
Appeal Decision

Site visit made on 5 May 2021

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/J4423/C/21/3270054

Land adjoining the Adelphi Club, Vicarage Road, Attercliffe, Sheffield, S9 3RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Asif Yaqub against an enforcement notice issued by Sheffield City Council.
 - The enforcement notice was issued on 2 February 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a boundary fence at the front of the property facing Attercliffe Road in excess of 1 metre in height.
 - The requirements of the notice are to either (i) reduce the height of the fence and associated posts to no more than 1 metre from the immediately adjacent ground level, or (ii) remove the fence and associated posts from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed application

2. The appeal site is an area of cleared land fronting Attercliffe Road. It adjoins the side elevation of the former Adelphi Club, a Grade II Listed Building, and the Burton Building. A high palisade metal security boundary fence has been erected along the Attercliffe Road frontage and along the return frontage of the forecourt to retail units to the south. The site is within an Area of Special Character in which Saved Unitary Development Plan (SUDP) Policy BE18 requires new development to respect the appearance and character of the area. Other SUDP and Development Framework Core Strategy policies are consistent with the National Planning Policy Framework (NPPF) in requiring a high standard of design and reflecting the requirement to preserve the character and appearance of a Listed Building and its setting.
3. The Attercliffe Action Plan (AAP) has been endorsed by the Council as interim planning guidance of relevance when determining planning applications. This identifies the Adelphi and the Burton Building as part of a key gateway to Attercliffe, on a strategic route into and out of the city.

4. The main issues are whether the fence in question unduly harms the setting of the Adelphi and is unduly harmful to the townscape on this prominent site.
5. The most important characteristics of the Adelphi are its ornate frontage to Vicarage Road and its interior. Its flank elevation, now visible from Attercliffe Road, is of plain brickwork. Nonetheless, the fence which has been erected is of a stark, industrial character and detracts from the setting of the Adelphi.
6. The NPPF indicates that, where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
7. There is a clear benefit in securing the boundary of the site to help prevent fly tipping. However, that could have been accomplished equally with a fence of more appropriate design. Whilst the fence in question helps provide some security for the Adelphi itself, this appears of limited benefit because the building is accessible from other directions.
8. The appellant has pointed out the presence of a similar, industrial type fence on land adjoining the front of the Adelphi. Whilst I agree that this harms the setting of the most important elevation of the building, there is no information before me as to whether this fence has been the subject of planning permission or how long it has been in place.
9. I conclude that, because of its stark, industrial character, the fence unduly harms the setting of the Adelphi, contrary to the aims of SUDP Policy BE19. The identified harm outweighs any benefits of the development.
10. Furthermore, a fence of such character is unduly harmful to this very prominent road frontage within an Area of Special Character, part of the 'High Street' and 'Adelphi Square' areas identified for improvement and upgrading in the AAP. This area has been the subject of substantial investment and the Council is rightly supporting Policy BE18 in ensuring development respects the character of the area.
11. The NPPF is consistent with the AAP in seeking to promote well-designed places. The fact that there are other, similar fences in the locality which have been present for a number of years and are immune from enforcement action does not, to my mind, justify the approval of a further such fence, contrary to the aim of local and national policy.
12. The appellant has questioned whether, in the light of its own guidance on enforcement, it was expedient for the Council to take enforcement action. That is a matter for the Council to decide but my decision is supportive of that action.

Other matters

13. Although there is no appeal on ground (d), the appellant states that the fence has been in place for more than four years. However, there is no evidence submitted to support this and, had an appeal been made on ground (d) it would not have succeeded.

B.S. Rogers Inspector