
Appeal Decision

Site visit made on 22 June 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 29 June 2020

Appeal Ref: APP/A4710/F/19/3233798

Fusion Nightclub, Central Street, Halifax

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Eduardo Shahsavari against a listed building enforcement notice issued by Calderdale Metropolitan Borough Council.
 - The enforcement notice was issued on 25 June 2019.
 - The contravention of listed building control alleged in the notice is the unauthorised alteration of the listed building by the erection of an extension on the second floor of the rear elevation of the building.
 - The requirements of the notice are 1. Remove from the listed building the extension on the second floor of the rear elevation of the building; and 2. Make good any damage caused to the listed building following compliance with steps 1 above including reinstating the pointing to match the existing pointing.
 - The periods for compliance with the requirements is nine months for step 1 and ten months for step 2.
 - The appeal is made on the grounds set out in section 39(1)(d) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

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

Reasons

2. The only written evidence submitted by the Appellant in support of his ground (d) appeal is an undated letter from his Agent. The letter is not addressed to anyone but it was clearly sent to an Officer of the Council at a time when the Appellant had submitted an application to the Council. The letter does not provide any information relevant to the ground (d) appeal. The Appellant has not substantiated his claim, in making a ground (d) appeal, that the unauthorised works that are the subject of the listed building enforcement notice were urgently necessary in the interests of safety or health or for the preservation of the building. In this regard, the shelter provided by the second floor extension is for the benefit of customers of the nightclub and is not related to health or safety or to the preservation of the building. The ground (d) appeal thus fails.

John Braithwaite

Inspector