



Appeal Decision

by **Ken McEntee**

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

Decision date: 18 December 2019

Appeal ref: APP/W4705/C/19/3235022 & 3235023

Land at 36 High Street, Steeton, Keighley, West Yorks, BD20 6NT

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr Jonathan and Mrs Dawn Morris against an enforcement notice issued by the City of Bradford Metropolitan District Council.
- The notice was issued on 4 July 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of a dormer window roof extension located on the front roof plane of the property on the land and a dormer window roof extension located on the rear plane of the property on the land as shown in the attached photographs".
- The requirements of the notice are: "i. demolish the dormer window roof extension located on the front roof plane of the property on the land. ii. Demolish the dormer window roof extension located on the rear roof plane of the property on the land. iii. Reinstate the front and rear roof planes of the building using materials to match the existing property. iv. Remove all arising materials from the land. v. make good any damage caused to the building as a result of compliance with the requirements of this Notice".
- The period for compliance with the requirements of the notice is: "Three calendar months".
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld but with variation.

Reasons for the decision

1. The basis of the appellants case is that they would like more time to comply with the notice in order to submit a revised planning application and for the Council to determine it, and to allow for the submission of any subsequent appeal if required. The appellants request that the compliance period be extended to 6 months for this to happen. However, while I note the reasons for the appellants' request, I cannot justify extending the compliance period in such circumstances. To do so, in theory, could allow for such a situation to continue indefinitely with multiple applications and appeals being submitted while enforcement action is put on hold. In any event, I note that some 4 months have elapsed since the appeals were submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had 1 month more than that requested. In these circumstances, I see no good reason to extend the compliance period further and consider the three months given in the notice to be adequate. The ground (g) appeals fail accordingly.

2. However, if the appellants have/do submit a revised application, the Council have the power under section 173A(1)(b) of the amended 1990 Act to extend the compliance period themselves, should they see fit. Whilst it is entirely a matter for the Council's discretion, it would be open to the appellants to request a further short extension of time, should that prove necessary.
3. While I am dismissing the appeals, I note that the period for compliance in paragraph 6 of the notice merely states "a compliance period of "Three calendar months" without stating from when the period actually begins. Therefore, for the sake of clarity, I shall vary this part of the notice to state "from the date this notice takes effect".

Formal decision

4. Under the powers of section 176(1) of the amended 1990 Act, it is directed that the enforcement notice be varied under paragraph 6 "TIME FOR COMPLIANCE", by adding the words "from the date this notice takes effect" after the words "Three calendar months". Subject to this variation, the appeals are dismissed and the enforcement notice is upheld.

K McEntee