of valued open space. Additional housing in a fairly sustainable location would clearly be of benefit to the City. However, while there were obviously other matters in the balance of considerations that led to the existing development on the hill slopes, in specifically archaeological terms that development is regrettable since it had a major impact on the character of the hill and the setting of the SAMs. Further development would compound that harm, intensifying the built up nature of the eastern slope. As the appellants have noted, the current state of knowledge relating to the archaeology of Wincobank hillfort, the Roman Ridge and their wider environs is poor. To my mind that supports a restriction on development of the site in order to ensure that any future finding of the true value of a potentially high value heritage asset is not compromised by development now. Today, retaining the site as open space is vitally important to the interpretation of the SAMs and the wider historic landscape. I consider that the benefit of additional housing is significantly and demonstrably outweighed by the adverse effects of development on this site.

15. For the reasons given above I conclude that the appeal should be dismissed.

Colin Ball

Inspector