



Appeal Decision

Site visit made on 8 April 2026

by Grahame J Kean B.A. (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2026

Appeal Ref: APP/J4423/C/25/3374242

Byron House, 16 Nether Edge Road, Sheffield, S7 1RU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Voyager Pub Group Ltd against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 3 September 2025.
 - The breach of planning control as alleged in the notice is: without planning permission, the carrying out of operational development being the construction of 2 No. pergola structures shown in the photograph in Appendix 1 to this Notice.
 - The requirements of the notice are:
 - i. Remove both pergola structures from the Land (as indicated in red on the attached photos in appendix 1).
 - ii. Remove the associated green screening panels from the side elevations of the pergola structures (as indicated blue on the attached photos in appendix 1)
 - iii. Remove any waste materials arising from compliance with paragraph (i), (ii) above from the Land.
 - The period for compliance with the requirements is 3 months from the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

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

Ground (a)

2. The main issue is the effect of the development on the character and appearance of the area, including the host building and street scene at Nether Edge Road.
3. The case for the appellant is that the two pergola structures provide essential cover and enclosure for the external terraces and al fresco facilities for customers, they are not intrusive but blend into the background of the host building. Their size, scale, materials and form are said to be acceptable and there are said to be public benefits in sheltered al fresco areas for customers throughout the year.
4. It is further submitted that a temporary permission would ensure that the structures are kept clean and maintained to a high standard, prior to any further temporary planning permission.
5. The appeal site is in the Nether Edge Conservation Area (CA). The Council did not produce an appeal statement. It explicitly relies on its officer's delegated report which curiously refers to the "Nether Edge Housing and Conservation area".

6. I have a duty when considering proposals for development within a conservation area to have regard to the desirability of preserving or enhancing the significance of the area. Conservation areas are heritage assets. The first task therefore is to ascertain the significance of this heritage asset with particular reference to the area in which the appeal site lies. The delegated report, whilst asserting that the development does not maintain the special character of the Nether Edge Conservation Area, fails wholly to explain what that special character might be.
7. The delegated report also fails to mention and the Council has not provided, any character appraisal of the CA. So when it states that, for example, the materials are not coherent with the wider CA, I have no way of knowing what the Council considers to be the character of the CA with which the development, by dint of the several development plan policies cited, is expected to conform.
8. My own assessment of the significance of this part of the CA is that it is a predominantly residential area, the appeal site being surrounded by a mix of different styles ranging from Victorian to Edwardian properties, terraced housing, and semi-detached properties, although with some modern flatted development nearby on Nether Edge Road. The period properties contribute to the significance of the CA along with some spacious front gardens and absence of built form beyond the frontages of the dwellings. Established hedgerow boundaries and tree lined streets contribute to the pleasant, affluent and well-ordered appearance of the environs of the appeal site, positively contributing to the significance of this part of the CA.
9. The appeal property is a public house standing at the corner of Nether Edge Road and Byron Road in a prominent position, having a distinctive rounded corner and side elevations on both streets aligned to the neighbouring residential frontages.
10. To the front on both sides of the appeal property there have been open outdoor seating areas, separated from the pavement by low fencing. Unfortunately, the unauthorised development has considerably undermined much of the original character of the property in this prominent location, giving the whole property a cluttered and enclosed appearance. Both pergola structures are of an excessive scale, protruding into the street scene and appearing highly incongruous including by the use of timber materials and angular design that juts out to the edge of the pavement. In protruding well forward of the established building line of the streets, the development diminishes much of the open character of the plot and detracts from the character and appearance of the host property, the surrounding area and the CA as a whole.
11. I have considered the case for the appellant but find that the harm caused is not outweighed by any public benefit emanating from the development. Furthermore, I see no merit in granting a temporary permission for this development that is unacceptable on its planning merits. I agree with the Council that in general terms, the structures are not sensitive to the host building and its surroundings and detract negatively from the historic property and surrounding street scene.
12. As such, the development conflicts with the Sheffield Unitary Development Plan 1998 (UDP), Policy H14 and Policy BE5 in that among other things, it fails to be well-designed and in scale and character with neighbouring buildings. It also conflicts with the aims of UDP Policies BE15 and BE16 in that it fails to preserve or enhance the character or appearance of the CA. The unauthorised development

further fails to meet the aims of the Council's Core Strategy 2009, Policy CS74, in that it fails by a long way to respect the townscape character of the area with its associated scale, layout and built form, building styles and materials.

Other matter

13. I have considered the representations of interested persons. Whilst their concerns are sincerely expressed, I am not persuaded that the structures themselves cause significant additional impacts for occupiers of neighbouring properties since the areas in question appear to have been used for outdoor seating historically. The licensing authorities have a remit to deal with excessive noise depending on the conditions of the relevant licence.
14. The image of the former Brincliffe Oaks pub shows an extension in timber and pergola-like materials. Whilst this might not be dissimilar in style to the development at Byron House, it does not provide a compelling reason to accept the development on the appeal site, which is a much smaller and more tightly constrained plot, where the structures have unacceptably protruded into the street scene and are at odds with the particular form and layout of the host building.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Grahame J Kean

INSPECTOR