



Appeal Decision

Site visit made on 10 June 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/J4423/W/25/3362999

Nightclub, 14-16 Matilda Street, Sheffield S1 4QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Leverton, Network Music Venue Limited against the decision of Sheffield City Council.
 - The application Ref is 24/02641/FUL.
 - The development proposed is retention of raised platform, canopy and outdoor seating area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retention” in the description of the proposal is not a form of development. However, the application form confirms that the development has been completed and I was able to see this during my site visit. I have determined the appeal on that basis.
3. The appellant has submitted a plan (drawing number PL02_Rev A) as part of the appeal that shows the timber fence and gates to the boundary of the site facing Earl Way. The timber fence and gates do not have planning permission and do not benefit from permitted development rights.
4. The appellant has requested that I consider the timber fence and gates as part of the appeal. The fence and gates were present at the time the application was made to the Council and their presence informed the Council’s assessment of the proposed development. Therefore, I am satisfied that the inclusion of this matter in my assessment of the appeal does not amount to a substantial difference in the application. Furthermore, given the nature and extent of the changes to the development, the fact that the fence and gates were in situ during the Council’s consideration of the application and the absence of third party complaints or comments about their presence prior to and in respect of the application in the evidence that is before me, I consider that not re-consulting on the proposal would not be unfair.

Main Issue

5. The main issue is the effect of the appeal development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is the outdoor space to the rear of 14-16 Matilda Street, the ground floor of which is used as a nightclub and live entertainment venue. The site is bounded by a high brick wall to Eyre Street, a multi-storey car park to the rear and high brick walls and the timber fence and gates, referred to above, to Earl Way.
7. The appeal site is located within an area identified in the Sheffield Unitary Development Plan, March 1998 (UDP), as the Central Shopping Area. The area has a densely developed, commercial character and appearance.
8. The use of properties in the area varies, including an indoor market, retail outlets, offices, residential properties and car parks, all of which are typically found within a city centre. In this respect, the use of the appeal site as a live entertainment venue is in keeping with the character of the surrounding area.
9. Buildings in the surrounding area vary in scale, form and architectural detailing, although they are generally substantial structures predominantly built from brick of varying colours. The multi-storey car park to the rear of the site contrasts with other buildings in the area in as much as it is clad with feature metal panels of various colours.
10. Open spaces in the area, including the appeal site, are few. They are generally used to access the rear of properties and are hard surfaced, and among other things, accommodate plant or are used for storage and car parking. They are predominantly separated from the street by high, metal mesh security fencing or gates. The boundary fences and gates, in themselves, make a neutral contribution to the character and appearance of the area, and may allow bins and other paraphernalia to be seen. However, their visual permeability provides breaks in otherwise continuous building lines, which positively contributes to the pattern and grain of development and the overall character of the area.
11. The development is a raised platform, with a white marquee-style canopy over part of it, that provides an outdoor seating area to the adjacent nightclub. It is constructed from scaffolding poles with a timber panel floor. As such, the development has the appearance of a temporary structure.
12. Due to the scale of the host building and car park to the front and rear of the site respectively, the development is not visible at ground level from either Matilda Street or Earl Street. Earl Way is not a principal shopping street. However, it serves as a pedestrian thoroughfare between Matilda Street and Earl Street and provides access to the rear of several properties and to on- and off-street car parking. Eyre Street is a busy thoroughfare serving both pedestrians and vehicles.
13. The development has a clear presence, due to its height and scale, when seen from Earl Way, despite views being filtered by the timber fence and gates to the boundary of the site. The apex of the canopy is also seen from ground level above the boundary wall to the site from Eyre Street, albeit only from the section of the street between the junction with Matilda Street and opposite the development site. Furthermore, the development would be seen from the upper floors of buildings surrounding the appeal site and from larger vehicles, such as buses, travelling along Eyre Street.

14. Despite the variety of building types and forms in the area, there is consistency in the scale, solidity, quality of design and materials, and permanence of these structures. Therefore, given the nature and quality of materials used in the appeal development and its temporary appearance, I find that the development is at odds with the predominant character and appearance of the area. While I acknowledge visibility of the appeal development is limited to certain vantage points, there is no qualification in the development plan policies that unacceptable effects can only be caused by widespread harm.
15. Turning to the matter of the timber fence and gates, I acknowledge that they serve to limit views of the seating area and marquee. However, I have previously described the positive contribution that visual permeability to open spaces makes to the pattern of development, and character and appearance of the area.
16. Furthermore, while the colour of the fence and gates is complementary to the colour of the adjacent multi-storey car park, and that they continue the line of that building, the materials used and their scale is at odds with both the car park and other boundaries to open spaces in the surrounding area. As such, I find that the timber fence and gates have a harmful effect on the character and appearance of the surrounding area.
17. Taking the above into account, I conclude that the development has a harmful effect on the character and appearance of the surrounding area. Hence it conflicts with Policy CS74 of the Sheffield Development Framework Core Strategy, March 2009, and Policy BE5 of the UDP which require development to respect and complement the scale, layout and built form, building styles and materials of the area.

Other Considerations

18. I note the appellant's reference to the National Planning Policy Framework (the Framework) with regard to the presumption in favour of sustainable development, making an efficient use of land, promoting under-utilised land and buildings, diversification of businesses, growth and adaptation in town centres, the creation of inclusive places and the optimisation of a site's potential. I have also had regard to the nature of the established use of the site and lack of complaints about associated noise levels, the sustainable location of the site with regard to transport and services, and that the development meets the needs of its users.
19. However, by reason of the small scale of the appeal development, the benefits in these respects would be limited and do not outweigh my findings above.
20. I acknowledge the appellant's view that maintenance of the structure is the responsibility of the appellant, or any future owner, and would be in the interests of the intended business use of the structure. I also note that the erection of a boundary fence and gates under permitted development rights has not been presented as a fallback position. However, these matters are not determinative factors of the appeal. Neither is the question of whether the appellant should be expected to demonstrate that alternative designs are possible and preferable.

Conclusion

21. I conclude that the proposal conflicts with the development plan when read as a whole, and the material considerations, including the provisions of the Framework,

do not indicate that the appeal should be decided other than in accordance with it.
For the reasons given above the appeal is dismissed.

C Mayes

INSPECTOR