



Appeal Decision

Hearing Held on 28 January 2020

Site visit made on 27 January 2020

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/W4705/C/19/3224213

Land at 6 Acres Public House, 119 Westgate Hill Street, Bradford

- 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 Anthony Lumb of L & C Leisure Ltd against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 22 January 2019.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of the formation of a raised development platform on the land and the erection of two marquees thereon as identified in Photograph 'A'.
 - The requirements of the notice are:
 - Step 1. Remove from the land the two marquees shown in the attached photograph 'A' the approximate location of which is identified on the attached plan.
 - Step 2. Remove from the land all plastic turf, timber edging and shrub planting.
 - Step 3. Demolish the gabion walling (the approximate location of which is identified on the attached plan) and remove from the land all materials resulting therefrom.
 - Step 4. Apply 100mm of topsoil to all areas of the land affected in Steps 1 to 3 above.
 - Step 5. Seed the land affected by Steps 1 to 4 above with ryegrass.
 - The period for compliance with the requirements is:
 - Step 1. 28 days.
 - Step 2. 28 days.
 - Step 3. Two calendar months.
 - Step 4. Three calendar months.
 - Step 5. Four calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)[c] and [g] of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed on ground (g), and the enforcement notice is varied: by, under section 6 Time for Compliance:
 - After the words 'Step 3.' the deletion of 'Two' and the substitution of 'Three' calendar months as the period for compliance.
 - After the words 'Step 4.' the deletion of 'Three' and the substitution of 'Four' calendar months as the period for compliance.

Subject to these variations the enforcement notice is upheld.

Procedural Matters

2. The appellant ticked ground (d) on the appeal form. However, it is evident from the appellant's submission that he does not wish to pursue the appeal on this ground. This was clarified with the appellant's representatives during the hearing and I have therefore dealt with the appeal on this basis.

3. The appellant's representatives advised during the hearing that they wished to withdraw the appeal on ground (c) and provided written confirmation to this effect. I have therefore dealt with the appeal on the basis of ground (g) only.
4. I visited the area on the 27 January 2020 and was able to see the site from the highway. In light of the appellant's decision to withdraw ground (c), it was agreed with the parties during the hearing that there was no need for a further site visit. I have therefore taken the 27 January 2020 as the date of the site visit.

Ground (g)

5. An appeal under ground (g) is made on the basis that any period specified in the notice in accordance with section 173(9) of the Town and Country Planning Act 1990 (as amended) falls short of what should reasonably be allowed. The time periods for compliance are set out within section 6 of the enforcement notice and are set out in 5 steps. The appellant initially requested that a longer period of time for compliance in respect of Step 1, 6 to 9 months, should be allowed to cater for weddings and events which have been pre-booked and not easily rearranged.
6. However, the appellant's representative advised during the hearing that, contrary to previous submissions, no change is requested for Steps 1, 2 or 5 but that a period of three calendar months should be given for Step 3, and the time period for Step 4, which is to take place after Steps 1-3 have been completed, is increased to four calendar months. This request was made on the basis that the demolition of the gabion walling requires a builder to be found. The Council officers present at the hearing indicated that the Council is agreeable to the proposed change.
7. Given the size of the site and the extent of the walling that requires removal, I agree that its demolition is likely to require the services of a builder which would take time to procure and carry out. Given the above, I therefore consider that it is reasonable to extend the period of compliance with Steps 3 and 4.

Conclusion

8. For the reasons given above I conclude that a reasonable period for compliance with Step 3 would be three calendar months and Step 4 would be four calendar months. I am varying the notice accordingly, prior to upholding it. The appeal under ground (g) succeeds to that extent.

M Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Piers Riley-Smith

Barrister

Robert Brackup

Williams & Co

FOR THE LOCAL PLANNING AUTHORITY

Brian Robinson

Enforcement Officer City of
Bradford Metropolitan District
Council

Julian Farrar

Planning Officer City of Bradford
Metropolitan District Council

DOCUMENTS SUBMITTED AT THE HEARING

Document 1: Enforcement notice dated 22 January 2019 relating to land at the
appeal site.

Document 2: Statement withdrawing ground (c)