
Appeal Decision

Site visit made on 30 September 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 16th October 2025

Appeal Ref: APP/J4423/C/25/3362570
233 Abbeydale Road, Sheffield S7 1FJ

- The appeal is made by Pranvera Ndreka under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 24/00572/ENUD) issued by Sheffield City Council on 11 February 2025.
- The breach of planning control alleged in the notice is "the carrying out of operational development being the construction of a single-storey front extension, shown in the photograph in Appendix 1 to this Notice".
- The requirements of the notice are as follows: -
 - "You must;
 - i) Remove the front extension (as indicated on the attached photograph in appendix 1) from the Land; and
 - ii) Remove any waste materials arising from compliance with paragraph (i) above from the Land"
- The period for compliance with these requirements is 6 months.
- The appeal made on the ground set out in 174(2)(a) could not proceed because of the provisions of section 174(2A) and the appeal is therefore proceeding on the grounds set out in section 174(2)(d), (f) and (g) only. There is no planning application before me and the planning merits of the extension have not been considered in my decision.

Decision

1. It is directed that the enforcement notice be varied by adding after the word "extension" in sub-paragraph 5 i) the words "(excluding the timber base and the blind)".
2. Subject to this direction, the appeal is dismissed and the enforcement notice is upheld as varied.

Reasons for the decision

Grounds (d) and (f)

3. The appeal on ground (d) seeks to demonstrate that, on the date when the notice was issued, 11 February 2025, no enforcement action could be taken in respect of the alleged breach of planning control. The time limit is 4 years where substantial completion of the development enforced against took place before 25 April 2024 and 10 years where it took place on or after 25 April 2024. The appeal on ground (f) seeks to establish that the steps required to be taken by the notice exceed what is necessary to remedy the breach.

4. The photographs in Appendix 1 to the notice show that the notice is directed at the whole of the extension from the ground upwards, including the timber base on which the glazed structure rests, and the retractable blind above it. The available evidence indicates that two separate acts of development have taken place here at different times. The timber base and the blind were constructed first; they were completed and brought in to use as a customer sitting-out area before 11 February 2021. They are still there and the time for enforcement action in respect of them expired before the notice was issued. The base had a timber security fence around it; this was removed when the glazed structure was placed on the base at a later date. The planning application form 24/02918/FUL signed by the appellant on 19 October 2024 indicates that this work was started on 8 October 2024 and was ongoing at the time of the application; it is therefore not immune from enforcement action.
5. I have therefore varied the requirements of the notice to exclude the requirement to remove the timber base and the blind. The notice now does no more than what is necessary to remedy the breach of planning control resulting from the addition of the glazed structure.
6. The appellant has stated that the enforcement action in relation to her property should be co-ordinated with enforcement action being pursued by the Council in relation to similar developments, on the basis of equality and so that uniform consideration can be given to them. I am not in a position to deal with these contentions, because the timing of enforcement action is a matter for the Council and, as indicated above at the final bullet point, the planning merits of the appellant's development cannot be considered in this appeal.

Ground (g)

7. Similar contentions have been put forward under ground (g) in support of a request for an extension to the 6-months' compliance period and I have not dealt with them for the same reasons. The glazed structure can easily be removed and 6 months is in my opinion a long enough period in which to arrange for this to be done.

D.A.Hainsworth

INSPECTOR