



Appeal Decision

Site visit made on 17 July 2025

by Grahame J Kean BA (Hons), Solicitor (HRA), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/J4423/C/24/3356571

Land at 169 Langsett Avenue , Wadsley, Sheffield , South Yorkshire , S6 4AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Alan Edis against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 21 October 2024.
 - The breach of planning control as alleged in the notice is: without planning permission, the carrying out of operational development comprising the siting of an outbuilding, shown in the Appendix to this notice.
 - The requirement of the notice is: remove the outbuilding from the Land.
 - The period for compliance with the requirement is: 2 months from the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Procedural matter

2. From the information provided by the main parties, including the photographs annexed to the enforcement notice and my inspection from public views in which the structure in question is clearly visible from the entrance to the property on Langsett Avenue, I have been able to determine the appeal without it being necessary to inspect the structure from within the appeal site.

Ground (b)

3. An appeal on this ground is that the matters alleged in the description of the breach of planning control in the notice, have not taken place as a matter of fact. The allegation is a mixed question of law and fact, namely whether the structure in question is a building, ie operational development as defined in the 1990 Act.
4. Operational development in this context refers to “development,” as defined in s55, ie the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The allegation is that building operations are involved which includes demolition of buildings, rebuilding, structural alterations or additions and other operations normally undertaken by a person carrying on business as a builder.
5. The appeal property is one of a pair of semi-detached houses at the ends of respectively, Langsett Avenue and Prescott Road, which streets run parallel to each other. The two plots are positioned 90 degrees relative to the others on the streets and therefore differ from the established street scene. Worrall Road connects the two streets at their northern ends, behind which lie the relatively large front and side gardens of the appeal property and its neighbour.

6. The structure is in the north-western corner of the very large front garden, hard up lengthwise against the dense and tall conifer hedgerow on the boundary adjoining Worrall Road. It is rendered in a light grey slate colour which appears against the conifer hedging not as a dominant colour. It is fairly large with a footprint of c6.1m by c2.4m, height of c2.5m, two sides of which are visible from the entrance to the property and the (other) end of it visible from Prescott Road across the neighbouring plot.
7. The case for the appellant is that the structure is a trailer with an axle, chassis, a towing 'a' frame and a temporary electric hook-up to power a security system. It is parked on a firm level hard standing. The Council asserts that it is a large flat-roofed rectangular building with a utilitarian appearance that would require a substantial vehicle to tow it. The appellant states that he drives such vehicles, ie his 4x4 or the 32-ton lorry which he uses for work. I accept that the roof is a flat fibreglass construction and that the structure is not garishly painted or signed.
8. The appellant acknowledges that it is large trailer and may not be quick and easy to move for most people but he tows trailers of all shapes and sizes and *"when it needs to be move[d] it will be done in a safe and correct manner"*.
9. Whilst the appellant is prepared to paint it green to blend in with the background hedge, that is not a matter for me as there is no ground (f) appeal, - in other words it is not claimed that (if the notice were upheld) the requirements of the notice are excessive and a lesser remedy would provide an acceptable alternative.
10. Case law establishes that three factors usually determine what is a building for these purposes, ie size, permanence and physical attachment. No one factor is decisive.
11. As to the size of the structure, in my view it is comparable to a standard size container of some 20ft in length, by no means comparable to containers often encountered that are twice that size. I have no information as to how the structure could have been brought to the site in a completed state or whether it had to be constructed on site. The likelihood with such a trailer/container is that it would not have had to be constructed in situ. The double gates at the entrance to the property are just about wide enough to allow it to be manoeuvred onto the site and if not, in all likelihood it could pass through the entrance with the gates themselves temporarily removed.
12. The structure has wheels and a fixture to connect to a vehicle. I have no doubt that when it is removed from the base on which it stands, apparently largely on its own weight, a suitably qualified driver could tow it away or to a different part of the premises. I disagree with the Council that just because it is located on a hard standing this amounts to *"tying it to that location"*. As to its manoeuvrability, the structure is capable of being moved in one piece if towed. Moreover, the garden area in which it is sited is very large and in practice it could be hoisted by a crane if necessary as there is plenty of space for this manoeuvre.
13. From the planning history it appears to have been in situ for a number of years. Permanence does not necessarily connote that the state of affairs is to continue forever or indefinitely. However, plenty of structures are used on a long-term basis without necessarily being classed as buildings, whilst retaining the means to move them as and when required with a modicum of effort and mechanical assistance. It is a matter of fact and degree. The structure was said to be incidental to the use of

the main dwellinghouse, for the storage of garden paraphernalia. Although the function of storage of garden equipment etc may be intended to be over the long term, there is no reason why the containing structure once installed must be regarded as permanently sited where it is for that purpose.

14. As to physical attachment it appears to rest on its own weight, the centrally located wheel base is clearly visible and there is a significant gap between the undercarriage and the ground, it being jacked up at the end to stabilise it. There is a base composed of some aggregate material but not a concrete/pavior base as the Council described it. I have no reason to suppose that the base could not be removed, if that is ever deemed necessary for a relatively small area of hard surfacing within, and at the edge of the garden.
15. The structure is attached to services only in the sense that an electric supply is connected to security cameras and lights on the trailer. Arguably, the characteristics of the garden have undergone a physical change due to its presence over a period of time, but overall, taking into account also its evident wheelbase and undercarriage and towing frame, the structure has the appearance of a movable structure, and the character and appearance of the land itself have not fundamentally changed.
16. I have to make a fact and degree assessment. The structure is not of a size or type that it had to be constructed on site, there is no evidence of its physical attachment to the ground as opposed to its resting on a hard surface, supported by stanchions. The electrical connections for the security lights and camera could easily be removed. It has wheels and a fixture to connect to a vehicle, making it relatively easy to manoeuvre into a different position. Whilst it has been in situ for a few years it has gained an air of permanence, taking into account also its overall appearance including its function and structural form, the structure has not resulted in a physical change to the characteristics of the land. On balance I find that no operational development is involved.
17. Accordingly, the appeal on this ground succeeds.

Conclusion

18. For the reasons given above, I conclude that the appeal succeeds. I shall quash the enforcement notice.

Grahame J Kean

INSPECTOR