
Appeal Decision

Site visit made on 25 April 2017

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2017

Appeal Ref: APP/N4720/C/16/3162700

Land at 46 Valley Road, Pudsey LS28 9ER

- 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 made by Mr Patrick Canavan against an enforcement notice issued by Leeds City Council.
 - The enforcement notice, numbered 14/00185/BUDP3, was issued on 13 October 2016.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of block/stone walls to the front of the property.
 - The requirements of the notice are: Step 1: Dismantle and remove the walls erected to the front elevation of the property. Step 2: Make good the parts of the front elevation to which the walls was [sic] attached by reinstating the elevation with materials to match those existing; and Step 3: Remove from the site any resulting material, detritus and equipment arising from compliance with Steps 1 and 2.
 - The period for compliance with the requirements is two months from the day on which the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The Appeal on Ground (g)

2. An appeal on ground (g) relates purely to the time limit for compliance with the requirements of the notice and the planning merits of the development are not relevant to the determination of the appeal.
3. The appellant sought more time to comply with the notice on the basis that an appeal had been submitted against the refusal of an application for a single storey front extension¹ and he requested that the time period for compliance was extended to allow the appeal to be determined. That appeal was dismissed on 07 February 2017.
4. At the time of my site visit it appeared that some of the work required by the notice may have been undertaken and I observed partially erected walls with building stones and other materials placed within the yard to the front of the dwelling. The walls were roughly 1 metre high. However, it is difficult to be certain on whether demolition had commenced because no photographs depicting the height of the walls at the time the notice was served have been

¹ Planning Inspectorate reference: APP/N4720/D/16/3162224

submitted and the scale of the development at that point in time was not clear from the description of the development within the respective statements.

5. In any event, the works required by the notice are relatively modest and it seems to me that a two month period is sufficient to allow the necessary work to be completed. The appellant does not specifically allege that it would be impractical to carry out the work within that period. The two month period would run from the date of my decision. Therefore, in the absence of any information to indicate that two months is insufficient to carry out the work, the appeal on ground (g) must fail and I shall dismiss the appeal.

Chris Preston

INSPECTOR