



Appeal Decisions

Site visit made on 3 September 2026

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

an Inspector appointed by the Secretary of State

Decision date: 7 September 2026

Appeal A Ref: APP/J4423/C/25/3376754

Appeal B Ref: APP/J4423/C/25/3376755

Appeal C Ref: APP/J4423/C/25/3376756

Land at the junction of Spital Street, Sorby Street, and Carlisle Street, Sheffield S4 7LJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Solvers Estates Architectural Services.
 - Appeal B is made by Mr Masoud El-Sadaawy.
 - Appeal C is made by Mrs Thanaa Lasheen.
 - The appeals are made against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 7 November 2025.
 - The breach of planning control as alleged in the notice is: without planning permission, the carrying out of the following unauthorised development on the Land:
 - 3.1 the material changes of use of the Land:
 - (i) as a hot food takeaway (as shown in photos A,B,C,D,F, G, H, I, M, N)
 - (ii) for the storage of miscellaneous items including items associated with the unauthorised use of the Land and scrap and other waste materials (including but not limited to office and dining chairs, fridge freezer, windows, pieces of plastic/wood/metal, bollards, bins, tables, boxes, lamps, power tools and carrier bags) (as shown in photos G, H, J, K, L, O)
 - (iii) as a tailors/clothing alterations shop, (as shown in photos A, B, F, I,)
 - AND
 - 3.2 Unauthorised Operational development on the Land being:
 - (i) the erection of buildings (including a building made of breeze blocks) and associated roller shutters, (as shown in photos A,B,C,D, E, F, G, H, I, J, K, L, M, N)
 - (ii) the erection of a steel staircase, (as shown in photo M)
 - (iii) the creation of a raised platform (as shown in photo N)
 - (iv) the siting of shipping containers (as shown in photos E & L)
 - (v) erection of means of enclosure (roller shutters and fences/gates) over 1 metre in height and located adjacent to the highway (as shown in photos A, B, C, D, L, N).
 - The requirements of the notice are:
 - (i) Cease the use of the Land for the uses described in paragraph 3.1 hereto
 - (ii) Remove from the Land the materials described in paragraph 3.1(ii)
 - (iii) Demolish and remove from the Land the operational development described in paragraph 3.2 hereto
 - (iv) Remove from the Land any waste materials arising from compliance with paragraph 5(iii) hereto.
 - The period for compliance with the requirements is: 3 months from the date this notice takes effect.
 - The appeals are proceeding on the grounds set out in section 174(2)(c), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied as far as concerns the period for compliance with the requirements, by substituting the period of 6 months for the period of 3 months.
2. Subject to the variation, the enforcement notice is upheld.

Ground (c)

3. Ground (c) is that the matters alleged to have taken place, if they did take place, do not amount to a breach of planning control, for example because planning permission has been granted or no permission is required.
4. The case for the appellants is that the storage containers in situ do not amount to operational development, being temporarily stored there and not permanently affixed to the land. It is said the containers facilitate secure storage of building materials pending redevelopment. No case is made for the other operational development alleged to be on the land or the alleged material changes of use.
5. It is true that the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 4, Class A, permits conditionally the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of, operations being or to be carried out on, in, under or over that land or on land adjoining that land.
6. However, one such condition (Class A.1) is that development is not permitted if planning permission is required for those operations but not granted or deemed to be granted. The January 2023 permission is clearly no longer extant, and the appellants do not advance any argument to the contrary. Therefore, there are no permitted development rights to retain the containers.
7. It is also asserted that the containers can be moved without an “engineering intervention”, are not fixed to foundations and lack the physical annexation necessary to constitute operational development.
8. The containers as I saw them are clearly not there as a temporary measure connected to future development. Their ongoing use for commercial business purposes gives them a very considerable degree of permanence, added to which they are of a significant size and mass. The appellants have noted, in broaching the appeals on ground (g), that engineering and safety considerations are a factor to consider when contemplating removal of the development.
9. The appellants’ reference to no “engineering intervention” being needed with respect to ground (c) should therefore be approached with caution but in any event the definition of development embraces building operations, not necessarily engineering operations. For the purposes of the 1990 Act “building operations” includes other operations normally undertaken by a person carrying on business as a builder. Furthermore, the correct approach should be firstly to ask whether what has been done results in the erection of a building: if so, it would be unlikely that its erection had not amounted to a building or other operation.
10. The appeal site contains trading activities that, according to the Council and which has not been disputed, make use of the shipping containers, namely Mr Falafel, Adam Tailor and Old Flavour Restaurant with the former Juice World now being used as restaurant storage.
11. Being substantial structures in their own right, the containers may not be physically affixed to the ground, but they rest on their considerable weight and are likely to be attached in some form or another to electricity, water and so forth. Overall, having regard to the degree of annexation, size of the units and their permanence, I find

that they have resulted in a permanent alteration to the character of the land and amount to operational development.

12. In other words, although the structures are not of a size that they have had to be constructed on site, and may be moveable, they are nonetheless intended or likely to be permanently in one place, attached to services, and have resulted, as a matter of fact and degree, in a material change to the character of the land.
13. The appeals on ground (c) fail.

Ground (f)

14. An appeal on ground (f) is that the requirements of the notice are excessive, and lesser steps would overcome the objections. By s173(4) of the Act, the purpose of the notice is to: (a) remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity which has been caused by the breach.
15. Reading the enforcement notice as a whole its purpose is to remedy the breach of planning control by requiring cessation of the unauthorised uses of the land and removal of the operational development. In other words, the notice requires nothing less than a full remedy of the alleged breaches of planning control.
16. The appellants' case is that demolition is not the only reasonable remedy as visual harm can be addressed by relocation of the containers, proper housekeeping and waste removal, façade treatment, improved boundary definition, or a structured approach to redevelopment. It is also said that temporary relocation of the units deeper within the site's boundary would address concerns about their prominence.
17. In the first place the alternative proposals are generalised and vague, but in any case, no appeal on ground (a) was made and I am unable to go into the planning merits of the appeal or consider alternative remedies that involve consideration of planning merits. Other points made in support of this ground of appeal are more properly dealt with in discussing ground (g) below.
18. In sum, there are no obvious lesser steps that could be taken that would achieve the purpose of the notice. Therefore, the steps required to be taken are not excessive and this ground of appeal cannot succeed.

Ground (g)

19. An appeal on this ground is that the time given to comply with the notice is too short. A compliance period of at least twelve months is requested.
20. Three units are currently tenanted under agreements said to require 30 days' notice. Business tenants, it is said, should have time to wind down operations, relocate equipment, secure alternative premises and so forth. This may be true as a general proposition but if tenants have been let into premises that clearly constitute unlawful development the appellants should have to deal with the consequences of having to evict them if there continue to be difficulties following what must be a prompt issue of all required notices under the occupation agreements, immediately following this decision.
21. I also have regard to the landowner's serious and complex medical circumstances. I agree these may impede management of the necessary demolition works and removal of waste materials and in any case programming and completion of works

would in my view reasonably take more than the stipulated three months. Contractor availability is said to be reduced due to seasonal shutdowns and forthcoming weather conditions but that is a matter for the appellants to negotiate and bear the extra cost if necessary.

22. It has not been disputed via an appeal on the planning merits, that, as the Council assert, the unauthorised development is unacceptable from a visual amenity point of view, causing significant harm and that it has been carried out in a haphazard fashion on a prominent corner site which detracts from the character and appearance of the street scene and the adjoining area of public open space. Having viewed the site myself, it is highly desirable for the required steps in the notice to be taken as soon as practicable.
23. Taking into account the appellants' submissions, in my view the compliance period of three months is insufficient a period within which to remove the unauthorised development and cease the unauthorised uses, but a period of twelve months would be excessive. In the circumstances I will vary the compliance period to allow for a period of six months to be substituted.
24. The appeals succeed to this extent only.

Conclusion

25. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on ground (g) succeed to that extent.

Grahame J. Kean

INSPECTOR