



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2016

Appeal ref: APP/W4705/C/16/3151384

Land at 1 to 5, Greaves Street, Bradford, West Yorks, BD5 7PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Mohammed Taymur against an enforcement notice issued by the City of Bradford Metropolitan District Council.
- The notice was issued on 21 April 2016.
- The breach of planning control as alleged in the notice is "The unauthorised installation of five externally mounted roller shutters, roller shutter boxes and guide rails on the front, corner and side elevations of the building on the land, as shown on the attached photograph".
- The requirements of the notice are: "i. Remove the unauthorised externally mounted roller shutters, roller shutter boxes and guide rails, together with all associated fixtures and fittings from the building on the land; and ii. Make good any resulting damage to the building caused by the removal and works specified in item 5(i) above and restore the building to its former state prior to installation of the unauthorised works".
- The period for compliance with the notice is "Two calendar months".
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld but with correction.

Procedural matters

1. I note that the notice does not stipulate when the time for compliance begins from. Therefore, for the avoidance of doubt I shall correct the notice to show that it begins after the notice takes effect. I am satisfied that no injustice would be caused by this correction.

Reasons for the decision

2. The appellant's agent contends that the appellant needs more time to comply with the notice as he is currently overseas and is not due back for another 3 weeks. He also states that planning approval has been received for alternative shutters and time will be needed to replace the current shutters on the appellant's return. However, as some 5 months have elapsed since the appeal was submitted it is reasonable to assume the appellant has long since returned home and has been taking the necessary steps to carry out the required works. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 7 months in which to remove the

unauthorised shutters and to replace them with those granted under the new planning permission.

3. In these circumstances, I am not satisfied there is any justifiable reason to extend the compliance period further and consider the 2 months given is sufficient to meet the requirements of the notice. The ground (g) appeal fails accordingly.

Formal decision

4. Under the powers of section 176 (2) (a) of the amended 1990 Act, it is directed that paragraph 6 of the enforcement notice 'TIME FOR COMPLIANCE' be corrected to read '**Two calendar months after this notice takes effect**'. Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

K McEntee