



Appeal Decision

Site visit made on 6 May 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/J4423/C/23/3329169

Land to the rear of Mirage, 284a Handsworth Road, Sheffield S13 9BX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Kirk Hardman against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 25 July 2023.
 - The breach of planning control as alleged in the notice is Without planning permission the material change of use of the land (the "Land") to Class B8 purposes (Storage or distribution including open air storage) (Shown within the attached photos).
 - The requirements of the notice are to:
 - i. Cease the use of the Land for the purpose described in paragraph 3 of this notice
 - ii. Remove from the Land the structure which houses the scaffolding poles and associated equipment; and
 - iii. Remove from the Land the means of enclosure; and
 - iv. Remove from the Land the scaffolding and associated equipment
 - The period for compliance with the requirements is: 2 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by:
 - At paragraph 2 of the notice, the deletion of the word 'red' and the substitution with the word 'green' so that it says, 'Land to the rear of Mirage, 284A Handsworth Road, Sheffield, S13 9BX shown edged green on the attached plan ("the Land")'.
 - At paragraph 5 of the notice, sub-paragraph iii. after the word 'enclosure' the insertion of the words 'shown outlined in red on Photograph A' so that it says, 'Remove from the Land the means of enclosure shown outlined in red on Photograph A; and'.
 - Delete The Plan attached to the enforcement notice and substitute PLAN 1 shown in Appendix 1 to this decision.
 - Insert Photograph A, as shown in Appendix 2 to this decision.
2. Subject to the corrections above, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The plan attached to the enforcement notice shows an area of land edged in red, with hatching, which includes an access road off Handsworth Road, 5 garages and a parcel of land to the side of the garages used (at the time of my visit) for the storage of scaffolding poles. During my visit, access was given to one of the

garages and the parcel of land to the side used for the storage of scaffolding poles. However, I was unable to access the other garages.

4. Within the Council's enforcement report, the Council refers to the use of garages and adjacent land for Class B8 purposes (storage or distribution including open air storage) to the rear of 284A Handsworth Road, Sheffield, S13 9BX. It is stated that 'it is understood that the garages on site have historically been used as private domestic garages. No planning applications have been received to change the use of the garages or surrounding land to commercial use, namely B8 (Storage and Distribution) which would be required in this instance.'
5. The appellant states in their appeal form that 'I am of the understanding that the issue is the use of the land only, as the garages have been used for storage, for local tradesmen, and have been for the 20 years I've owned them, and for at least 20 years before that. The small plot of land in question, has also been used for storing building supplies for approx. 16 years...'. The Council advises in its statement of case 'this notice does not relate to the use of the garages but to the parcel of land adjacent to those garages.'
6. The enforcement notice, as drafted, includes the garages and so their use is attacked by the notice. I queried whether this was the Council's intention and if not, whether the enforcement notice plan should be corrected to exclude them. Although one of the garages is being used by the appellant to store scaffolding, it seems the other garages are occupied by different individuals for different purposes. There is no suggestion that the appeal site is in a mixed use, and it seems likely the other garages each comprises its own planning unit.
7. The Council states that the notice does not apply to the use of the garages and has no objection to the enforcement notice plan being corrected to exclude them from the land to which the notice relates. The Council has provided an amended plan, which removes them from the red line boundary, and which identifies an area in green, which is where the scaffolding has been stored in the open air. To ensure that the use of the garages is not restricted by the notice, I queried whether the land to which the notice relates should be limited to the land edged in green. The Council agreed to such a correction.
8. Since substituting the amended plan would reduce the area to which the notice relates, I consider such a correction can be made without causing injustice to either the appellant or the Council. The Council has also suggested a correction to requirement ii, so that it is clear that the requirement applies to the land shown edged green. However, correcting the plan as set out above would remove the need to correct requirement ii, since the notice would only apply to the land edged in green.
9. During my site visit, I noted that fencing, as shown in the photographs attached to the enforcement notice, has been erected. However, fencing has been erected elsewhere within the appeal site. The enforcement notice requires the recipient of the notice to 'remove the means of enclosure'. I queried with the parties whether, in the interests of clarity, the enforcement should be corrected to show the extent of fencing that the Council considers should be removed. The Council has provided a photograph showing the extent of fencing it considers should be removed and has suggested a correction to the requirements to make it clear it is the fencing shown in the photograph which should be removed. Such a correction

would provide clarity and would not make the requirements more onerous to comply with. As such, I consider the corrections can be made without causing injustice to either the appellant or the Council.

10. Although the appellant has not advanced an appeal under ground (d), given the matters raised by the appellant detailed in paragraph 5 above, I raised with the appellant whether I should consider this matter under ground (d), since, as set out under section 174(4)(a) of the Act, it is for the appellant to specify the grounds on which the appeal is made. However, no response has been received. In the interests of procedural fairness, I shall limit my consideration to the appeal made under ground (f).

Ground (f)

11. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by the matters stated in the notice, or to remedy any injury to amenity which has been caused by any such breach. Section 173(4) of the Act sets out the purposes of a notice are (a) remedying the breach by making any development comply with the terms... of any planning permission..., by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach. Given the requirements of the notice, as corrected, which are to cease the use of the land and remove various items, it is clear that the purpose of the notice is to remedy the breach.
12. The appellant raises a number of matters which relate to the planning merits, such as distance from shops or pedestrians, visibility from residential properties, limited hours of operation, that the fencing prevents dumping of waste and that no business is run from the plot. It is also asserted that an environmental officer has inspected the plot and had no concerns. However, an appeal under ground (a) has not been made and so I cannot consider the planning merits of the development.
13. Fencing has been erected which encloses the appeal site and which, in my view, is likely to have been erected to facilitate the alleged use. Whether or not the fencing is a temporary structure, it is not suggested that it has been erected for some other lawful purpose and so, the enforcement notice can require its removal.
14. Allowing the use to continue or the fencing, structure which houses the scaffolding poles and associated equipment or the scaffolding and associated equipment to remain would not remedy the breach. I consider there are no lesser steps and no obvious alternative that would achieve the purposes of the enforcement notice with less cost and disruption. Consequently, the appeal under ground (f) must fail.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

M Savage

INSPECTOR



APPENDIX 1: PLAN 1

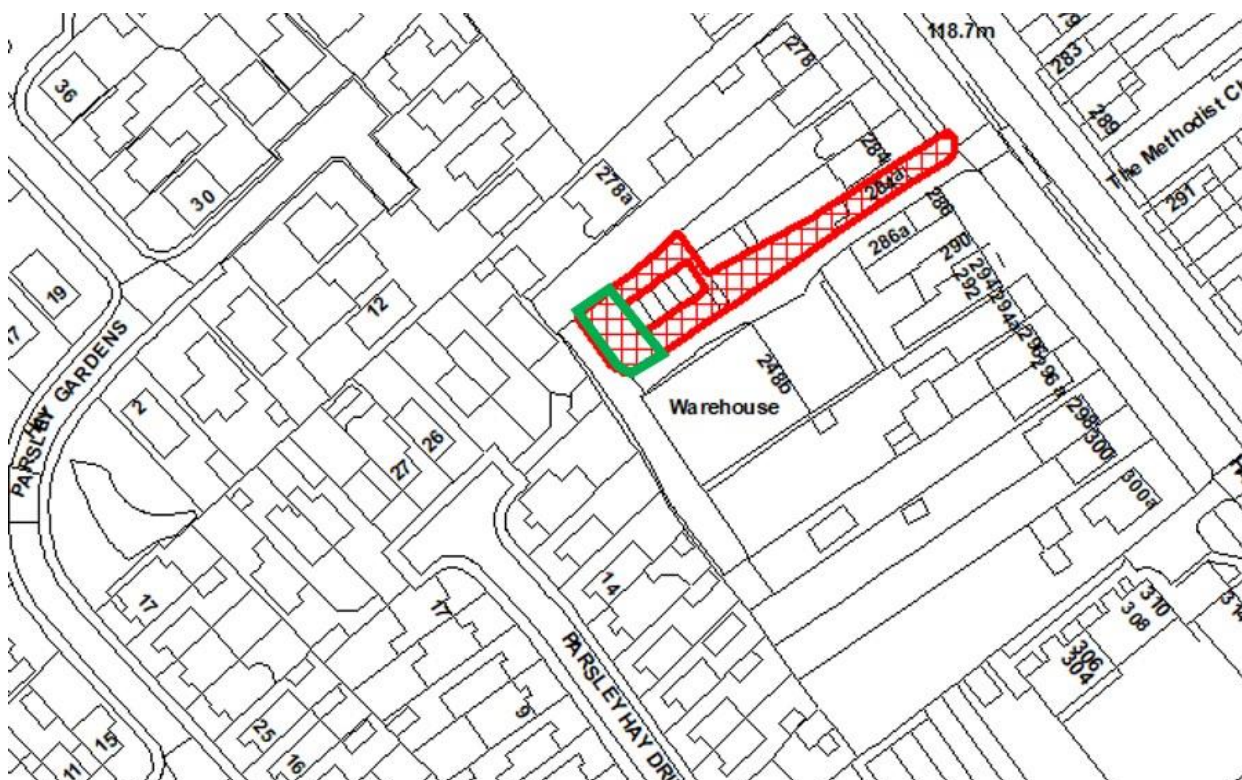
This is PLAN 1 referred to in my decision dated: 17 July 2025

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Scale: Not to scale





The Planning Inspectorate

APPENDIX 2: Photograph A

This is Photograph A referred to in my decision dated: 17 July 2025

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