



Appeal Decision

Site visit made on 13 November 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/W4705/C/19/3227872

51 Scarlet Heights, Queensbury, Bradford BD13 1BU

- 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 Mrs Faiza Anwar against an enforcement notice issued by City of Bradford Metropolitan District Council.
- The enforcement notice was issued on 21 March 2019.
- The breaches of planning control as alleged in the notice are:
 - i. The construction of a timber fence (approximately 20 metres in length and 1160mm in height) atop an existing boundary wall as indicated by a red line shown on the attached photograph A.
 - ii. The construction of a pedestrian gate (approximately 860mm wide and 1830mm in height) as indicated by a red line shown in the attached photograph B.
- The requirements of the notice are:
 - i. Demolish the unauthorised timber fence (approximately 20 metres in length and 1160mm in height) atop an existing boundary wall as indicated by a red line shown in the attached photograph A.
 - ii. Demolish the unauthorised pedestrian gate (approximately 860mm wide and 1830mm in height) as indicated by a red line shown in the attached photograph B.
 - iii. Remove all arising materials from the land.
 - iv. Make good any damage caused as a result of compliance with the requirements of this notice.
- The period for compliance with the requirements is one calendar month.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

The appeal on ground (g)

1. The ground of appeal is that the time given to comply with the requirements is too short. The one calendar month given would be sufficient to demolish the unauthorised timber fence and pedestrian gate, to remove the arising materials from the land and make good any damage caused.
2. I understand that the Council has powers to extend the period of compliance if circumstances render it necessary and I also appreciate that the Council does not wish to prolong the harm caused by the development. However, while I acknowledge the reasonable approach taken by the Council, a period of two months would strike the appropriate balance between the conflicting interests in this particular case. Two months would give the appellant an opportunity to arrange for the works to be done and carry out the other measures, such as landscaping, to ensure the living conditions of the occupants of the property are protected.

3. For the reasons given above I conclude that a reasonable period for compliance would be two months, and I am directing that the enforcement notice is varied accordingly prior to upholding it. To this extent, the appeal under ground (g) succeeds.

Formal decision

4. The appeal is allowed on ground (g) and I direct that the enforcement notice be varied by the deletion from paragraph 6 of the words "one calendar month" and the substitution therefor of the words "two calendar months" as the time given to comply with the notice. Subject to this variation the enforcement notice is upheld.

A A Phillips

INSPECTOR